

**As Reported by the House Finance and Appropriations
Committee**

**125th General Assembly
Regular Session
2003-2004**

Sub. H. B. No. 95

Representative Calvert

A B I L L

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to amend Sections 10 and 14 of Am. Sub. S.B. 242	177
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General Assembly, as subsequently amended; to	182
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121st General Assembly, as subsequently amended;	184
to amend Section 27 of Sub H.B. 670 of the 121st	185
General Assembly, as subsequently amended; to	186
amend Section 5 of Am. Sub. S.B. 50 of the 121st	187
General Assembly, as subsequently amended; to	188
repeal Section 129 of Am. Sub. H.B. 283 of the	189

123rd General Assembly, as subsequently amended; 190
to repeal Section 3 of Sub. H.B. 403 of the 123rd 191
General Assembly; and to repeal Section 11 of Am. 192
Sub. S.B. 50 of the 121st General Assembly, as 193
subsequently amended; to levy taxes and provide 194
for implementation of those levies, to make 195
operating appropriations for the biennium 196
beginning July 1, 2003, and ending June 30, 2005, 197
and to provide authorization and conditions for 198
the operation of state programs; to amend the 199
version of section 921.22 of the Revised Code that 200
is scheduled to take effect July 1, 2004, to 201
continue the provisions of this act on and after 202
that effective date; to amend the version of 203
section 2305.234 of the Revised Code that is 204
scheduled to take effect January 1, 2004, to 205
continue the provisions of this act on and after 206
that effective date; to amend the version of 207
section 3332.04 of the Revised Code that is 208
scheduled to take effect July 1, 2003; to amend 209
the version of section 3734.44 of the Revised Code 210
that is scheduled to take effect January 1, 2004, 211
to continue the provisions of this act on and 212
after that effective date; to amend the versions 213
of sections 4503.234, 4511.191, and 4511.75 of the 214
Revised Code that are scheduled to take effect 215
January 1, 2004; and to terminate certain 216
provisions of this act on December 31, 2013, by 217
repealing section 4723.063 of the Revised Code on 218
that date. 219

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

Section 1. That sections 9.01, 9.83, 101.34, 101.72, 101.82,	220
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5735.26, 5735.291, 5735.30, 5739.01, 5739.011, 5739.02, 5739.12, 299
5741.02, 5745.01, 5745.02, 5745.04, 5747.12, 5903.12, 6109.21, and 300
6117.02 be amended; that sections 3301.33 (3301.40), 3701.145 301
(3701.0210), 4104.46 (4104.48), 5108.06 (5108.04), 5108.07 302
(5108.05), 5111.08 (5111.071), 5111.16 (5111.08), 5111.252 303
(5123.199), 5115.02 (5115.04), 5115.04 (5115.02), 5115.07 304
(5115.06), 5115.13 (5115.07), and 5115.15 (5115.23) be amended for 305
the purpose of adopting new section numbers as indicated in 306
parentheses; that Section 3 of Am. Sub. S.B. 272 of the 123rd 307
General Assembly, as amended by Am. Sub. H.B. 768 of the 123rd 308
General Assembly, be amended and renumbered as section 3318.364; 309
and that new sections 125.831, 718.03, 3301.31, 3301.33, 3313.481, 310
3317.11, 3318.052, 4104.42, 4104.43, 4104.46, 5108.06, 5108.07, 311
5111.16, 5111.173, and 5115.13 and sections 9.75, 106.01, 106.02, 312
106.03, 106.04, 106.05, 107.12, 107.31, 107.32, 107.33, 122.90, 313
123.152, 123.153, 125.073, 125.832, 125.833, 125.834, 153.691, 314
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2113.041, 2117.061, 3301.20, 3301.34, 3301.35, 3301.36, 3301.37, 316
3314.083, 3317.034, 3318.024, 3318.34, 3333.16, 3501.011, 317

3701.029, 3701.61, 3702.63, 3705.201, 3741.15, 3745.15, 3770.073, 318
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5111.172, 5111.174, 5111.175, 5111.206, 5111.222, 5111.65, 321
5111.66, 5111.661, 5111.67, 5111.671, 5111.672, 5111.673, 322
5111.674, 5111.675, 5111.676, 5111.677, 5111.68, 5111.681, 323
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5111.688, 5111.689, 5111.6810, 5111.911, 5111.912, 5111.913, 325
5111.95, 5111.96, 5111.97, 5115.12, 5115.14, 5115.22, 5123.196, 326
5123.197, 5123.198, 5123.1910, 5123.38, 5123.851, 5515.08, 327
5717.011, 5733.55, 5733.56, 5733.57, 5735.053, 5745.042, 5745.044, 328
and 5747.026 of the Revised Code be enacted to read as follows: 329

Sec. 9.01. When any officer, office, court, commission, 330
board, institution, department, agent, or employee of the state, 331
~~or~~ of a county, or of any other political subdivision, who is 332
charged with the duty or authorized or required by law to record, 333
preserve, keep, maintain, or file any record, document, plat, 334
court file, paper, or instrument in writing, or to make or furnish 335
copies of any ~~thereof~~ of them, deems it necessary or advisable, 336
when recording ~~any such document, plat, court file, paper, or~~ 337
~~instrument in writing,~~ or when making a copy or reproduction of 338
any ~~thereof~~ of them or of any such record, for the purpose of 339
recording or copying, preserving, and protecting ~~the same~~ them, 340
reducing space required for storage, or any similar purpose, to do 341
so by means of any photostatic, photographic, miniature 342
photographic, film, microfilm, or microphotographic process, or 343
perforated tape, magnetic tape, other magnetic means, electronic 344
data processing, machine readable means, or graphic or video 345
display, or any combination ~~thereof~~ of those processes, means, or 346
displays, which correctly and accurately copies, records, or 347
reproduces, or provides a medium of copying, recording, or 348
reproducing, the original record, document, plat, court file, 349

paper, or instrument in writing, such use of any ~~such photographic~~ 350
~~or electromagnetic~~ of those processes, means, or displays for any 351
such purpose, is hereby authorized. Any such records, copies, or 352
reproductions may be made in duplicate, and ~~such~~ the duplicates 353
shall be stored in different buildings. The film or paper used for 354
~~this~~ a process shall comply with the minimum standards of quality 355
approved for permanent photographic records by the national bureau 356
of standards. All such records, copies, or reproductions shall 357
carry a certificate of authenticity and completeness, on a form 358
specified by the director of administrative services through the 359
state records ~~administrator~~ program. 360

Any such officer, office, court, commission, board, 361
institution, department, agent, or employee of the state, of a 362
county, or of any other political subdivision may purchase or rent 363
required equipment for any such photographic process and may enter 364
into contracts with private concerns or other governmental 365
agencies for the development of film and the making of 366
reproductions ~~thereof~~ of film as a part of any such photographic 367
process. When so recorded, or copied or reproduced to reduce space 368
required for storage or filing of such records, ~~said~~ such 369
photographs, microphotographs, microfilms, perforated tape, 370
magnetic tape, other magnetic means, electronic data processing, 371
machine readable means, graphic or video display, or ~~any~~ 372
combination ~~thereof~~ of these processes, means, or displays, or 373
films, or prints made therefrom, when properly identified by the 374
officer by whom or under whose supervision ~~the same~~ they were 375
made, or who has ~~the~~ their custody ~~thereof~~, have the same effect 376
at law as the original record or of a record made by any other 377
legally authorized means, and may be offered in like manner and 378
shall be received in evidence in any court where ~~such~~ the original 379
record, or record made by other legally authorized means, could 380
have been so introduced and received. Certified or authenticated 381
copies or prints of such photographs, microphotographs, films, 382

microfilms, perforated tape, magnetic tape, other magnetic means, 383
electronic data processing, machine readable means, graphic or 384
video display, or ~~any combination thereof~~ of these processes, 385
means, or displays, shall be admitted in evidence equally with the 386
original ~~photographs, microphotographs, films, or microfilms.~~ 387

Such photographs, microphotographs, microfilms, or films 388
shall be placed and kept in conveniently accessible, fireproof, 389
and insulated files, cabinets, or containers, and provisions shall 390
be made for preserving, safekeeping, using, examining, exhibiting, 391
projecting, and enlarging ~~the same~~ them whenever requested, during 392
office hours. 393

All persons utilizing the methods described in this section 394
for keeping records and information shall keep and make readily 395
available to the public the machines and equipment necessary to 396
reproduce the records and information in a readable form. 397

Sec. 9.75. (A) As used in this section, "dangerous drug" has 398
the same meaning as in section 4729.01 of the Revised Code. The 399
advisory council shall elect a chairperson from among its members. 400

(B) If a state agency seeks to enter into or administer an 401
agreement or cooperative arrangement to create or join a 402
multiple-state prescription drug purchasing program to negotiate 403
discounts for dangerous drugs and intends to contract with a 404
person to administer the multiple-state prescription drug 405
purchasing program, an advisory council consisting of the 406
following members shall be appointed to review the proposals 407
submitted by persons seeking the contract and to select the person 408
who is to be awarded the contract: 409

(1) The Director of Job and Family Services; 410

(2) A member of the house of representatives who is a member 411
of the majority party and a member who is a member of the minority 412

<u>party, appointed by the speaker of the house of representatives;</u>	413
<u>(3) A member of the senate who is a member of the majority</u>	414
<u>party and a member who is a member of the minority party,</u>	415
<u>appointed by the president of the senate;</u>	416
<u>(4) A representative of patient advocates, appointed by the</u>	417
<u>speaker of the house of representatives;</u>	418
<u>(5) A representative of patient advocates, appointed by the</u>	419
<u>president of the senate;</u>	420
<u>(6) A representative of the Ohio state medical association,</u>	421
<u>appointed by that association's executive director;</u>	422
<u>(7) A representative of large businesses, appointed by the</u>	423
<u>president of the Ohio chamber of commerce;</u>	424
<u>(8) A representative of small businesses, appointed by the</u>	425
<u>state director of the Ohio chapter of the national federation of</u>	426
<u>independent business;</u>	427
<u>(9) A representative of local government, appointed by the</u>	428
<u>executive director of the county commissioners' association of</u>	429
<u>Ohio.</u>	430
<u>(C) All of the following apply to an advisory council</u>	431
<u>appointed under this section:</u>	432
<u>(1) The council shall be subject to the open meetings law</u>	433
<u>under section 121.22 of the Revised Code.</u>	434
<u>(2) Council members may vote to select the person to be</u>	435
<u>awarded the contract to administer the multiple-state prescription</u>	436
<u>drug purchasing program only if a quorum of the members is present</u>	437
<u>at the meeting at which the vote is taken.</u>	438
<u>(3) Council members shall not be reimbursed for any expenses</u>	439
<u>incurred while serving on the advisory council.</u>	440
<u>(4) The council may seek grants, donations, or other funds to</u>	441

pay for its activities. 442

(5) The council shall cease to exist when it selects the 443
person to be awarded the contract that the council was appointed 444
to select. 445

(D) The agency seeking to create or join a multiple-state 446
prescription drug purchasing program shall provide to an advisory 447
council appointed under this section copies of proposals submitted 448
by each person seeking the contract to administer the program for 449
which the advisory council was appointed. The department shall 450
redact from each copy of each proposal it provides to an advisory 451
council under this section any proprietary information included in 452
the proposal. The person with whom the agency contracts for that 453
purpose shall be the person the advisory council selects. 454

455

Sec. 9.83. (A) The state and any political subdivision may 456
procure a policy or policies of insurance insuring its officers 457
and employees against liability for injury, death, or loss to 458
person or property that arises out of the operation of an 459
automobile, truck, motor vehicle with auxiliary equipment, 460
self-propelling equipment or trailer, aircraft, or watercraft by 461
the officers or employees while engaged in the course of their 462
employment or official responsibilities for the state or the 463
political subdivision. The state is authorized to expend funds to 464
pay judgments that are rendered in any court against its officers 465
or employees and that result from such operation, and is 466
authorized to expend funds to compromise claims for liability 467
against its officers or employees that result from such operation. 468
No insurer shall deny coverage under such a policy, and the state 469
shall not refuse to pay judgments or compromise claims, on the 470
ground that an automobile, truck, motor vehicle with auxiliary 471
equipment, self-propelling equipment or trailer, aircraft, or 472

watercraft was not being used in the course of an officer's or 473
employee's employment or official responsibilities for the state 474
or a political subdivision unless the officer or employee who was 475
operating an automobile, truck, motor vehicle with auxiliary 476
equipment, or self-propelling equipment or trailer is convicted of 477
a violation of section 124.71 of the Revised Code as a result of 478
the same events. 479

(B) ~~Such funds~~ Funds shall be reserved as ~~are~~ necessary, in 480
the exercise of sound and prudent actuarial judgment, to cover 481
potential expense, fees, damage, loss, or other liability. The 482
superintendent of insurance may recommend or, if the state 483
requests of the superintendent, shall recommend, a specific amount 484
for any period of time that, in the superintendent's opinion, 485
represents such a judgment. 486

(C) Nothing in this section shall be construed to require the 487
department of administrative services to purchase liability 488
insurance for all state vehicles in a single policy of insurance 489
or to cover all state vehicles under a single plan of 490
self-insurance. 491

(D) Insurance procured by the state pursuant to this section 492
shall be procured as provided in section 125.03 of the Revised 493
Code. 494

(E) For purposes of liability insurance procured under this 495
section to cover the operation of a motor vehicle by a prisoner 496
for whom the insurance is procured, "employee" includes a prisoner 497
in the custody of the department of rehabilitation and correction 498
who is enrolled in a work program that is established by the 499
department pursuant to section 5145.16 of the Revised Code and in 500
which the prisoner is required to operate a motor vehicle, as 501
defined in section 4509.01 of the Revised Code, and who is engaged 502
in the operation of a motor vehicle in the course of the work 503
program. 504

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

(G) The director of administrative services, through the office of risk management, shall operate the vehicle liability fund on an actuarially sound basis.

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

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

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

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

The committee shall meet at the call of the chairperson or 569
upon the written request of seven members of the committee. 570

(B) The joint legislative ethics committee: 571

(1) Shall recommend a code of ethics which is consistent with 572
law to govern all members and employees of each house of the 573
general assembly and all candidates for the office of member of 574
each house; 575

(2) May receive and hear any complaint which alleges a breach 576
of any privilege of either house, or misconduct of any member, 577
employee, or candidate, or any violation of the appropriate code 578
of ethics; 579

(3) May obtain information with respect to any complaint 580
filed pursuant to this section and to that end may enforce the 581
attendance and testimony of witnesses, and the production of books 582
and papers; 583

(4) May recommend whatever sanction is appropriate with 584
respect to a particular member, employee, or candidate as will 585
best maintain in the minds of the public a good opinion of the 586
conduct and character of members and employees of the general 587
assembly; 588

(5) May recommend legislation to the general assembly 589
relating to the conduct and ethics of members and employees of and 590
candidates for the general assembly; 591

(6) Shall employ an executive director for the committee and 592
may employ such other staff as the committee determines necessary 593
to assist it in exercising its powers and duties. The executive 594
director and staff of the committee shall be known as the office 595
of legislative inspector general. At least one member of the staff 596
of the committee shall be an attorney at law licensed to practice 597
law in this state. The appointment and removal of the executive 598

director shall require the approval of at least eight members of 599
the committee. 600

(7) May employ a special counsel to assist the committee in 601
exercising its powers and duties. The appointment and removal of a 602
special counsel shall require the approval of at least eight 603
members of the committee. 604

(8) Shall act as an advisory body to the general assembly and 605
to individual members, candidates, and employees on questions 606
relating to ethics, possible conflicts of interest, and financial 607
disclosure; 608

(9) Shall provide for the proper forms on which the statement 609
required pursuant to section 102.02 of the Revised Code shall be 610
filed and instructions as to the filing of the statement; 611

(10) Exercise the powers and duties prescribed under sections 612
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code; 613

(11) Adopt in accordance with section 111.15 of the Revised 614
Code any rules that are necessary to implement and clarify Chapter 615
102. and sections 2921.42 and 2921.43 of the Revised Code. 616

(C) There is hereby created in the state treasury the joint 617
legislative ethics committee fund. ~~All money collected from~~ 618
~~registration fees and late filing fees prescribed under sections~~ 619
~~101.72 and 121.62 of the Revised Code shall be deposited into the~~ 620
~~state treasury to the credit of the fund.~~ Money credited to the 621
fund and any interest and earnings from the fund shall be used 622
solely for the operation of the joint legislative ethics committee 623
and the office of legislative inspector general and for the 624
purchase of data storage and computerization facilities for the 625
statements filed with the joint committee under sections 101.73, 626
101.74, 121.63, and 121.64 of the Revised Code. 627

(D) The chairperson of the joint committee shall issue a 628
written report, not later than the thirty-first day of January of 629

each year, to the speaker and minority leader of the house of 630
representatives and to the president and minority leader of the 631
senate that lists the number of committee meetings and 632
investigations the committee conducted during the immediately 633
preceding calendar year and the number of advisory opinions it 634
issued during the immediately preceding calendar year. 635

(E) Any investigative report that contains facts and findings 636
regarding a complaint filed with the committee and that is 637
prepared by the staff of the committee or a special counsel to the 638
committee shall become a public record upon its acceptance by a 639
vote of the majority of the members of the committee, except for 640
any names of specific individuals and entities contained in the 641
report. If the committee recommends disciplinary action or reports 642
its findings to the appropriate prosecuting authority for 643
proceedings in prosecution of the violations alleged in the 644
complaint, the investigatory report regarding the complaint shall 645
become a public record in its entirety. 646

(F)(1) Any file obtained by or in the possession of the 647
former house ethics committee or former senate ethics committee 648
shall become the property of the joint legislative ethics 649
committee. Any such file is confidential if either of the 650
following applies: 651

(a) It is confidential under section 102.06 of the Revised 652
Code or the legislative code of ethics. 653

(b) If the file was obtained from the former house ethics 654
committee or from the former senate ethics committee, it was 655
confidential under any statute or any provision of a code of 656
ethics that governed the file. 657

(2) As used in this division, "file" includes, but is not 658
limited to, evidence, documentation, or any other tangible thing. 659

Sec. 101.72. (A) Each legislative agent and employer, within 660
ten days following an engagement of a legislative agent, shall 661
file with the joint legislative ethics committee an initial 662
registration statement showing all of the following: 663

(1) The name, business address, and occupation of the 664
legislative agent; 665

(2) The name and business address of the employer and the 666
real party in interest on whose behalf the legislative agent is 667
actively advocating, if it is different from the employer. For the 668
purposes of division (A) of this section, where a trade 669
association or other charitable or fraternal organization that is 670
exempt from federal income taxation under subsection 501(c) of the 671
federal Internal Revenue Code is the employer, the statement need 672
not list the names and addresses of each member of the association 673
or organization, so long as the association or organization itself 674
is listed. 675

(3) A brief description of the type of legislation to which 676
the engagement relates. 677

(B) In addition to the initial registration statement 678
required by division (A) of this section, each legislative agent 679
and employer shall file with the joint committee, not later than 680
the last day of January, May, and September of each year, an 681
updated registration statement that confirms the continuing 682
existence of each engagement described in an initial registration 683
statement and that lists the specific bills or resolutions on 684
which the agent actively advocated under that engagement during 685
the period covered by the updated statement, and with it any 686
statement of expenditures required to be filed by section 101.73 687
of the Revised Code and any details of financial transactions 688
required to be filed by section 101.74 of the Revised Code. 689

(C) If a legislative agent is engaged by more than one 690
employer, the agent shall file a separate initial and updated 691
registration statement for each engagement. If an employer engages 692
more than one legislative agent, the employer need file only one 693
updated registration statement under division (B) of this section, 694
which shall contain the information required by division (B) of 695
this section regarding all of the legislative agents engaged by 696
the employer. 697

(D)(1) A change in any information required by division 698
(A)(1), (2), or (B) of this section shall be reflected in the next 699
updated registration statement filed under division (B) of this 700
section. 701

(2) Within thirty days after the termination of an 702
engagement, the legislative agent who was employed under the 703
engagement shall send written notification of the termination to 704
the joint committee. 705

(E) Except as otherwise provided in this division, a 706
registration fee of ~~ten~~ twenty-five dollars shall be charged for 707
filing an initial registration statement. All money collected from 708
registration fees under this division and late filing fees under 709
division (G) of this section shall be deposited ~~to the credit of~~ 710
~~the joint legislative ethics committee fund created under section~~ 711
~~101.34 of the Revised Code~~ into the general revenue fund of the 712
state. 713

An officer or employee of a state agency who actively 714
advocates in a fiduciary capacity as a representative of that 715
state agency need not pay the registration fee prescribed by this 716
division or file expenditure statements under section 101.73 of 717
the Revised Code. As used in this division, "state agency" does 718
not include a state institution of higher education as defined in 719
section 3345.011 of the Revised Code. 720

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

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

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

Sec. 101.82. As used in sections 101.82 to 101.87 of the Revised Code:	753 754
(A) "Agency" means any board, commission, committee, or council, or any other similar state public body required to be established pursuant to state statutes for the exercise of any function of state government and to which members are appointed or elected. "Agency" does not include <u>the following</u> :	755 756 757 758 759
(1) The general assembly, or any commission, committee, or other body composed entirely of members thereof <u>of the general assembly</u> ;	760 761 762
(2) Any court;	763
(3) Any public body created by or directly pursuant to the constitution of this state;	764 765
(4) The board of trustees of any institution of higher education financially supported in whole or in part by the state;	766 767
(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;	768 769 770
(6) The public utilities commission of Ohio;	771
(7) The consumers' council governing board;	772
(8) The Ohio board of regents;	773
(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;	774 775 776
(10) Any board of elections;	777
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	778 779 780

(12) The Ohio public employees deferred compensation board;	781
(13) The Ohio retirement study council;	782
(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;	783 784 785 786
(15) The industrial commission.	787
(B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (H) (E) of section 149.331 of the Revised Code.	788 789 790 791
(C) "Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and reassign its functions and records to another agency or officer designated by the general assembly.	792 793 794 795
(D) "Transfer" means to amend the statutes creating and empowering an agency so that its functions, records, and personnel are conveyed to another agency or officer.	796 797 798
(E) "Renew" means to continue an agency, and may include amendment of the statutes creating and empowering the agency, or recommendations for changes in agency operation or personnel.	799 800 801
Sec. 102.02. (A) Except as otherwise provided in division (H) of this section, every person who is elected to or is a candidate for a state, county, or city office, or the office of member of the United States congress, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state	802 803 804 805 806 807 808 809 810

institution of higher education as defined in section 3345.011 of 811
the Revised Code; the chief executive officer of each state 812
retirement system; all members of the board of commissioners on 813
grievances and discipline of the supreme court and the ethics 814
commission created under section 102.05 of the Revised Code; every 815
business manager, treasurer, or superintendent of a city, local, 816
exempted village, joint vocational, or cooperative education 817
school district or an educational service center; every person who 818
is elected to or is a candidate for the office of member of a 819
board of education of a city, local, exempted village, joint 820
vocational, or cooperative education school district or of a 821
governing board of an educational service center that has a total 822
student count of twelve thousand or more as most recently 823
determined by the department of education pursuant to section 824
3317.03 of the Revised Code; every person who is appointed to the 825
board of education of a municipal school district pursuant to 826
division (B) or (F) of section 3311.71 of the Revised Code; all 827
members of the board of directors of a sanitary district 828
established under Chapter 6115. of the Revised Code and organized 829
wholly for the purpose of providing a water supply for domestic, 830
municipal, and public use that includes two municipal corporations 831
in two counties; every public official or employee who is paid a 832
salary or wage in accordance with schedule C of section 124.15 or 833
schedule E-2 of section 124.152 of the Revised Code; members of 834
the board of trustees and the executive director of the tobacco 835
use prevention and control foundation; members of the board of 836
trustees and the executive director of the southern Ohio 837
agricultural and community development foundation; and every other 838
public official or employee who is designated by the appropriate 839
ethics commission pursuant to division (B) of this section shall 840
file with the appropriate ethics commission on a form prescribed 841
by the commission, a statement disclosing all of the following: 842

 (1) The name of the person filing the statement and each 843

member of the person's immediate family and all names under which 844
the person or members of the person's immediate family do 845
business; 846

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 847
and except as otherwise provided in section 102.022 of the Revised 848
Code, identification of every source of income, other than income 849
from a legislative agent identified in division (A)(2)(b) of this 850
section, received during the preceding calendar year, in the 851
person's own name or by any other person for the person's use or 852
benefit, by the person filing the statement, and a brief 853
description of the nature of the services for which the income was 854
received. If the person filing the statement is a member of the 855
general assembly, the statement shall identify the amount of every 856
source of income received in accordance with the following ranges 857
of amounts: zero or more, but less than one thousand dollars; one 858
thousand dollars or more, but less than ten thousand dollars; ten 859
thousand dollars or more, but less than twenty-five thousand 860
dollars; twenty-five thousand dollars or more, but less than fifty 861
thousand dollars; fifty thousand dollars or more, but less than 862
one hundred thousand dollars; and one hundred thousand dollars or 863
more. Division (A)(2)(a) of this section shall not be construed to 864
require a person filing the statement who derives income from a 865
business or profession to disclose the individual items of income 866
that constitute the gross income of that business or profession, 867
except for those individual items of income that are attributable 868
to the person's or, if the income is shared with the person, the 869
partner's, solicitation of services or goods or performance, 870
arrangement, or facilitation of services or provision of goods on 871
behalf of the business or profession of clients, including 872
corporate clients, who are legislative agents as defined in 873
section 101.70 of the Revised Code. A person who files the 874
statement under this section shall disclose the identity of and 875
the amount of income received from a person who the public 876

official or employee knows or has reason to know is doing or 877
seeking to do business of any kind with the public official's or 878
employee's agency. 879

(b) If the person filing the statement is a member of the 880
general assembly, the statement shall identify every source of 881
income and the amount of that income that was received from a 882
legislative agent, as defined in section 101.70 of the Revised 883
Code, during the preceding calendar year, in the person's own name 884
or by any other person for the person's use or benefit, by the 885
person filing the statement, and a brief description of the nature 886
of the services for which the income was received. Division 887
(A)(2)(b) of this section requires the disclosure of clients of 888
attorneys or persons licensed under section 4732.12 of the Revised 889
Code, or patients of persons certified under section 4731.14 of 890
the Revised Code, if those clients or patients are legislative 891
agents. Division (A)(2)(b) of this section requires a person 892
filing the statement who derives income from a business or 893
profession to disclose those individual items of income that 894
constitute the gross income of that business or profession that 895
are received from legislative agents. 896

(c) Except as otherwise provided in division (A)(2)(c) of 897
this section, division (A)(2)(a) of this section applies to 898
attorneys, physicians, and other persons who engage in the 899
practice of a profession and who, pursuant to a section of the 900
Revised Code, the common law of this state, a code of ethics 901
applicable to the profession, or otherwise, generally are required 902
not to reveal, disclose, or use confidences of clients, patients, 903
or other recipients of professional services except under 904
specified circumstances or generally are required to maintain 905
those types of confidences as privileged communications except 906
under specified circumstances. Division (A)(2)(a) of this section 907
does not require an attorney, physician, or other professional 908

subject to a confidentiality requirement as described in division 909
(A)(2)(c) of this section to disclose the name, other identity, or 910
address of a client, patient, or other recipient of professional 911
services if the disclosure would threaten the client, patient, or 912
other recipient of professional services, would reveal details of 913
the subject matter for which legal, medical, or professional 914
advice or other services were sought, or would reveal an otherwise 915
privileged communication involving the client, patient, or other 916
recipient of professional services. Division (A)(2)(a) of this 917
section does not require an attorney, physician, or other 918
professional subject to a confidentiality requirement as described 919
in division (A)(2)(c) of this section to disclose in the brief 920
description of the nature of services required by division 921
(A)(2)(a) of this section any information pertaining to specific 922
professional services rendered for a client, patient, or other 923
recipient of professional services that would reveal details of 924
the subject matter for which legal, medical, or professional 925
advice was sought or would reveal an otherwise privileged 926
communication involving the client, patient, or other recipient of 927
professional services. 928

(3) The name of every corporation on file with the secretary 929
of state that is incorporated in this state or holds a certificate 930
of compliance authorizing it to do business in this state, trust, 931
business trust, partnership, or association that transacts 932
business in this state in which the person filing the statement or 933
any other person for the person's use and benefit had during the 934
preceding calendar year an investment of over one thousand dollars 935
at fair market value as of the thirty-first day of December of the 936
preceding calendar year, or the date of disposition, whichever is 937
earlier, or in which the person holds any office or has a 938
fiduciary relationship, and a description of the nature of the 939
investment, office, or relationship. Division (A)(3) of this 940
section does not require disclosure of the name of any bank, 941

savings and loan association, credit union, or building and loan 942
association with which the person filing the statement has a 943
deposit or a withdrawable share account. 944

(4) All fee simple and leasehold interests to which the 945
person filing the statement holds legal title to or a beneficial 946
interest in real property located within the state, excluding the 947
person's residence and property used primarily for personal 948
recreation; 949

(5) The names of all persons residing or transacting business 950
in the state to whom the person filing the statement owes, in the 951
person's own name or in the name of any other person, more than 952
one thousand dollars. Division (A)(5) of this section shall not be 953
construed to require the disclosure of debts owed by the person 954
resulting from the ordinary conduct of a business or profession or 955
debts on the person's residence or real property used primarily 956
for personal recreation, except that the superintendent of 957
financial institutions shall disclose the names of all 958
state-chartered savings and loan associations and of all service 959
corporations subject to regulation under division (E)(2) of 960
section 1151.34 of the Revised Code to whom the superintendent in 961
the superintendent's own name or in the name of any other person 962
owes any money, and that the superintendent and any deputy 963
superintendent of banks shall disclose the names of all 964
state-chartered banks and all bank subsidiary corporations subject 965
to regulation under section 1109.44 of the Revised Code to whom 966
the superintendent or deputy superintendent owes any money. 967

(6) The names of all persons residing or transacting business 968
in the state, other than a depository excluded under division 969
(A)(3) of this section, who owe more than one thousand dollars to 970
the person filing the statement, either in the person's own name 971
or to any person for the person's use or benefit. Division (A)(6) 972
of this section shall not be construed to require the disclosure 973

of clients of attorneys or persons licensed under section 4732.12 974
or 4732.15 of the Revised Code, or patients of persons certified 975
under section 4731.14 of the Revised Code, nor the disclosure of 976
debts owed to the person resulting from the ordinary conduct of a 977
business or profession. 978

(7) Except as otherwise provided in section 102.022 of the 979
Revised Code, the source of each gift of over seventy-five 980
dollars, or of each gift of over twenty-five dollars received by a 981
member of the general assembly from a legislative agent, received 982
by the person in the person's own name or by any other person for 983
the person's use or benefit during the preceding calendar year, 984
except gifts received by will or by virtue of section 2105.06 of 985
the Revised Code, or received from spouses, parents, grandparents, 986
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 987
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 988
fathers-in-law, mothers-in-law, or any person to whom the person 989
filing the statement stands in loco parentis, or received by way 990
of distribution from any inter vivos or testamentary trust 991
established by a spouse or by an ancestor; 992

(8) Except as otherwise provided in section 102.022 of the 993
Revised Code, identification of the source and amount of every 994
payment of expenses incurred for travel to destinations inside or 995
outside this state that is received by the person in the person's 996
own name or by any other person for the person's use or benefit 997
and that is incurred in connection with the person's official 998
duties, except for expenses for travel to meetings or conventions 999
of a national or state organization to which any state agency, 1000
including, but not limited to, any legislative agency or state 1001
institution of higher education as defined in section 3345.011 of 1002
the Revised Code, pays membership dues, or any political 1003
subdivision or any office or agency of a political subdivision 1004
pays membership dues; 1005

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

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

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy

is to be voted on, whichever election occurs soonest, except that 1038
a person who is a write-in candidate shall file the statement no 1039
later than the twentieth day before the earliest election at which 1040
the person's candidacy is to be voted on. A person who holds 1041
elective office shall file the statement on or before the 1042
fifteenth day of April of each year unless the person is a 1043
candidate for office. A person who is appointed to fill a vacancy 1044
for an unexpired term in an elective office shall file the 1045
statement within fifteen days after the person qualifies for 1046
office. Other persons shall file an annual statement on or before 1047
the fifteenth day of April or, if appointed or employed after that 1048
date, within ninety days after appointment or employment. No 1049
person shall be required to file with the appropriate ethics 1050
commission more than one statement or pay more than one filing fee 1051
for any one calendar year. 1052

The appropriate ethics commission, for good cause, may extend 1053
for a reasonable time the deadline for filing a statement under 1054
this section. 1055

A statement filed under this section is subject to public 1056
inspection at locations designated by the appropriate ethics 1057
commission except as otherwise provided in this section. 1058

(B) The Ohio ethics commission, the joint legislative ethics 1059
committee, and the board of commissioners on grievances and 1060
discipline of the supreme court, using the rule-making procedures 1061
of Chapter 119. of the Revised Code, may require any class of 1062
public officials or employees under its jurisdiction and not 1063
specifically excluded by this section whose positions involve a 1064
substantial and material exercise of administrative discretion in 1065
the formulation of public policy, expenditure of public funds, 1066
enforcement of laws and rules of the state or a county or city, or 1067
the execution of other public trusts, to file an annual statement 1068
on or before the fifteenth day of April under division (A) of this 1069

section. The appropriate ethics commission shall send the public 1070
officials or employees written notice of the requirement by the 1071
fifteenth day of February of each year the filing is required 1072
unless the public official or employee is appointed after that 1073
date, in which case the notice shall be sent within thirty days 1074
after appointment, and the filing shall be made not later than 1075
ninety days after appointment. 1076

Except for disclosure statements filed by members of the 1077
board of trustees and the executive director of the tobacco use 1078
prevention and control foundation and members of the board of 1079
trustees and the executive director of the southern Ohio 1080
agricultural and community development foundation, disclosure 1081
statements filed under this division with the Ohio ethics 1082
commission by members of boards, commissions, or bureaus of the 1083
state for which no compensation is received other than reasonable 1084
and necessary expenses shall be kept confidential. Disclosure 1085
statements filed with the Ohio ethics commission under division 1086
(A) of this section by business managers, treasurers, and 1087
superintendents of city, local, exempted village, joint 1088
vocational, or cooperative education school districts or 1089
educational service centers shall be kept confidential, except 1090
that any person conducting an audit of any such school district or 1091
educational service center pursuant to section 115.56 or Chapter 1092
117. of the Revised Code may examine the disclosure statement of 1093
any business manager, treasurer, or superintendent of that school 1094
district or educational service center. The Ohio ethics commission 1095
shall examine each disclosure statement required to be kept 1096
confidential to determine whether a potential conflict of interest 1097
exists for the person who filed the disclosure statement. A 1098
potential conflict of interest exists if the private interests of 1099
the person, as indicated by the person's disclosure statement, 1100
might interfere with the public interests the person is required 1101
to serve in the exercise of the person's authority and duties in 1102

the person's office or position of employment. If the commission 1103
determines that a potential conflict of interest exists, it shall 1104
notify the person who filed the disclosure statement and shall 1105
make the portions of the disclosure statement that indicate a 1106
potential conflict of interest subject to public inspection in the 1107
same manner as is provided for other disclosure statements. Any 1108
portion of the disclosure statement that the commission determines 1109
does not indicate a potential conflict of interest shall be kept 1110
confidential by the commission and shall not be made subject to 1111
public inspection, except as is necessary for the enforcement of 1112
Chapters 102. and 2921. of the Revised Code and except as 1113
otherwise provided in this division. 1114

(C) No person shall knowingly fail to file, on or before the 1115
applicable filing deadline established under this section, a 1116
statement that is required by this section. 1117

(D) No person shall knowingly file a false statement that is 1118
required to be filed under this section. 1119

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1120
section, the statement required by division (A) or (B) of this 1121
section shall be accompanied by a filing fee of ~~twenty-five~~ forty 1122
dollars. 1123

(2) The statement required by division (A) of this section 1124
shall be accompanied by a the following filing fee to be paid by 1125
the person who is elected or appointed to, or is a candidate for, 1126
any of the following offices: 1127

For state office, except member of <u>the</u>		1128
state board of education	\$ 50 <u>65</u>	1129
For office of member of United States		1130
congress or member of general assembly	\$ 25 <u>40</u>	1131
For county office	\$ 25 <u>40</u>	1132
For city office	\$ 10 <u>25</u>	1133
For office of member of <u>the</u> state board		1134

of education	\$ 20 <u>25</u>	1135
For office of member of <u>a</u> city, local,		1136
exempted village, or cooperative		1137
education board of		1138
education or educational service		1139
center governing board	\$ <u>5</u> <u>20</u>	1140
For position of business manager,		1141
treasurer, or superintendent of <u>a</u>		1142
city, local, exempted village, joint		1143
vocational, or cooperative education		1144
school district or		1145
educational service center	\$ <u>5</u> <u>20</u>	1146
(3) No judge of a court of record or candidate for judge of a		1147
court of record, and no referee or magistrate serving a court of		1148
record, shall be required to pay the fee required under division		1149
(E)(1) or (2) or (F) of this section.		1150
(4) For any public official who is appointed to a nonelective		1151
office of the state and for any employee who holds a nonelective		1152
position in a public agency of the state, the state agency that is		1153
the primary employer of the state official or employee shall pay		1154
the fee required under division (E)(1) or (F) of this section.		1155
(F) If a statement required to be filed under this section is		1156
not filed by the date on which it is required to be filed, the		1157
appropriate ethics commission shall assess the person required to		1158
file the statement a late filing fee equal to one-half of the		1159
applicable filing fee <u>ten dollars</u> for each day the statement is		1160
not filed, except that the total amount of the late filing fee		1161
shall not exceed one <u>two</u> hundred <u>fifty</u> dollars.		1162
(G)(1) The appropriate ethics commission other than the Ohio		1163
ethics commission shall deposit all fees it receives under		1164
divisions (E) and (F) of this section into the general revenue		1165
fund of the state.		1166

(2) The Ohio ethics commission shall deposit all receipts, 1167
including, but not limited to, fees it receives under divisions 1168
(E) and (F) of this section and all moneys it receives from 1169
settlements under division (G) of section 102.06 of the Revised 1170
Code, into the Ohio ethics commission fund, which is hereby 1171
created in the state treasury. All moneys credited to the fund 1172
shall be used solely for expenses related to the operation and 1173
statutory functions of the commission. 1174

(H) Division (A) of this section does not apply to a person 1175
elected or appointed to the office of precinct, ward, or district 1176
committee member under Chapter 3517. of the Revised Code; a 1177
presidential elector; a delegate to a national convention; village 1178
or township officials and employees; any physician or psychiatrist 1179
who is paid a salary or wage in accordance with schedule C of 1180
section 124.15 or schedule E-2 of section 124.152 of the Revised 1181
Code and whose primary duties do not require the exercise of 1182
administrative discretion; or any member of a board, commission, 1183
or bureau of any county or city who receives less than one 1184
thousand dollars per year for serving in that position. 1185

Sec. 106.01. (A)(1) There is hereby created the legislative 1186
budget audit commission, to be composed of ten members. The 1187
commission shall examine the operations of state agencies and make 1188
recommendations to the general assembly on ways in which state 1189
agencies can operate more efficiently. The president of the senate 1190
shall appoint to the commission two members of the senate, each of 1191
whom shall be a member of a different political party. The speaker 1192
of the house of representatives shall appoint to the commission 1193
two members of the house of representatives, each of whom shall be 1194
a member of a different political party. The president of the 1195
senate and the speaker of the house of representatives shall each 1196
appoint to the commission three members who are knowledgeable in 1197

finance and state government. 1198

(2) Terms of office of the members of the commission shall be 1199
for three years. Each member shall serve subsequent to the 1200
expiration of the member's term until a successor is appointed, or 1201
until sixty days has elapsed, whichever occurs first. No member 1202
shall serve more than two consecutive terms. 1203

(3) All vacancies in the membership of the commission shall 1204
be filled in the same manner prescribed for original appointments 1205
to the commission and shall be limited to the unexpired terms. 1206

(4) The members of the commission shall serve without 1207
compensation, but shall be reimbursed for their actual and 1208
necessary expenses incurred in the performance of their official 1209
duties. 1210

(B)(1) The commission shall appoint the executive director of 1211
the commission. The executive director of the commission shall 1212
serve at the pleasure of the commission. The commission shall set 1213
the salary of the executive director. 1214

(2) The executive director, with the approval of the 1215
commission, shall employ all necessary staff and set their 1216
salaries. 1217

(3) The commission shall meet at the call of the executive 1218
director. 1219

Sec. 106.02. (A) As used in sections 106.02 to 106.05 of the 1220
Revised Code: 1221

(1) "State agency" has the same meaning as in section 9.82 of 1222
the Revised Code. 1223

(2) "Savings" means a reduction in expenditures resulting 1224
from the implementation, in whole or in part, of a recommendation 1225
made by the legislative budget audit commission. 1226

(B) The commission shall make recommendations to assist the general assembly in developing policies to streamline state agency operations. The commission shall promptly answer reasonable requests about reducing or eliminating expenditures from members of the general assembly and directors of state agencies.

(C) In examining the operations of state agencies to develop the recommendations described in division (B) of this section, the commission shall consider how state agencies can better allocate their resources by doing any or all of the following:

(1) Streamlining, reorganizing, consolidating, contracting out, or eliminating functions performed by the state agency;

(2) Reducing duplicative staffing;

(3) Improving space and property use, including exploring the sale or lease of surplus or unneeded property;

(4) Increasing the state agency's capacity to deliver services and improve responsiveness to citizens;

(5) Streamlining procurement procedures;

(6) Improving the use of cost-saving information technology in service delivery and in reducing the need for paperwork;

(7) Improving internal budgeting and financial administration procedures, including procedures to collect more efficiently past due accounts receivable;

(8) Improving the employee awards system established in section 124.17 of the Revised Code, or devising other incentive programs;

(9) Contracting with the private sector to conduct activities currently performed by the state agency;

(10) Establishing techniques for the measurement of productivity and the evaluation of employee performance;

(11) Undertaking other methods or procedures designed to 1256
improve the use of state funds. 1257

(D) Not later than January 15, 2005, and not later than the 1258
fifteenth day of January of each calendar year thereafter, the 1259
commission shall submit a report of its findings and 1260
recommendations to the general assembly. All reports submitted by 1261
the commission after the initial report shall include a review of 1262
previous recommendations and findings made by the commission, and 1263
a description of the savings realized by each state agency that 1264
are listed in the report submitted by the director of budget and 1265
management under section 106.05 of the Revised Code. 1266

Sec. 106.03. There is hereby created in the state treasury 1267
the legislative budget audit commission savings fund. The fund 1268
shall provide amounts to fund the legislative budget audit 1269
commission in accordance with sections 106.01 to 106.05 of the 1270
Revised Code. 1271

Sec. 106.04. (A) State agencies shall promptly respond to 1272
reasonable requests for information from the legislative budget 1273
audit commission. 1274

(B) Not later than December 1, 2006, and on the first day of 1275
December of each second year thereafter, each state agency shall 1276
provide a written report to the director of budget and management 1277
describing any savings the agency realized during the immediately 1278
preceding two years that are directly attributable to implementing 1279
any recommendations made by the commission under section 106.02 of 1280
the Revised Code. 1281

(C) The office of budget and management shall compile all 1282
reports submitted by state agencies under division (B) of this 1283
section and provide the information contained in those reports to 1284
the governor, the speaker of the house of representatives, and the 1285

president of the senate. 1286

Sec. 106.05. (A) The director of budget and management shall 1287
review the reports submitted by the legislative budget audit 1288
commission under section 106.02 of the Revised Code and the 1289
reports submitted by state agencies under section 106.04 of the 1290
Revised Code and determine the amount of any savings actually 1291
realized by each state agency during the immediately preceding two 1292
years that are directly attributable to implementing the 1293
commission's recommendations. 1294

(B) Not later than December 31, 2006, and on the last day of 1295
December of each second year thereafter, the director of budget 1296
and management shall submit a report describing the actual savings 1297
realized by each state agency during the immediately preceding two 1298
years that are directly attributable to implementing the 1299
recommendations made by the commission under section 106.02 of the 1300
Revised Code. 1301

(C) The main operating appropriations bill for the period 1302
beginning July 1, 2007, and each main operating appropriations 1303
bill thereafter, shall propose the transfer of an amount that is 1304
equal to the total savings that each state agency realized and 1305
that is described in the report submitted under division (B) of 1306
this section that exceeds the total biennial appropriations for 1307
the legislative budget audit commission for that biennium. The 1308
transfer shall be made from the general revenue fund or from any 1309
other fund that provides funds to that state agency, as 1310
appropriate, to the budget stabilization fund created by section 1311
131.43 of the Revised Code. 1312

Sec. 107.12. (A) As used in this section, "organization" 1313
means a faith-based or other organization that is exempt from 1314
federal income taxation under section 501(c)(3) of the Internal 1315

Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 1316
provides charitable services to needy residents of this state. 1317

(B) There is hereby established within the office of the 1318
governor the governor's office for faith-based nonprofit and other 1319
nonprofit organizations. The office shall: 1320

(1) Serve as a clearinghouse of information on federal, 1321
state, and local funding for charitable services performed by 1322
organizations; 1323

(2) Encourage organizations to seek public funding for their 1324
charitable services; 1325

(3) Act as a liaison between state agencies and 1326
organizations; 1327

(4) Advise the governor, general assembly, and the advisory 1328
board of the governor's office for faith-based nonprofit or other 1329
nonprofit organizations on the barriers that exist to 1330
collaboration between organizations and governmental entities and 1331
on ways to remove the barriers. 1332

(C) The governor shall appoint an executive assistant to 1333
manage the office and perform or oversee the performance of the 1334
duties of the office. 1335

(D)(1) There is hereby created the advisory board of the 1336
governor's office for faith-based nonprofit and other nonprofit 1337
organizations. The board shall consist of members appointed as 1338
follows: 1339

(a) The directors of aging, alcohol and drug addiction 1340
services, rehabilitation and correction, health, job and family 1341
services, mental health, and youth services shall each appoint to 1342
the board one employee of that director's department. 1343

(b) The speaker of the house of representatives shall appoint 1344
to the board two members of the house of representatives, not more 1345

than one of whom shall be from the same political party and at 1346
least one of whom shall be from the legislative black caucus. The 1347
speaker of the house of representatives shall consult with the 1348
president of the legislative black caucus in making the 1349
legislative black caucus member appointment. The president of the 1350
senate shall appoint to the board two members of the senate, not 1351
more than one of whom shall be from the same political party. 1352

(c) The governor, speaker of the house of representatives, 1353
and president of the senate shall each appoint to the board three 1354
representatives of the nonprofit, faith-based and other nonprofit 1355
community. 1356

(2) The appointments to the board shall be made within thirty 1357
days after the effective date of this section. Terms of the office 1358
shall be one year. Any vacancy that occurs on the board shall be 1359
filled in the same manner as the original appointment. The members 1360
of the board shall serve without compensation. 1361

(3) At its initial meeting, the board shall elect a 1362
chairperson. The chairperson shall be a member of the board who is 1363
a member of the house of representatives. 1364

(E) The board shall do both of the following: 1365

(1) Provide direction, guidance, and oversight to the office; 1366

(2) Publish a report of its activities on or before the first 1367
day of August of each year, and deliver copies of the report to 1368
the governor, the speaker and minority leader of the house of 1369
representatives, and the president and minority leader of the 1370
senate. 1371

Sec. 107.31. (A) As used in this section: 1372

(1) "State institutional facility" means any institution or 1373
other facility, in operation on or after January 1, 2003, for the 1374
housing of any person that is under the control of the department 1375

of rehabilitation and correction, the department of youth 1376
services, the department of mental retardation and developmental 1377
disabilities, the department of mental health, or any other agency 1378
or department of state government. 1379

(2) "Target state agency" means the agency of state 1380
government that operates the institutional facility or facilities 1381
that the governor believes should be closed. 1382

(B) Prior to the closing of a state institutional facility, 1383
the target state agency shall conduct a survey and analysis of the 1384
needs of each client at that facility for the purpose of ensuring 1385
that each client's identified needs during the transition and in 1386
the client's new setting are met. A copy of the analysis, devoid 1387
of any client identifying information, as well as the target state 1388
agency's proposal for meeting the needs of the clients, shall be 1389
submitted to the general assembly in accordance with section 1390
101.68 of the Revised Code at least two months prior to the 1391
closing. 1392

Sec. 107.32. (A) As used in this section and section 107.33 1393
of the Revised Code: 1394

(1) "State institutional facility" means any institution or 1395
other facility for the housing of any person that is under the 1396
control of the department of rehabilitation and correction, the 1397
department of youth services, the department of mental retardation 1398
and developmental disabilities, the department of mental health, 1399
or any other agency or department of state government. 1400

(2) "Target state agency" means the agency of state 1401
government that the governor identifies in a notice provided under 1402
division (C)(1) of this section and that operates an institutional 1403
facility or facilities the governor believes should be closed. 1404

(B) Notwithstanding any other provision of law, the governor 1405

shall not order the closure of any state institutional facility, 1406
for the purpose of expenditure reductions or budget cuts, other 1407
than in accordance with this section. 1408

(C) If the governor determines that necessary expenditure 1409
reductions and budget cuts cannot be made without closing one or 1410
more state institutional facilities, all of the following apply: 1411

(1) The governor shall determine which state agency's 1412
institutional facility or facilities the governor believes should 1413
be closed, shall notify the general assembly and that agency of 1414
that determination, and shall specify in the notice the number of 1415
facilities of that agency that the governor believes should be 1416
closed and the anticipated savings to be obtained through that 1417
closure or those closures. 1418

(2) Upon the governor's provision of the notice described in 1419
division (C)(1) of this section, a state facilities closure 1420
commission shall be created as described in division (D) of this 1421
section regarding the target state agency. Not later than seven 1422
days after the governor provides that notice, the officials with 1423
the duties to appoint members of the commission for the target 1424
state agency, as described in division (D) of this section, shall 1425
appoint the specified members of the commission, and, as soon as 1426
possible after the appointments, the commission shall meet for the 1427
purposes described in that division. Not later than thirty days 1428
after the governor provides the notice described in division 1429
(C)(1) of this section, the state facilities closure commission 1430
shall provide to the general assembly, the governor, and the 1431
target state agency a report that contains the commission's 1432
recommendation as to the state institutional facility or 1433
facilities of the target state agency that the governor may close. 1434
The anticipated savings to be obtained by the commission's 1435
recommendation shall be approximately the same as the anticipated 1436
savings the governor specified in the governor's notice provided 1437

under division (C)(1) of this section, and, if the recommendation 1438
identifies more than one facility, it shall list them in order of 1439
the commission's preference for closure. A state facilities 1440
closure commission created for a particular target state agency 1441
shall make a report only regarding that target state agency and 1442
shall include no recommendations regarding any other state agency 1443
or department in its report. 1444

(3) Upon receipt of the report of the state facilities 1445
closure commission under division (C)(2) of this section for a 1446
target state agency, if the governor still believes that necessary 1447
expenditure reductions and budget cuts cannot be made without 1448
closing one or more state institutional facilities, the governor 1449
may close state institutional facilities of the target state 1450
agency that are identified in the commission's recommendation 1451
contained in the report. Except as otherwise provided in this 1452
division, the governor shall not close any state institutional 1453
facility of the target state agency that is not listed in the 1454
commission's recommendation, and shall not close multiple 1455
institutions in any order other than the order of the commission's 1456
preference as specified in the recommendation. The governor is not 1457
required to follow the recommendation of the commission in closing 1458
an institutional facility if the governor determines that a 1459
significant change in circumstances makes the recommendation 1460
unworkable. 1461

(D) A state facilities closure commission shall be created at 1462
the time and in the manner specified in division (C)(2) of this 1463
section. If more than one state agency or department is a target 1464
state agency, a separate state facilities closure commission shall 1465
be created for each such target state agency. Each commission 1466
consists of eleven members. Three members shall be members of the 1467
house of representatives appointed by the speaker of the house of 1468
representatives, none of the members so appointed may have a state 1469

institutional facility of the target state agency in the member's 1470
district, two of the members so appointed shall be members of the 1471
majority political party in the house of representatives, and one 1472
of the members so appointed shall not be a member of the majority 1473
political party in the house of representatives. Three members 1474
shall be members of the senate appointed by the president of the 1475
senate, none of the members so appointed may have a state 1476
institutional facility of the target state agency in the member's 1477
district, two of the members so appointed shall be members of the 1478
majority political party in the senate, and one of the members so 1479
appointed shall not be a member of the majority political party in 1480
the senate. One member shall be the director of budget and 1481
management. One member shall be the director, or other agency 1482
head, of the target state agency. Two members shall be private 1483
executives with expertise in facility utilization, with one of 1484
these members appointed by the speaker of the house of 1485
representatives and the other appointed by the president of the 1486
senate, and neither of the members so appointed may have a state 1487
institutional facility of the target state agency in the county in 1488
which the member resides. One member shall be a representative of 1489
the Ohio civil service employees' association or other 1490
representative association of the employees of the target state 1491
agency, appointed by the speaker of the house of representatives. 1492
The officials with the duties to appoint members of the commission 1493
shall make the appointments, and the commission shall meet, within 1494
the time periods specified in division (C)(2) of this section. The 1495
members of the commission shall serve without compensation. At the 1496
commission's first meeting, the members shall organize, and 1497
appoint a chairperson and vice-chairperson. 1498

The commission shall determine which state institutional 1499
facility or facilities under the control of the target state 1500
agency for which the commission was created should be closed. In 1501
making this determination, the commission shall, at a minimum, 1502

<u>consider the following factors:</u>	1503
<u>(1) Whether there is a need to reduce the number of facilities;</u>	1504
<u>(2) The availability of alternate facilities;</u>	1506
<u>(3) The cost effectiveness of the facilities;</u>	1507
<u>(4) The geographic factors associated with each facility and its proximity to other similar facilities;</u>	1508
<u>(5) The impact of collective bargaining on facility operations;</u>	1510
<u>(6) The utilization and maximization of resources;</u>	1512
<u>(7) Continuity of the staff and ability to serve the facility population;</u>	1513
<u>(8) Continuing costs following closure of a facility;</u>	1515
<u>(9) The impact of the closure on the local economy;</u>	1516
<u>(10) Alternatives and opportunities for consolidation with other facilities.</u>	1517
<u>The commission shall meet as often as necessary to make its determination, may take testimony and consider all relevant information, and shall prepare and provide in accordance with division (C)(2) of this section a report containing its recommendations. Upon providing the report regarding the target state agency, the commission shall cease to exist, provided that another commission shall be created for the same state agency if the agency is made a target state agency in another report provided under division (C)(1) of this section and provided that another commission shall be created for a different state agency if that other agency is made a target state agency in a report provided under that division.</u>	1519
<u>Sec. 107.33. Notwithstanding any other provision of law, if</u>	1531

the closure of the particular facility is authorized under section 1532
107.32 of the Revised Code, the governor may terminate any 1533
contract entered into under section 9.06 of the Revised Code for 1534
the private operation and management of any correctional facility 1535
under the control of the department of rehabilitation and 1536
correction, including, but not limited to the initial intensive 1537
program prison established pursuant to section 5120.033 of the 1538
Revised Code as it existed prior to the effective date of this 1539
section, and terminate the operation of, and close that facility. 1540
If the governor terminates a contract for the private operation 1541
and management of a facility, and terminates the operation of, and 1542
closes, the facility as described in this section, inmates in the 1543
facility shall be transferred to another correctional facility 1544
under the control of the department. If the initial intensive 1545
program prison is closed, divisions (G)(2)(a) and (b) of section 1546
2929.13 of the Revised Code have no effect while the facility is 1547
closed. 1548

Sec. 109.57. (A)(1) The superintendent of the bureau of 1549
criminal identification and investigation shall procure from 1550
wherever procurable and file for record photographs, pictures, 1551
descriptions, fingerprints, measurements, and other information 1552
that may be pertinent of all persons who have been convicted of 1553
committing within this state a felony, any crime constituting a 1554
misdemeanor on the first offense and a felony on subsequent 1555
offenses, or any misdemeanor described in division (A)(1)(a) of 1556
section 109.572 of the Revised Code, of all children under 1557
eighteen years of age who have been adjudicated delinquent 1558
children for committing within this state an act that would be a 1559
felony or an offense of violence if committed by an adult or who 1560
have been convicted of or pleaded guilty to committing within this 1561
state a felony or an offense of violence, and of all well-known 1562
and habitual criminals. The person in charge of any county, 1563

multicounty, municipal, municipal-county, or multicounty-municipal 1564
jail or workhouse, community-based correctional facility, halfway 1565
house, alternative residential facility, or state correctional 1566
institution and the person in charge of any state institution 1567
having custody of a person suspected of having committed a felony, 1568
any crime constituting a misdemeanor on the first offense and a 1569
felony on subsequent offenses, or any misdemeanor described in 1570
division (A)(1)(a) of section 109.572 of the Revised Code or 1571
having custody of a child under eighteen years of age with respect 1572
to whom there is probable cause to believe that the child may have 1573
committed an act that would be a felony or an offense of violence 1574
if committed by an adult shall furnish such material to the 1575
superintendent of the bureau. Fingerprints, photographs, or other 1576
descriptive information of a child who is under eighteen years of 1577
age, has not been arrested or otherwise taken into custody for 1578
committing an act that would be a felony or an offense of violence 1579
if committed by an adult, has not been adjudicated a delinquent 1580
child for committing an act that would be a felony or an offense 1581
of violence if committed by an adult, has not been convicted of or 1582
pleaded guilty to committing a felony or an offense of violence, 1583
and is not a child with respect to whom there is probable cause to 1584
believe that the child may have committed an act that would be a 1585
felony or an offense of violence if committed by an adult shall 1586
not be procured by the superintendent or furnished by any person 1587
in charge of any county, multicounty, municipal, municipal-county, 1588
or multicounty-municipal jail or workhouse, community-based 1589
correctional facility, halfway house, alternative residential 1590
facility, or state correctional institution, except as authorized 1591
in section 2151.313 of the Revised Code. 1592

(2) Every clerk of a court of record in this state, other 1593
than the supreme court or a court of appeals, shall send to the 1594
superintendent of the bureau a weekly report containing a summary 1595
of each case involving a felony, involving any crime constituting 1596

a misdemeanor on the first offense and a felony on subsequent 1597
offenses, involving a misdemeanor described in division (A)(1)(a) 1598
of section 109.572 of the Revised Code, or involving an 1599
adjudication in a case in which a child under eighteen years of 1600
age was alleged to be a delinquent child for committing an act 1601
that would be a felony or an offense of violence if committed by 1602
an adult. The clerk of the court of common pleas shall include in 1603
the report and summary the clerk sends under this division all 1604
information described in divisions (A)(2)(a) to (f) of this 1605
section regarding a case before the court of appeals that is 1606
served by that clerk. The summary shall be written on the standard 1607
forms furnished by the superintendent pursuant to division (B) of 1608
this section and shall include the following information: 1609

(a) The incident tracking number contained on the standard 1610
forms furnished by the superintendent pursuant to division (B) of 1611
this section; 1612

(b) The style and number of the case; 1613

(c) The date of arrest; 1614

(d) The date that the person was convicted of or pleaded 1615
guilty to the offense, adjudicated a delinquent child for 1616
committing the act that would be a felony or an offense of 1617
violence if committed by an adult, found not guilty of the 1618
offense, or found not to be a delinquent child for committing an 1619
act that would be a felony or an offense of violence if committed 1620
by an adult, the date of an entry dismissing the charge, an entry 1621
declaring a mistrial of the offense in which the person is 1622
discharged, an entry finding that the person or child is not 1623
competent to stand trial, or an entry of a nolle prosequi, or the 1624
date of any other determination that constitutes final resolution 1625
of the case; 1626

(e) A statement of the original charge with the section of 1627

the Revised Code that was alleged to be violated; 1628

(f) If the person or child was convicted, pleaded guilty, or 1629
was adjudicated a delinquent child, the sentence or terms of 1630
probation imposed or any other disposition of the offender or the 1631
delinquent child. 1632

If the offense involved the disarming of a law enforcement 1633
officer or an attempt to disarm a law enforcement officer, the 1634
clerk shall clearly state that fact in the summary, and the 1635
superintendent shall ensure that a clear statement of that fact is 1636
placed in the bureau's records. 1637

(3) The superintendent shall cooperate with and assist 1638
sheriffs, chiefs of police, and other law enforcement officers in 1639
the establishment of a complete system of criminal identification 1640
and in obtaining fingerprints and other means of identification of 1641
all persons arrested on a charge of a felony, any crime 1642
constituting a misdemeanor on the first offense and a felony on 1643
subsequent offenses, or a misdemeanor described in division 1644
(A)(1)(a) of section 109.572 of the Revised Code and of all 1645
children under eighteen years of age arrested or otherwise taken 1646
into custody for committing an act that would be a felony or an 1647
offense of violence if committed by an adult. The superintendent 1648
also shall file for record the fingerprint impressions of all 1649
persons confined in a county, multicounty, municipal, 1650
municipal-county, or multicounty-municipal jail or workhouse, 1651
community-based correctional facility, halfway house, alternative 1652
residential facility, or state correctional institution for the 1653
violation of state laws and of all children under eighteen years 1654
of age who are confined in a county, multicounty, municipal, 1655
municipal-county, or multicounty-municipal jail or workhouse, 1656
community-based correctional facility, halfway house, alternative 1657
residential facility, or state correctional institution or in any 1658
facility for delinquent children for committing an act that would 1659

be a felony or an offense of violence if committed by an adult, 1660
and any other information that the superintendent may receive from 1661
law enforcement officials of the state and its political 1662
subdivisions. 1663

(4) The superintendent shall carry out Chapter 2950. of the 1664
Revised Code with respect to the registration of persons who are 1665
convicted of or plead guilty to a sexually oriented offense and 1666
with respect to all other duties imposed on the bureau under that 1667
chapter. 1668

(B) The superintendent shall prepare and furnish to every 1669
county, multicounty, municipal, municipal-county, or 1670
multicounty-municipal jail or workhouse, community-based 1671
correctional facility, halfway house, alternative residential 1672
facility, or state correctional institution and to every clerk of 1673
a court in this state specified in division (A)(2) of this section 1674
standard forms for reporting the information required under 1675
division (A) of this section. The standard forms that the 1676
superintendent prepares pursuant to this division may be in a 1677
tangible format, in an electronic format, or in both tangible 1678
formats and electronic formats. 1679

(C) The superintendent may operate a center for electronic, 1680
automated, or other data processing for the storage and retrieval 1681
of information, data, and statistics pertaining to criminals and 1682
to children under eighteen years of age who are adjudicated 1683
delinquent children for committing an act that would be a felony 1684
or an offense of violence if committed by an adult, criminal 1685
activity, crime prevention, law enforcement, and criminal justice, 1686
and may establish and operate a statewide communications network 1687
to gather and disseminate information, data, and statistics for 1688
the use of law enforcement agencies. The superintendent may 1689
gather, store, retrieve, and disseminate information, data, and 1690
statistics that pertain to children who are under eighteen years 1691

of age and that are gathered pursuant to sections 109.57 to 109.61 1692
of the Revised Code together with information, data, and 1693
statistics that pertain to adults and that are gathered pursuant 1694
to those sections. 1695

(D) The information and materials furnished to the 1696
superintendent pursuant to division (A) of this section and 1697
information and materials furnished to any board or person under 1698
division (F) or (G) of this section are not public records under 1699
section 149.43 of the Revised Code. 1700

(E) The attorney general shall adopt rules, in accordance 1701
with Chapter 119. of the Revised Code, setting forth the procedure 1702
by which a person may receive or release information gathered by 1703
the superintendent pursuant to division (A) of this section. A 1704
reasonable fee may be charged for this service. If a temporary 1705
employment service submits a request for a determination of 1706
whether a person the service plans to refer to an employment 1707
position has been convicted of or pleaded guilty to an offense 1708
listed in division (A)(1), (3), (4), ~~or~~ (5), or (6) of section 1709
109.572 of the Revised Code, the request shall be treated as a 1710
single request and only one fee shall be charged. 1711

(F)(1) As used in division (F)(2) of this section, "head 1712
start agency" means an entity in this state that has been approved 1713
to be an agency for purposes of subchapter II of the "Community 1714
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1715
as amended. 1716

(2)(a) In addition to or in conjunction with any request that 1717
is required to be made under section 109.572, 2151.86, 3301.32, 1718
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 1719
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 1720
education of any school district; the director of mental 1721
retardation and developmental disabilities; any county board of 1722
mental retardation and developmental disabilities; any entity 1723

under contract with a county board of mental retardation and 1724
developmental disabilities; the chief administrator of any 1725
chartered nonpublic school; the chief administrator of any home 1726
health agency; the chief administrator of or person operating any 1727
child day-care center, type A family day-care home, or type B 1728
family day-care home licensed or certified under Chapter 5104. of 1729
the Revised Code; the administrator of any type C family day-care 1730
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1731
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1732
general assembly; the chief administrator of any head start 1733
agency; or the executive director of a public children services 1734
agency may request that the superintendent of the bureau 1735
investigate and determine, with respect to any individual who has 1736
applied for employment in any position after October 2, 1989, or 1737
any individual wishing to apply for employment with a board of 1738
education may request, with regard to the individual, whether the 1739
bureau has any information gathered under division (A) of this 1740
section that pertains to that individual. On receipt of the 1741
request, the superintendent shall determine whether that 1742
information exists and, upon request of the person, board, or 1743
entity requesting information, also shall request from the federal 1744
bureau of investigation any criminal records it has pertaining to 1745
that individual. Within thirty days of the date that the 1746
superintendent receives a request, the superintendent shall send 1747
to the board, entity, or person a report of any information that 1748
the superintendent determines exists, including information 1749
contained in records that have been sealed under section 2953.32 1750
of the Revised Code, and, within thirty days of its receipt, shall 1751
send the board, entity, or person a report of any information 1752
received from the federal bureau of investigation, other than 1753
information the dissemination of which is prohibited by federal 1754
law. 1755

(b) When a board of education is required to receive 1756

information under this section as a prerequisite to employment of 1757
an individual pursuant to section 3319.39 of the Revised Code, it 1758
may accept a certified copy of records that were issued by the 1759
bureau of criminal identification and investigation and that are 1760
presented by an individual applying for employment with the 1761
district in lieu of requesting that information itself. In such a 1762
case, the board shall accept the certified copy issued by the 1763
bureau in order to make a photocopy of it for that individual's 1764
employment application documents and shall return the certified 1765
copy to the individual. In a case of that nature, a district only 1766
shall accept a certified copy of records of that nature within one 1767
year after the date of their issuance by the bureau. 1768

(3) The state board of education may request, with respect to 1769
any individual who has applied for employment after October 2, 1770
1989, in any position with the state board or the department of 1771
education, any information that a school district board of 1772
education is authorized to request under division (F)(2) of this 1773
section, and the superintendent of the bureau shall proceed as if 1774
the request has been received from a school district board of 1775
education under division (F)(2) of this section. 1776

(4) When the superintendent of the bureau receives a request 1777
for information that is authorized under section 3319.291 of the 1778
Revised Code, the superintendent shall proceed as if the request 1779
has been received from a school district board of education under 1780
division (F)(2) of this section. 1781

(5) When a recipient of an OhioReads classroom or community 1782
reading grant paid under section 3301.86 or 3301.87 of the Revised 1783
Code or an entity approved by the OhioReads council requests, with 1784
respect to any individual who applies to participate in providing 1785
any program or service through an entity approved by the OhioReads 1786
council or funded in whole or in part by the grant, the 1787
information that a school district board of education is 1788

authorized to request under division (F)(2)(a) of this section, 1789
the superintendent of the bureau shall proceed as if the request 1790
has been received from a school district board of education under 1791
division (F)(2)(a) of this section. 1792

(G) In addition to or in conjunction with any request that is 1793
required to be made under section 173.41, 3701.881, 3712.09, 1794
3721.121, or 3722.151 of the Revised Code with respect to an 1795
individual who has applied for employment in a position that 1796
involves providing direct care to an older adult, the chief 1797
administrator of a PASSPORT agency that provides services through 1798
the PASSPORT program created under section 173.40 of the Revised 1799
Code, home health agency, hospice care program, home licensed 1800
under Chapter 3721. of the Revised Code, adult day-care program 1801
operated pursuant to rules adopted under section 3721.04 of the 1802
Revised Code, or adult care facility may request that the 1803
superintendent of the bureau investigate and determine, with 1804
respect to any individual who has applied after January 27, 1997, 1805
for employment in a position that does not involve providing 1806
direct care to an older adult, whether the bureau has any 1807
information gathered under division (A) of this section that 1808
pertains to that individual. On receipt of the request, the 1809
superintendent shall determine whether that information exists 1810
and, on request of the administrator requesting information, shall 1811
also request from the federal bureau of investigation any criminal 1812
records it has pertaining to that individual. Within thirty days 1813
of the date a request is received, the superintendent shall send 1814
to the administrator a report of any information determined to 1815
exist, including information contained in records that have been 1816
sealed under section 2953.32 of the Revised Code, and, within 1817
thirty days of its receipt, shall send the administrator a report 1818
of any information received from the federal bureau of 1819
investigation, other than information the dissemination of which 1820
is prohibited by federal law. 1821

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

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

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, or 5153.111 of the Revised Code, 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 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:

(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, 2905.05, 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, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 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, or a 1853
violation of section 2925.11 of the Revised Code that is not a 1854
minor drug possession offense; 1855

(b) A violation of an existing or former law of this state, 1856
any other state, or the United States that is substantially 1857
equivalent to any of the offenses listed in division (A)(1)(a) of 1858
this section. 1859

(2) On receipt of a request pursuant to section 5123.081 of 1860
the Revised Code with respect to an applicant for employment in 1861
any position with the department of mental retardation and 1862
developmental disabilities, pursuant to section 5126.28 of the 1863
Revised Code with respect to an applicant for employment in any 1864
position with a county board of mental retardation and 1865
developmental disabilities, or pursuant to section 5126.281 of the 1866
Revised Code with respect to an applicant for employment in a 1867
direct services position with an entity contracting with a county 1868
board for employment, a completed form prescribed pursuant to 1869
division (C)(1) of this section, and a set of fingerprint 1870
impressions obtained in the manner described in division (C)(2) of 1871
this section, the superintendent of the bureau of criminal 1872
identification and investigation shall conduct a criminal records 1873
check. The superintendent shall conduct the criminal records check 1874
in the manner described in division (B) of this section to 1875
determine whether any information exists that indicates that the 1876
person who is the subject of the request has been convicted of or 1877
pleaded guilty to any of the following: 1878

(a) A violation of section 2903.01, 2903.02, 2903.03, 1879
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1880
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1881
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1882
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1883
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1884

2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 1885
3716.11 of the Revised Code; 1886

(b) An existing or former municipal ordinance or law of this 1887
state, any other state, or the United States that is substantially 1888
equivalent to any of the offenses listed in division (A)(2)(a) of 1889
this section. 1890

(3) On receipt of a request pursuant to section 173.41, 1891
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 1892
form prescribed pursuant to division (C)(1) of this section, and a 1893
set of fingerprint impressions obtained in the manner described in 1894
division (C)(2) of this section, the superintendent of the bureau 1895
of criminal identification and investigation shall conduct a 1896
criminal records check with respect to any person who has applied 1897
for employment in a position that involves providing direct care 1898
to an older adult. The superintendent shall conduct the criminal 1899
records check in the manner described in division (B) of this 1900
section to determine whether any information exists that indicates 1901
that the person who is the subject of the request previously has 1902
been convicted of or pleaded guilty to any of the following: 1903

(a) A violation of section 2903.01, 2903.02, 2903.03, 1904
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1905
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1906
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1907
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1908
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1909
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1910
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1911
2925.22, 2925.23, or 3716.11 of the Revised Code; 1912

(b) An existing or former law of this state, any other state, 1913
or the United States that is substantially equivalent to any of 1914
the offenses listed in division (A)(3)(a) of this section. 1915

(4) 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 as a person responsible for the care, custody, or control of a child, 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:

(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, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 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, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(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)(4)(a) of this section.

(5) On receipt of a request pursuant to section 5111.95 or 5111.96 of the Revised Code with respect to an applicant for employment with waiver agencies participating in department of job and family services administered waivers or independent providers in department administered home and community-based service

programs in a position that involves providing home and 1948
community-based waiver services to consumers with disabilities, a 1949
completed form prescribed pursuant to division (C)(1) of this 1950
section, and a set of fingerprint impressions obtained in the 1951
manner described in division (C)(2) of this section, the 1952
superintendent of the bureau of criminal identification and 1953
investigation shall conduct a criminal records check. The 1954
superintendent shall conduct the criminal records check in the 1955
manner described in division (B) of this section to determine 1956
whether any information exists that indicates that the person who 1957
is the subject of the request previously has been convicted of or 1958
pleaded guilty to any of the following: 1959

(a) A violation of section 2903.01, 2903.02, 2903.03, 1960
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1961
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1962
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1963
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1964
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 1965
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 1966
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 1967
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1968
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 1969
Revised Code, felonious sexual penetration in violation of former 1970
section 2907.12 of the Revised Code, a violation of section 1971
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1972
violation of section 2919.23 of the Revised Code that would have 1973
been a violation of section 2905.04 of the Revised Code as it 1974
existed prior to July 1, 1996, had the violation been committed 1975
prior to that date; 1976

(b) An existing or former law of this state, any other state, 1977
or the United States that is substantially equivalent to any of 1978
the offenses listed in division (A)(5)(a) of this section. 1979

(6) On receipt of a request pursuant to section 3701.881 of 1980
the Revised Code with respect to an applicant for employment with 1981
a home health agency in a position that involves providing direct 1982
care to an older adult, a completed form prescribed pursuant to 1983
division (C)(1) of this section, and a set of fingerprint 1984
impressions obtained in the manner described in division (C)(2) of 1985
this section, the superintendent of the bureau of criminal 1986
identification and investigation shall conduct a criminal records 1987
check. The superintendent shall conduct the criminal records check 1988
in the manner described in division (B) of this section to 1989
determine whether any information exists that indicates that the 1990
person who is the subject of the request previously has been 1991
convicted of or pleaded guilty to any of the following: 1992

(a) A violation of section 2903.01, 2903.02, 2903.03, 1993
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1994
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1995
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1996
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1997
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1998
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1999
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2000
2925.22, 2925.23, or 3716.11 of the Revised Code; 2001

(b) An existing or former law of this state, any other state, 2002
or the United States that is substantially equivalent to any of 2003
the offenses listed in division (A)~~(5)~~(6)(a) of this section. 2004

~~(6)~~(7) When conducting a criminal records check upon a 2005
request pursuant to section 3319.39 of the Revised Code for an 2006
applicant who is a teacher, in addition to the determination made 2007
under division (A)(1) of this section, the superintendent shall 2008
determine whether any information exists that indicates that the 2009
person who is the subject of the request previously has been 2010
convicted of or pleaded guilty to any offense specified in section 2011

3319.31 of the Revised Code. 2012

~~(7)~~(8) When conducting a criminal records check on a request 2013
pursuant to section 2151.86 of the Revised Code for a person who 2014
is a prospective foster caregiver or who is eighteen years old or 2015
older and resides in the home of a prospective foster caregiver, 2016
the superintendent, in addition to the determination made under 2017
division (A)(1) of this section, shall determine whether any 2018
information exists that indicates that the person has been 2019
convicted of or pleaded guilty to a violation of: 2020

(a) Section 2909.02 or 2909.03 of the Revised Code; 2021

(b) An existing or former law of this state, any other state, 2022
or the United States that is substantially equivalent to section 2023
2909.02 or 2909.03 of the Revised Code. 2024

~~(8)~~(9) Not later than thirty days after the date the 2025
superintendent receives the request, completed form, and 2026
fingerprint impressions, the superintendent shall send the person, 2027
board, or entity that made the request any information, other than 2028
information the dissemination of which is prohibited by federal 2029
law, the superintendent determines exists with respect to the 2030
person who is the subject of the request that indicates that the 2031
person previously has been convicted of or pleaded guilty to any 2032
offense listed or described in division (A)(1), (2), (3), (4), 2033
(5), (6), ~~or (7)~~, or (8) of this section, as appropriate. The 2034
superintendent shall send the person, board, or entity that made 2035
the request a copy of the list of offenses specified in division 2036
(A)(1), (2), (3), (4), (5), (6), ~~or (7)~~, or (8) of this section, 2037
as appropriate. If the request was made under section 3701.881 of 2038
the Revised Code with regard to an applicant who may be both 2039
responsible for the care, custody, or control of a child and 2040
involved in providing direct care to an older adult, the 2041
superintendent shall provide a list of the offenses specified in 2042
divisions (A)(4) and ~~(5)~~(6) of this section. 2043

(B) The superintendent shall conduct any 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 as follows:

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

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

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from 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. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(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, 2075
5126.281, or 5153.111 of the Revised Code. Any person for whom a 2076
records check is required by any of those sections shall obtain 2077
the fingerprint impressions at a county sheriff's office, 2078
municipal police department, or any other entity with the ability 2079
to make fingerprint impressions on the standard impression sheets 2080
prescribed by the superintendent. The office, department, or 2081
entity may charge the person a reasonable fee for making the 2082
impressions. The standard impression sheets the superintendent 2083
prescribes pursuant to this division may be in a tangible format, 2084
in an electronic format, or in both tangible and electronic 2085
formats. 2086

(3) Subject to division (D) of this section, the 2087
superintendent shall prescribe and charge a reasonable fee for 2088
providing a criminal records check requested under section 173.41, 2089
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2090
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2091
5126.281, or 5153.111 of the Revised Code. The person making a 2092
criminal records request under section 173.41, 2151.86, 3301.32, 2093
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 2094
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 2095
or 5153.111 of the Revised Code shall pay the fee prescribed 2096
pursuant to this division. A person making a request under section 2097
3701.881 of the Revised Code for a criminal records check for an 2098
applicant who may be both responsible for the care, custody, or 2099
control of a child and involved in providing direct care to an 2100
older adult shall pay one fee for the request. 2101

(4) The superintendent of the bureau of criminal 2102
identification and investigation may prescribe methods of 2103
forwarding fingerprint impressions and information necessary to 2104
conduct a criminal records check, which methods shall include, but 2105
not be limited to, an electronic method. 2106

(D) A determination whether any information exists that 2107
indicates that a person previously has been convicted of or 2108
pleaded guilty to any offense listed or described in division 2109
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 2110
(b), (A)(5)(a) or (b), (A)(6), ~~or~~ (A)(7)(a) or (b), or (A)(8)(a) 2111
or (b) of this section that is made by the superintendent with 2112
respect to information considered in a criminal records check in 2113
accordance with this section is valid for the person who is the 2114
subject of the criminal records check for a period of one year 2115
from the date upon which the superintendent makes the 2116
determination. During the period in which the determination in 2117
regard to a person is valid, if another request under this section 2118
is made for a criminal records check for that person, the 2119
superintendent shall provide the information that is the basis for 2120
the superintendent's initial determination at a lower fee than the 2121
fee prescribed for the initial criminal records check. 2122

(E) As used in this section: 2123

(1) "Criminal records check" means any criminal records check 2124
conducted by the superintendent of the bureau of criminal 2125
identification and investigation in accordance with division (B) 2126
of this section. 2127

(2) "Home and community-based waiver services" and "waiver 2128
agency" have the same meanings as in section 5111.95 of the 2129
Revised Code. 2130

(3) "Independent provider" has the same meaning as in section 2131
5111.96 of the Revised Code. 2132

(4) "Minor drug possession offense" has the same meaning as 2133
in section 2925.01 of the Revised Code. 2134

~~(3)~~(5) "Older adult" means a person age sixty or older. 2135

Sec. 117.45. (A) The auditor of state shall draw warrants 2136

against the treasurer of state pursuant to all requests for 2137
payment that the director of budget and management has approved 2138
under section 126.07 of the Revised Code. 2139

(B) Unless the director of job and family services has 2140
provided for the making of payments by electronic benefit 2141
transfer, if a financial institution and account have been 2142
designated by the participant or recipient, payment by the auditor 2143
of state to a participant in the Ohio works first program pursuant 2144
to Chapter 5107. of the Revised Code or a recipient of disability 2145
financial assistance pursuant to Chapter 5115. of the Revised Code 2146
shall be made by direct deposit to the account of the participant 2147
or recipient in the financial institution. Payment by the auditor 2148
of state to a recipient of benefits distributed through the medium 2149
of electronic benefit transfer pursuant to section 5101.33 of the 2150
Revised Code shall be by electronic benefit transfer. Payment by 2151
the auditor of state as compensation to an employee of the state 2152
who has, pursuant to section 124.151 of the Revised Code, 2153
designated a financial institution and account for the direct 2154
deposit of such payments shall be made by direct deposit to the 2155
account of the employee. Payment to any other payee who has 2156
designated a financial institution and account for the direct 2157
deposit of such payment may be made by direct deposit to the 2158
account of the payee in the financial institution as provided in 2159
section 9.37 of the Revised Code. The auditor of state shall 2160
contract with an authorized financial institution for the services 2161
necessary to make direct deposits or electronic benefit transfers 2162
under this division and draw lump sum warrants payable to that 2163
institution in the amount to be transferred. Accounts maintained 2164
by the auditor of state or the auditor of state's agent in a 2165
financial institution for the purpose of effectuating payment by 2166
direct deposit or electronic benefit transfer shall be maintained 2167
in accordance with section 135.18 of the Revised Code. 2168

(C) All other payments from the state treasury shall be made 2169
by paper warrants or by direct deposit payable to the respective 2170
payees. The auditor of state may mail the paper warrants to the 2171
respective payees or distribute them through other state agencies, 2172
whichever the auditor of state determines to be the better 2173
procedure. 2174

(D) If the average per transaction cost the auditor of state 2175
incurs in making direct deposits for a state agency exceeds the 2176
average per transaction cost the auditor of state incurs in 2177
drawing paper warrants for all public offices during the same 2178
period of time, the auditor of state may certify the difference in 2179
cost and the number of direct deposits for the agency to the 2180
director of administrative services. The director shall reimburse 2181
the auditor of state for such additional costs and add the amount 2182
to the processing charge assessed upon the state agency. 2183

Sec. 121.04. Offices are created within the several 2184
departments as follows: 2185

In the department of commerce: 2186
 Commissioner of securities; 2187
 Superintendent of real estate and professional 2188
 licensing;
 Superintendent of financial institutions; 2189
 ~~Fire marshal;~~ 2190
 Superintendent of labor and worker safety; 2191
 Beginning on July 1, 1997, 2192
 Superintendent of liquor control; 2193
 Superintendent of industrial compliance. 2194

In the department of administrative services: 2195
 State architect and engineer; 2196
 Equal employment opportunity coordinator. 2197

In the department of agriculture:	2198
Chiefs of divisions as follows:	2199
Administration;	2200
Animal industry;	2201
Dairy;	2202
Food safety;	2203
Plant industry;	2204
Markets;	2205
Meat inspection;	2206
Consumer analytical laboratory;	2207
Amusement ride safety;	2208
Enforcement;	2209
Weights and measures.	2210
In the department of natural resources:	2211
Chiefs of divisions as follows:	2212
Water;	2213
Mineral resources management;	2214
Forestry;	2215
Natural areas and preserves;	2216
Wildlife;	2217
Geological survey;	2218
Parks and recreation;	2219
Watercraft;	2220
Recycling and litter prevention;	2221
Civilian conservation;	2222
Soil and water conservation;	2223
Real estate and land management;	2224
Engineering.	2225
In the department of insurance:	2226
Deputy superintendent of insurance;	2227
Assistant superintendent of insurance, technical;	2228

Assistant superintendent of insurance, administrative; 2229
Assistant superintendent of insurance, research. 2230

Sec. 121.08. (A) There is hereby created in the department of 2231
commerce the position of deputy director of administration. This 2232
officer shall be appointed by the director of commerce, serve 2233
under the director's direction, supervision, and control, perform 2234
such duties as the director prescribes, and hold office during the 2235
director's pleasure. The director of commerce may designate an 2236
assistant director of commerce to serve as the deputy director of 2237
administration. The deputy director of administration shall 2238
perform such duties as are prescribed by the director of commerce 2239
in supervising the activities of the division of administration of 2240
the department of commerce. 2241

(B) Except as provided in section 121.07 of the Revised Code, 2242
the department of commerce shall have all powers and perform all 2243
duties vested in the deputy director of administration, ~~the state~~ 2244
~~fire marshal~~, the superintendent of financial institutions, the 2245
superintendent of real estate and professional licensing, the 2246
superintendent of liquor control, the superintendent of the 2247
division of industrial compliance, the superintendent of labor and 2248
worker safety, and the commissioner of securities, and shall have 2249
all powers and perform all duties vested by law in all officers, 2250
deputies, and employees of such offices. Except as provided in 2251
section 121.07 of the Revised Code, wherever powers are conferred 2252
or duties imposed upon any of such officers, such powers and 2253
duties shall be construed as vested in the department of commerce. 2254

(C)(1) There is hereby created in the department of commerce 2255
a division of financial institutions, which shall have all powers 2256
and perform all duties vested by law in the superintendent of 2257
financial institutions. Wherever powers are conferred or duties 2258
imposed upon the superintendent of financial institutions, such 2259

powers and duties shall be construed as vested in the division of 2260
financial institutions. The division of financial institutions 2261
shall be administered by a superintendent of financial 2262
institutions. 2263

(2) All provisions of law governing the superintendent of 2264
financial institutions shall apply to and govern the 2265
superintendent of financial institutions provided for in this 2266
section; all authority vested by law in the superintendent of 2267
financial institutions with respect to the management of the 2268
division of financial institutions shall be construed as vested in 2269
the superintendent of financial institutions created by this 2270
section with respect to the division of financial institutions 2271
provided for in this section; and all rights, privileges, and 2272
emoluments conferred by law upon the superintendent of financial 2273
institutions shall be construed as conferred upon the 2274
superintendent of financial institutions as head of the division 2275
of financial institutions. The director of commerce shall not 2276
transfer from the division of financial institutions any of the 2277
functions specified in division (C)(2) of this section. 2278

(D) Beginning on July 1, 1997, there is hereby created in the 2279
department of commerce a division of liquor control, which shall 2280
have all powers and perform all duties vested by law in the 2281
superintendent of liquor control. Wherever powers are conferred or 2282
duties are imposed upon the superintendent of liquor control, 2283
those powers and duties shall be construed as vested in the 2284
division of liquor control. The division of liquor control shall 2285
be administered by a superintendent of liquor control. 2286

(E) The director of commerce shall not be interested, 2287
directly or indirectly, in any firm or corporation which is a 2288
dealer in securities as defined in sections 1707.01 and 1707.14 of 2289
the Revised Code, or in any firm or corporation licensed under 2290
sections 1321.01 to 1321.19 of the Revised Code. 2291

(F) The director of commerce shall not have any official 2292
connection with a savings and loan association, a savings bank, a 2293
bank, a bank holding company, a savings and loan association 2294
holding company, a consumer finance company, or a credit union 2295
that is under the supervision of the division of financial 2296
institutions, or a subsidiary of any of the preceding entities, or 2297
be interested in the business thereof. 2298

(G) There is hereby created in the state treasury the 2299
division of administration fund. The fund shall receive 2300
assessments on the operating funds of the department of commerce 2301
in accordance with procedures prescribed by the director of 2302
commerce and approved by the director of budget and management. 2303
All operating expenses of the division of administration shall be 2304
paid from the division of administration fund. 2305

(H) There is hereby created in the department of commerce a 2306
division of real estate and professional licensing, which shall be 2307
under the control and supervision of the director of commerce. The 2308
division of real estate and professional licensing shall be 2309
administered by a superintendent of real estate and professional 2310
licensing. The superintendent of real estate and professional 2311
licensing shall exercise the powers and perform the functions and 2312
duties delegated to the superintendent under Chapters 4707., 2313
4735., 4749., 4763., and 4767. of the Revised Code. 2314

(I) There is hereby created in the department of commerce a 2315
division of labor and worker safety, which shall have all powers 2316
and perform all duties vested by law in the superintendent of 2317
labor and worker safety. Wherever powers are conferred or duties 2318
imposed upon the superintendent of labor and worker safety, such 2319
powers and duties shall be construed as vested in the division of 2320
labor and worker safety. The division of labor and worker safety 2321
is under the control and supervision of the director of commerce, 2322
and administered by a superintendent of labor and worker safety. 2323

The superintendent of labor and worker safety shall exercise the powers and perform the duties delegated to the superintendent by the director under Chapters ~~4709.~~ 4109., ~~4711.~~ 4111., ~~4715.~~ 4115., and ~~4767.~~ 4167. of the Revised Code.

Sec. 121.084. (A) All moneys collected under sections ~~1333.96,~~ 3783.05, 3791.07, 4104.07, 4104.18, ~~4104.42,~~ 4104.44, ~~4104.45,~~ 4105.17, 4105.20, 4169.03, 4171.04, and 5104.051 of the Revised Code, and any other moneys collected by the division of industrial compliance shall be paid into the state treasury to the credit of the industrial compliance operating fund, which is hereby created. The department of commerce shall use the moneys in the fund for paying the operating expenses of the division and the administrative assessment described in division (B) of this section.

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

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

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

(2) The name and business address of the employer or of the

real party in interest on whose behalf the executive agency 2354
lobbyist is acting, if it is different from the employer. For the 2355
purposes of division (A) of this section, where a trade 2356
association or other charitable or fraternal organization that is 2357
exempt from federal income taxation under subsection 501(c) of the 2358
federal Internal Revenue Code is the employer, the statement need 2359
not list the names and addresses of every member of the 2360
association or organization, so long as the association or 2361
organization itself is listed. 2362

(3) A brief description of the executive agency decision to 2363
which the engagement relates; 2364

(4) The name of the executive agency or agencies to which the 2365
engagement relates. 2366

(B) In addition to the initial registration statement 2367
required by division (A) of this section, each executive agency 2368
lobbyist and employer shall file with the joint committee, not 2369
later than the last day of January, May, and September of each 2370
year, an updated registration statement that confirms the 2371
continuing existence of each engagement described in an initial 2372
registration statement and that lists the specific executive 2373
agency decisions that the lobbyist sought to influence under the 2374
engagement during the period covered by the updated statement, and 2375
with it any statement of expenditures required to be filed by 2376
section 121.63 of the Revised Code and any details of financial 2377
transactions required to be filed by section 121.64 of the Revised 2378
Code. 2379

(C) If an executive agency lobbyist is engaged by more than 2380
one employer, the lobbyist shall file a separate initial and 2381
updated registration statement for each engagement. If an employer 2382
engages more than one executive agency lobbyist, the employer need 2383
file only one updated registration statement under division (B) of 2384
this section, which shall contain the information required by 2385

division (B) of this section regarding all of the executive agency 2386
lobbyists engaged by the employer. 2387

(D)(1) A change in any information required by division 2388
(A)(1), (2), or (B) of this section shall be reflected in the next 2389
updated registration statement filed under division (B) of this 2390
section. 2391

(2) Within thirty days following the termination of an 2392
engagement, the executive agency lobbyist who was employed under 2393
the engagement shall send written notification of the termination 2394
to the joint committee. 2395

(E) A registration fee of ~~ten~~ twenty-five dollars shall be 2396
charged for filing an initial registration statement. All money 2397
collected from this fee shall be deposited into the ~~state treasury~~ 2398
~~to the credit of the joint legislative ethics committee fund~~ 2399
~~created under section 101.34 of the Revised Code~~ general revenue 2400
fund of the state. 2401

(F) Upon registration pursuant to this section, an executive 2402
agency lobbyist shall be issued a card by the joint committee 2403
showing that the lobbyist is registered. The registration card and 2404
the executive agency lobbyist's registration shall be valid from 2405
the date of their issuance until the thirty-first day of January 2406
of the year following the year in which the initial registration 2407
was filed. 2408

(G) The executive director of the joint committee shall be 2409
responsible for reviewing each registration statement filed with 2410
the joint committee under this section and for determining whether 2411
the statement contains all of the required information. If the 2412
joint committee determines that the registration statement does 2413
not contain all of the required information or that an executive 2414
agency lobbyist or employer has failed to file a registration 2415
statement, the joint committee shall send written notification by 2416

certified mail to the person who filed the registration statement 2417
regarding the deficiency in the statement or to the person who 2418
failed to file the registration statement regarding the failure. 2419
Any person so notified by the joint committee shall, not later 2420
than fifteen days after receiving the notice, file a registration 2421
statement or an amended registration statement that contains all 2422
of the required information. If any person who receives a notice 2423
under this division fails to file a registration statement or such 2424
an amended registration statement within this fifteen-day period, 2425
the joint committee shall notify the attorney general, who may 2426
take appropriate action as authorized by section 121.69 of the 2427
Revised Code. 2428

If the joint committee notifies the attorney general pursuant 2429
to this division, the joint committee shall also notify each 2430
elected executive official and the director of each department 2431
created under section 121.02 of the Revised Code of the pending 2432
investigation. 2433

(H) On or before the fifteenth day of March of each year, the 2434
joint committee shall, in the manner and form that it determines, 2435
publish a report containing statistical information on the 2436
registration statements filed with it under this section during 2437
the preceding year. 2438

(I) If an employer who engages an executive agency lobbyist 2439
is the recipient of a contract, grant, lease, or other financial 2440
arrangement pursuant to which funds of the state or of an 2441
executive agency are distributed or allocated, the executive 2442
agency or any aggrieved party may consider the failure of the 2443
employer or the executive agency lobbyist to comply with this 2444
section as a breach of a material condition of the contract, 2445
grant, lease, or other financial arrangement. 2446

(J) Executive agency officials may require certification from 2447
any person seeking the award of a contract, grant, lease, or 2448

financial arrangement that the person and ~~his~~ the person's 2449
employer are in compliance with this section. 2450

Sec. 122.011. (A) The department of development shall develop 2451
and promote plans and programs designed to assure that state 2452
resources are efficiently used, economic growth is properly 2453
balanced, community growth is developed in an orderly manner, and 2454
local governments are coordinated with each other and the state, 2455
and for such purposes may do all of the following: 2456

(1) Serve as a clearinghouse for information, data, and other 2457
materials that may be helpful or necessary to persons or local 2458
governments, as provided in section 122.07 of the Revised Code; 2459

(2) Prepare and activate plans for the retention, 2460
development, expansion, and use of the resources and commerce of 2461
the state, as provided in section 122.04 of the Revised Code; 2462

(3) Assist and cooperate with federal, state, and local 2463
governments and agencies of federal, state, and local governments 2464
in the coordination of programs to carry out the functions and 2465
duties of the department; 2466

(4) Encourage and foster research and development activities, 2467
conduct studies related to the solution of community problems, and 2468
develop recommendations for administrative or legislative actions, 2469
as provided in section 122.03 of the Revised Code; 2470

(5) Serve as the economic and community development planning 2471
agency, which shall prepare and recommend plans and programs for 2472
the orderly growth and development of this state and which shall 2473
provide planning assistance, as provided in section 122.06 of the 2474
Revised Code; 2475

(6) Cooperate with and provide technical assistance to state 2476
departments, political subdivisions, regional and local planning 2477
commissions, tourist associations, councils of government, 2478

community development groups, community action agencies, and other	2479
appropriate organizations for carrying out the functions and	2480
duties of the department or for the solution of community	2481
problems;	2482
(7) Coordinate the activities of state agencies that have an	2483
impact on carrying out the functions and duties of the department;	2484
(8) Encourage and assist the efforts of and cooperate with	2485
local governments to develop mutual and cooperative solutions to	2486
their common problems that relate to carrying out the purposes of	2487
this section;	2488
(9) Study existing structure, operations, and financing of	2489
regional or local government and those state activities that	2490
involve significant relations with regional or local governmental	2491
units, recommend to the governor and to the general assembly such	2492
changes in these provisions and activities as will improve the	2493
operations of regional or local government, and conduct other	2494
studies of legal provisions that affect problems related to	2495
carrying out the purposes of this section;	2496
(10) Appoint, with the approval of the governor, technical	2497
and other advisory councils as it considers appropriate, as	2498
provided in section 122.09 of the Revised Code;	2499
(11) Create and operate a division of community development	2500
to develop and administer programs and activities that are	2501
authorized by federal statute or the Revised Code;	2502
(12) Until July 1, 2003 <u>October 15, 2005</u> , establish fees and	2503
charges, in consultation with the director of agriculture, for	2504
purchasing loans from financial institutions and providing loan	2505
guarantees under the family farm loan program created under	2506
sections 901.80 to 901.83 of the Revised Code;	2507
(13) Provide loan servicing for the loans purchased and loan	2508
guarantees provided under section 901.80 of the Revised Code as	2509

that section existed prior to ~~July 1, 2003~~ October 15, 2005; 2510

(14) Until ~~July 1, 2003~~ October 15, 2005, and upon approval 2511
by the controlling board under division (A)(3) of section 901.82 2512
of the Revised Code of the release of money to be used for 2513
purchasing a loan or providing a loan guarantee, request the 2514
release of that money in accordance with division (B) of section 2515
166.03 of the Revised Code for use for the purposes of the fund 2516
created by section 166.031 of the Revised Code. 2517

(B) The director of development may request the attorney 2518
general to, and the attorney general, in accordance with section 2519
109.02 of the Revised Code, shall bring a civil action in any 2520
court of competent jurisdiction. The director may be sued in the 2521
director's official capacity, in connection with this chapter, in 2522
accordance with Chapter 2743. of the Revised Code. 2523

Sec. 122.04. The department of development shall do the 2524
following: 2525

(A) Maintain a continuing evaluation of the sources available 2526
for the retention, development, or expansion of industrial and 2527
commercial facilities in this state through both public and 2528
private agencies; 2529

(B) Assist public and private agencies in obtaining 2530
information necessary to evaluate the desirability of the 2531
retention, construction, or expansion of industrial and commercial 2532
facilities in the state; 2533

(C) Facilitate contracts between community improvement 2534
corporations organized under Chapter 1724. of the Revised Code or 2535
Ohio development corporations organized under Chapter 1726. of the 2536
Revised Code and industrial and commercial concerns seeking to 2537
locate or expand in ~~Ohio~~ the state; 2538

(D) Upon request, consult with public agencies or authorities 2539

in the preparation of studies of human and economic needs or	2540
advantages relating to economic and community development;	2541
(E) Encourage, promote, and assist trade and commerce between	2542
this state and foreign nations;	2543
(F) Promote and encourage persons to visit and travel within	2544
this state;	2545
(G) Maintain membership in <u>the</u> national association of state	2546
development agencies;	2547
(H) Assist in the development of facilities and technologies	2548
that will lead to increased, environmentally sound use of Ohio	2549
coal;	2550
<u>(I) Promote economic growth in the state.</u>	2551
Sec. 122.08. (A) There is hereby created within the	2552
department of development an office to be known as the office of	2553
small business. The office shall be under the supervision of a	2554
manager appointed by the director of development.	2555
(B) The office shall do all of the following:	2556
(1) Act as liaison between the small business community and	2557
state governmental agencies;	2558
(2) Furnish information and technical assistance to persons	2559
and small businesses concerning the establishment and maintenance	2560
of a small business, and concerning state laws and rules relevant	2561
to the operation of a small business. In conjunction with these	2562
duties, the office shall keep a record of all state agency rules	2563
affecting individuals, small businesses, or small organizations,	2564
as defined in section 121.24 of the Revised Code, and may testify	2565
before the joint committee on agency rule review concerning any	2566
proposed rule affecting individuals, small businesses, or small	2567
organizations.	2568

(3) Prepare and publish the small business register under	2569
section 122.081 of the Revised Code;	2570
(4) Receive complaints from small businesses concerning	2571
governmental activity, compile and analyze those complaints, and	2572
periodically make recommendations to the governor and the general	2573
assembly on changes in state laws or agency rules needed to	2574
eliminate burdensome and unproductive governmental regulation to	2575
improve the economic climate within which small businesses	2576
operate;	2577
(5) Receive complaints or questions from small businesses and	2578
direct such <u>those</u> businesses to the appropriate governmental	2579
agency. If, within a reasonable period of time, a complaint is not	2580
satisfactorily resolved or a question is not satisfactorily	2581
answered, the office shall, on behalf of the small business, make	2582
every effort to secure a satisfactory result. For this purpose,	2583
the office may consult with any state governmental agency and may	2584
make any suggestion or request that seems appropriate.	2585
(6) Utilize, to the maximum extent possible, the printed and	2586
electronic media to disseminate information of current concern and	2587
interest to the small business community and to make known to	2588
small businesses the services available through the office. The	2589
office shall publish such books, pamphlets, and other printed	2590
materials, and shall participate in such trade association	2591
meetings, conventions, fairs, and other meetings involving the	2592
small business community, as the manager considers appropriate.	2593
(7) Prepare for inclusion in the department of development's	2594
annual report to the governor and general assembly, a description	2595
of the activities of the office and a report of the number of	2596
rules affecting individuals, small businesses, and small	2597
organizations that were filed with the office under division	2598
(B)(2) of section 121.24 of the Revised Code, during the preceding	2599

calendar year; 2600

(8) Operate the Ohio ~~one-stop business permit center~~ 2601
first-stop business connection to assist individuals in 2602
identifying and preparing applications for business licenses, 2603
permits, and certificates and to serve as the central public 2604
distributor for all forms, applications, and other information 2605
related to business licensing. Each state agency, board, and 2606
commission shall cooperate in providing assistance, information, 2607
and materials to enable the ~~center~~ connection to perform its 2608
duties under this division ~~(B)(8) of this section.~~ 2609

(C) The office of ~~small business~~ may, upon the request of a 2610
state agency, assist the agency with the preparation of any rule 2611
that will affect individuals, small businesses, or small 2612
organizations. 2613

(D) The director of development shall assign ~~such~~ employees 2614
and furnish ~~such~~ equipment and supplies to the office as the 2615
director considers necessary for the proper performance of the 2616
duties assigned to the office. 2617

Sec. 122.25. (A) In administering the program established 2618
under section 122.24 of the Revised Code, the director of 2619
development shall do all of the following: 2620

(1) Annually designate, by the first day of January of each 2621
year, the entities that constitute the eligible areas in this 2622
state as defined in section 122.23 of the Revised Code; 2623

(2) Inform local governments and others in the state of the 2624
availability of the program and financial assistance established 2625
under sections 122.23 to 122.27 of the Revised Code; 2626

(3) Report to the governor, president of the senate, speaker 2627
of the house of representatives, and minority leaders of the 2628
senate and the house of representatives by the thirtieth day of 2629

June of each year on the activities carried out under the program 2630
during the preceding calendar year. The report shall include the 2631
number of loans made that year and the amount and recipient of 2632
each loan. 2633

(4) Work in conjunction with conventional lending 2634
institutions, local revolving loan funds, private investors, and 2635
other private and public financing sources to provide loans or 2636
loan guarantees to eligible applicants; 2637

(5) Establish fees, charges, interest rates, payment 2638
schedules, local match requirements, and other terms and 2639
conditions for loans and loan guarantees provided under the loan 2640
program created by section 122.24 of the Revised Code; 2641

(6) Require each applicant to demonstrate the suitability of 2642
any site for the assistance sought; that the site has been 2643
surveyed, has adequate or available utilities, and that there are 2644
no zoning restrictions, environmental regulations, or other 2645
matters impairing the use of the site for the purpose intended; 2646

(7) Require each applicant to provide a marketing plan and 2647
management strategy for the project; 2648

(8) Adopt rules in accordance with Chapter 119. of the 2649
Revised Code establishing all of the following: 2650

(a) Forms and procedures by which eligible applicants may 2651
apply for assistance; 2652

(b) Criteria for reviewing, evaluating, and ranking 2653
applications, and for approving applications that best serve the 2654
goals of the program; 2655

(c) Reporting requirements and monitoring procedures; 2656

(d) Guidelines regarding situations in which industrial parks 2657
would be considered to compete against one another for the 2658
purposes of division (B)(2) of section 122.27 of the Revised Code; 2659

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

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

(C) As a condition to receiving assistance under section 122.24 of the Revised Code, and except as provided in division (D) of this section, an applicant must agree, for a period of five years, not to permit the use of a site that is developed or improved with such assistance to cause the relocation of jobs to that site from elsewhere in Ohio.

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

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

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

(3) Determines that the governing body of the area from which the jobs would be relocated has been notified in writing by the

relocating company of the possible relocation. 2691

(E) The director of development must obtain the approval of 2692
the controlling board for any loan or loan guarantee provided 2693
under sections 122.23 to 122.27 of the Revised Code. 2694

Sec. 122.651. (A) There is hereby created the clean Ohio 2695
council consisting of the director of development or the 2696
director's designee, the director of environmental protection or 2697
the director's designee, the lieutenant governor or the lieutenant 2698
governor's designee, the director of the Ohio public works 2699
commission as a nonvoting, ex officio member, one member of the 2700
majority party of the senate and one member of the minority party 2701
of the senate to be appointed by the president of the senate, one 2702
member of the majority party of the house of representatives and 2703
one member of the minority party of the house of representatives 2704
to be appointed by the speaker of the house of representatives, 2705
and seven members to be appointed by the governor with the advice 2706
and consent of the senate. Of the members appointed by the 2707
governor, one shall represent the interests of counties, one shall 2708
represent the interests of townships, one shall represent the 2709
interests of municipal corporations, two shall represent the 2710
interests of business and development, and two shall represent 2711
statewide environmental advocacy organizations. The members 2712
appointed by the governor shall reflect the demographic and 2713
economic diversity of the population of the state. Additionally, 2714
the governor's appointments shall represent all areas of the 2715
state. All appointments to the council shall be made not later 2716
than one hundred twenty days after July 26, 2001. 2717

(B) The members appointed by the president of the senate and 2718
speaker of the house of representatives shall serve at the 2719
pleasure of their appointing authorities. Of the initial members 2720
appointed by the governor to the clean Ohio council, four shall be 2721

appointed for two years and three shall be appointed for one year. 2722
Thereafter, terms of office for members appointed by the governor 2723
shall be for two years, with each term ending on the same day of 2724
the same month as did the term that it succeeds. Each of those 2725
members shall hold office from the date of appointment until the 2726
end of the term for which the member is appointed. 2727

Members may be reappointed. Vacancies shall be filled in the 2728
same manner as provided for original appointments. Any member 2729
appointed to fill a vacancy occurring prior to the expiration date 2730
of the term for which the member was appointed shall hold office 2731
for the remainder of that term. A member shall continue in office 2732
after the expiration date of the member's term until the member's 2733
successor takes office or until a period of sixty days has 2734
elapsed, whichever occurs first. The governor may remove a member 2735
appointed by the governor for misfeasance, nonfeasance, or 2736
malfeasance in office. 2737

(C) The ~~director of development~~ governor shall appoint a 2738
member of the clean Ohio council to serve as the chairperson of 2739
the ~~clean Ohio~~ council. The director of development shall serve as 2740
the vice-chairperson of the council unless appointed chairperson. 2741
If the director is appointed chairperson, the council annually 2742
shall select from among its members a vice-chairperson to serve 2743
while the director is chairperson. The council annually shall 2744
select from among its members ~~a vice-chairperson and~~ a secretary 2745
to keep a record of its proceedings. A majority vote of a quorum 2746
of the members of the council is necessary to take action on any 2747
matter. The council may adopt bylaws governing its operation, 2748
including bylaws that establish the frequency of meetings, 2749
procedures for reviewing eligible projects under sections 122.65 2750
to 122.658 of the Revised Code and policies and requirements 2751
established under section 122.657 of the Revised Code, and other 2752
necessary procedures. 2753

(D) Members of the clean Ohio council shall be deemed to be 2754
public officials or officers only for the purposes of section 9.86 2755
and Chapters 102. and 2921. of the Revised Code. Serving as a 2756
member of the clean Ohio council does not constitute holding a 2757
public office or position of employment so as to constitute 2758
grounds for removal of public officers or employees serving as 2759
members of the council from their offices or positions of 2760
employment. Members of the council shall file with the Ohio ethics 2761
commission the disclosure statement described in division (A) of 2762
section 102.02 of the Revised Code on the form prescribed by the 2763
commission and be subject to divisions (C) and (D) of that 2764
section. Members of the council shall serve without compensation 2765
for attending council meetings, but shall receive their actual and 2766
necessary traveling and other expenses incurred in the performance 2767
of their official duties in accordance with the rules of the 2768
office of budget and management. 2769

(E) Members appointed by the governor to represent the 2770
interests of counties, townships, and municipal corporations do 2771
not have a conflict of interest by virtue of their service in the 2772
position. For the purposes of this division, "conflict of 2773
interest" means the taking of any action as a member of the 2774
council that affects a public agency the person serves as an 2775
officer or employee. 2776

(F) The department of development shall provide office space 2777
for the council. The council shall be assisted in its duties by 2778
the staff of the department of development and the environmental 2779
protection agency. 2780

(G) Sections 101.82 to 101.87 of the Revised Code do not 2781
apply to the clean Ohio council. 2782

Sec. 122.658. (A) The clean Ohio revitalization fund is 2783
hereby created in the state treasury. The fund shall consist of 2784

moneys credited to it pursuant to section 151.40 of the Revised Code. Moneys in the fund shall be used to make grants or loans for projects that have been approved by the clean Ohio council in accordance with section 122.653 of the Revised Code, except that the council annually shall devote twenty per cent of the net proceeds of obligations deposited in the clean Ohio revitalization fund for the purposes of section 122.656 of the Revised Code.

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

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

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

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

(2) Payment of the reasonable cost of an assessment at the

property;	2816
(3) The reasonable value, as determined by the council, of labor and materials that will be contributed by the applicant in performing the cleanup or remediation;	2817 2818 2819
(4) Moneys received by the applicant in any form for use in performing the cleanup or remediation;	2820 2821
(5) Loans secured by the applicant for the purpose of the cleanup or remediation of the brownfield.	2822 2823
Costs that were incurred more than two years prior to the submission of an application to the clean Ohio council for the acquisition of property, assessments, and labor and materials shall not be used as part of the applicant's matching share.	2824 2825 2826 2827
(C) The department of development shall not make any payment to an applicant from the clean Ohio revitalization fund to pay costs of the applicant that were not included in an application for a grant or loan under section 122.653 of the Revised Code or that exceed the amount of the estimated total cost of the project included in the application. If, upon completion of a project, the costs of the project are less than the amounts included in the application, the amounts included in the application less the amounts of the actual costs of the project shall be credited to the clean Ohio revitalization fund. However, the amounts credited shall be equivalent in percentage to the percentage of the costs of the project that were to be funded by the grant or loan from the fund.	2828 2829 2830 2831 2832 2833 2834 2835 2836 2837 2838 2839 2840
(D) Grants awarded or loans made under section 122.653 of the Revised Code from the clean Ohio revitalization fund shall be used by an applicant only to pay the costs of the actual cleanup or remediation of a brownfield 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	2841 2842 2843 2844 2845 2846

section 122.654 of the Revised Code are not administrative costs 2847
and may be paid with moneys from grants awarded or loans made 2848
under section 122.653 of the Revised Code. 2849

(E) The portion of net proceeds of obligations devoted under 2850
division (A) of this section for the purposes of section 122.656 2851
of the Revised Code shall be used to make grants for assessments, 2852
cleanup or remediation of brownfields, and public health projects 2853
that have been approved by the director of development under that 2854
section. The department of development shall administer section 2855
122.656 of the Revised Code in accordance with this section, 2856
policies and requirements established under section 122.657 of the 2857
Revised Code, and the terms of agreements entered into by the 2858
director under section 122.656 of the Revised Code. The director 2859
shall not grant more than twenty-five million dollars for public 2860
health projects under section 122.656 of the Revised Code. 2861

(F) Grants awarded under section 122.656 of the Revised Code 2862
shall be used by an applicant only to pay the costs of actually 2863
conducting an assessment, a cleanup or remediation of a 2864
brownfield, or a public health project and shall not be used by an 2865
applicant to pay any administrative costs incurred by the 2866
applicant. Costs related to the use of a certified professional 2867
for purposes of section 122.654 of the Revised Code are not 2868
administrative costs and may be paid with moneys from grants 2869
awarded under section 122.656 of the Revised Code. 2870

(G)(1) The clean Ohio revitalization revolving loan fund is 2871
hereby created in the state treasury. Payments of principal and 2872
interest on loans made from the clean Ohio revitalization fund 2873
shall be credited to this revolving loan fund, as shall payments 2874
of principal and interest on loans made from the revolving loan 2875
fund itself. The revolving loan fund's investment earnings shall 2876
be credited to it. 2877

(2) The clean Ohio revitalization revolving loan fund shall 2878

be used to make loans for the same purposes and subject to the 2879
same policies, requirements, criteria, and application procedures 2880
as loans made from the clean Ohio revitalization fund. 2881

Sec. 122.87. As used in sections 122.87 to ~~122.89~~ 122.90 of 2882
the Revised Code: 2883

(A) "Surety company" means a company that is authorized by 2884
the department of insurance to issue bonds as surety. 2885

(B) "Minority business" means any of the following 2886
occupations: 2887

(1) Minority construction contractor; 2888

(2) Minority seller; 2889

(3) Minority service vendor. 2890

(C) "Minority construction contractor" means a person who is 2891
both a construction contractor and an owner of a minority business 2892
enterprise certified under division (B) of section 123.151 of the 2893
Revised Code. 2894

(D) "Minority seller" means a person who is both a seller of 2895
goods and an owner of a minority business enterprise listed on the 2896
special minority business enterprise bid notification list under 2897
division (B) of section 125.08 of the Revised Code. 2898

(E) "Minority service vendor" means a person who is both a 2899
vendor of services and an owner of a minority business enterprise 2900
listed on the special minority business enterprise bid 2901
notification list under division (B) of section 125.08 of the 2902
Revised Code. 2903

(F) "Minority business enterprise" has the meaning given in 2904
section 122.71 of the Revised Code. 2905

(G) "EDGE business enterprise" means a sole proprietorship, 2906
association, partnership, corporation, limited liability 2907

corporation, or joint venture certified as a participant in the 2908
encouraging diversity, growth, and equity program by the director 2909
of administrative services under section 123.152 of the Revised 2910
Code. 2911

Sec. 122.88. (A) There is hereby created in the state 2912
treasury the minority business bonding fund, consisting of moneys 2913
deposited or credited to it pursuant to section 169.05 of the 2914
Revised Code; all grants, gifts, and contributions received 2915
pursuant to division (B)(9) of section 122.74 of the Revised Code; 2916
all moneys recovered following defaults; and any other moneys 2917
obtained by the director of development for the purposes of 2918
sections 122.87 to ~~122.89~~ 122.90 of the Revised Code. The fund 2919
shall be administered by the director. Moneys in the fund shall be 2920
held in trust for the purposes of sections 122.87 to ~~122.89~~ 122.90 2921
of the Revised Code. 2922

(B) Any claims against the state arising from defaults shall 2923
be payable from the minority business bonding program 2924
administrative and loss reserve fund as provided in division (C) 2925
of this section or from the minority business bonding fund. 2926
Nothing in sections 122.87 to ~~122.89~~ 122.90 of the Revised Code 2927
grants or pledges to any obligee or other person any state moneys 2928
other than the moneys in the minority business bonding program 2929
administrative and loss reserve fund or the minority business 2930
bonding fund, or moneys available to the minority business bonding 2931
fund upon request of the director in accordance with division (B) 2932
of section 169.05 of the Revised Code. 2933

(C) There is hereby created in the state treasury the 2934
minority business bonding program administrative and loss reserve 2935
fund, consisting of all premiums charged and collected in 2936
accordance with section 122.89 of the Revised Code and any 2937
interest income earned from the moneys in the minority business 2938

bonding fund. All expenses of the director and the minority 2939
development financing advisory board in carrying out the purposes 2940
of sections 122.87 to ~~122.89~~ 122.90 of the Revised Code shall be 2941
paid from the minority business bonding program administrative and 2942
loss reserve fund. 2943

Any moneys to the credit of the minority business bonding 2944
program administrative and loss reserve fund in excess of the 2945
amount necessary to fund the appropriation authority for the 2946
minority business bonding program administrative and loss reserve 2947
fund shall be held as a loss reserve to pay claims arising from 2948
defaults on surety bonds underwritten in accordance with section 2949
122.89 of the Revised Code or guaranteed in accordance with 2950
section 122.90 of the Revised Code. If the balance of funds in the 2951
minority business bonding program administrative and loss reserve 2952
fund is insufficient to pay a claim against the state arising from 2953
default, then such claim shall be payable from the minority 2954
business bonding fund. 2955

Sec. 122.90. (A) The director of development may guarantee 2956
bonds executed by sureties for minority businesses and EDGE 2957
business enterprises certified under section 123.152 of the 2958
Revised Code as principals on contracts with the state, any 2959
political subdivision or instrumentality, or any person as the 2960
obligee. The director, as guarantor, may exercise all the rights 2961
and powers of a company authorized by the department of insurance 2962
to guarantee bonds under Chapter 3929. of the Revised Code but 2963
otherwise is not subject to any laws related to a guaranty company 2964
under Title XXXIX of the Revised Code nor to any rules of the 2965
department of insurance. 2966

(B) The director shall adopt rules under Chapter 119. of the 2967
Revised Code to establish procedures for the application for bond 2968
guarantees and the review and approval of applications for bond 2969

guarantees submitted by sureties that execute bonds eligible for 2970
guarantees under division (A) of this section. 2971

(C) In accordance with rules adopted pursuant to this 2972
section, the director may guarantee up to ninety per cent of the 2973
loss incurred and paid by sureties on bonds guaranteed under 2974
division (A) of this section. 2975

(D) The penal sum amounts of all outstanding guarantees made 2976
by the director under this section shall not exceed three times 2977
the difference between the amount of moneys in the minority 2978
business bonding fund and available to the fund under division (B) 2979
of section 169.05 of the Revised Code and the amount of all 2980
outstanding bonds issued by the director in accordance with 2981
division (A) of section 122.89 of the Revised Code. 2982

Sec. 123.01. (A) The department of administrative services, 2983
in addition to those powers enumerated in Chapters 124. and 125. 2984
of the Revised Code, and as provided elsewhere by law, shall 2985
exercise the following powers: 2986

(1) To prepare, or contract to be prepared, by licensed 2987
engineers or architects, surveys, general and detailed plans, 2988
specifications, bills of materials, and estimates of cost for any 2989
projects, improvements, or public buildings to be constructed by 2990
state agencies that may be authorized by legislative 2991
appropriations or any other funds made available therefor, 2992
provided that the construction of the projects, improvements, or 2993
public buildings is a statutory duty of the department. This 2994
section does not require the independent employment of an 2995
architect or engineer as provided by section 153.01 of the Revised 2996
Code in the cases to which that section applies nor affect or 2997
alter the existing powers of the director of transportation. 2998

(2) To have general supervision over the construction of any 2999
projects, improvements, or public buildings constructed for a 3000

state agency and over the inspection of materials previous to 3001
their incorporation into those projects, improvements, or 3002
buildings; 3003

(3) To make contracts for and supervise the construction of 3004
any projects and improvements or the construction and repair of 3005
buildings under the control of a state agency, except contracts 3006
for the repair of buildings under the management and control of 3007
the departments of public safety, job and family services, mental 3008
health, mental retardation and developmental disabilities, 3009
rehabilitation and correction, and youth services, the bureau of 3010
workers' compensation, the rehabilitation services commission, and 3011
boards of trustees of educational and benevolent institutions. 3012
These contracts shall be made and entered into by the directors of 3013
public safety, job and family services, mental health, mental 3014
retardation and developmental disabilities, rehabilitation and 3015
correction, and youth services, the administrator of workers' 3016
compensation, the rehabilitation services commission, and the 3017
boards of trustees of such institutions, respectively. All such 3018
contracts may be in whole or in part on unit price basis of 3019
maximum estimated cost, with payment computed and made upon actual 3020
quantities or units. 3021

(4) To prepare and suggest comprehensive plans for the 3022
development of grounds and buildings under the control of a state 3023
agency; 3024

(5) To acquire, by purchase, gift, devise, lease, or grant, 3025
all real estate required by a state agency, in the exercise of 3026
which power the department may exercise the power of eminent 3027
domain, in the manner provided by sections 163.01 to 163.22 of the 3028
Revised Code; 3029

(6) To make and provide all plans, specifications, and models 3030
for the construction and perfection of all systems of sewerage, 3031
drainage, and plumbing for the state in connection with buildings 3032

and grounds under the control of a state agency;	3033
(7) To erect, supervise, and maintain all public monuments	3034
and memorials erected by the state, except where the supervision	3035
and maintenance is otherwise provided by law;	3036
(8) To procure, by lease, storage accommodations for a state	3037
agency;	3038
(9) To lease or grant easements or licenses for unproductive	3039
and unused lands or other property under the control of a state	3040
agency. Such leases, easements, or licenses shall be granted for a	3041
period not to exceed fifteen years and shall be executed for the	3042
state by the director of administrative services and the governor	3043
and shall be approved as to form by the attorney general, provided	3044
that leases, easements, or licenses may be granted to any county,	3045
township, municipal corporation, port authority, water or sewer	3046
district, school district, library district, health district, park	3047
district, soil and water conservation district, conservancy	3048
district, or other political subdivision or taxing district, or	3049
any agency of the United States government, for the exclusive use	3050
of that agency, political subdivision, or taxing district, without	3051
any right of sublease or assignment, for a period not to exceed	3052
fifteen years, and provided that the director shall grant leases,	3053
easements, or licenses of university land for periods not to	3054
exceed twenty-five years for purposes approved by the respective	3055
university's board of trustees wherein the uses are compatible	3056
with the uses and needs of the university and may grant leases of	3057
university land for periods not to exceed forty years for purposes	3058
approved by the respective university's board of trustees pursuant	3059
to section 123.77 of the Revised Code.	3060
(10) To lease office space in buildings for the use of a	3061
state agency;	3062
(11) To have general supervision and care of the storerooms,	3063

offices, and buildings leased for the use of a state agency;	3064
(12) To exercise general custodial care of all real property	3065
of the state;	3066
(13) To assign and group together state offices in any city	3067
in the state and to establish, in cooperation with the state	3068
agencies involved, rules governing space requirements for office	3069
or storage use;	3070
(14) To lease for a period not to exceed forty years,	3071
pursuant to a contract providing for the construction thereof	3072
under a lease-purchase plan, buildings, structures, and other	3073
improvements for any public purpose, and, in conjunction	3074
therewith, to grant leases, easements, or licenses for lands under	3075
the control of a state agency for a period not to exceed forty	3076
years. The lease-purchase plan shall provide that at the end of	3077
the lease period, the buildings, structures, and related	3078
improvements, together with the land on which they are situated,	3079
shall become the property of the state without cost.	3080
(a) Whenever any building, structure, or other improvement is	3081
to be so leased by a state agency, the department shall retain	3082
either basic plans, specifications, bills of materials, and	3083
estimates of cost with sufficient detail to afford bidders all	3084
needed information or, alternatively, all of the following plans,	3085
details, bills of materials, and specifications:	3086
(i) Full and accurate plans suitable for the use of mechanics	3087
and other builders in the improvement;	3088
(ii) Details to scale and full sized, so drawn and	3089
represented as to be easily understood;	3090
(iii) Accurate bills showing the exact quantity of different	3091
kinds of material necessary to the construction;	3092
(iv) Definite and complete specifications of the work to be	3093

performed, together with such directions as will enable a 3094
competent mechanic or other builder to carry them out and afford 3095
bidders all needed information; 3096

(v) A full and accurate estimate of each item of expense and 3097
of the aggregate cost thereof. 3098

(b) The department shall give public notice, in such 3099
newspaper, in such form, and with such phraseology as the director 3100
of administrative services prescribes, published once each week 3101
for four consecutive weeks, of the time when and place where bids 3102
will be received for entering into an agreement to lease to a 3103
state agency a building, structure, or other improvement. The last 3104
publication shall be at least eight days preceding the day for 3105
opening the bids. The bids shall contain the terms upon which the 3106
builder would propose to lease the building, structure, or other 3107
improvement to the state agency. The form of the bid approved by 3108
the department shall be used, and a bid is invalid and shall not 3109
be considered unless that form is used without change, alteration, 3110
or addition. Before submitting bids pursuant to this section, any 3111
builder shall comply with Chapter 153. of the Revised Code. 3112

(c) On the day and at the place named for receiving bids for 3113
entering into lease agreements with a state agency, the director 3114
of administrative services shall open the bids and shall publicly 3115
proceed immediately to tabulate the bids upon duplicate sheets. No 3116
lease agreement shall be entered into until the bureau of workers' 3117
compensation has certified that the person to be awarded the lease 3118
agreement has complied with Chapter 4123. of the Revised Code, 3119
until, if the builder submitting the lowest and best bid is a 3120
foreign corporation, the secretary of state has certified that the 3121
corporation is authorized to do business in this state, until, if 3122
the builder submitting the lowest and best bid is a person 3123
nonresident of this state, the person has filed with the secretary 3124
of state a power of attorney designating the secretary of state as 3125

its agent for the purpose of accepting service of summons in any 3126
action brought under Chapter 4123. of the Revised Code, and until 3127
the agreement is submitted to the attorney general and the 3128
attorney general's approval is certified thereon. Within thirty 3129
days after the day on which the bids are received, the department 3130
shall investigate the bids received and shall determine that the 3131
bureau and the secretary of state have made the certifications 3132
required by this section of the builder who has submitted the 3133
lowest and best bid. Within ten days of the completion of the 3134
investigation of the bids, the department shall award the lease 3135
agreement to the builder who has submitted the lowest and best bid 3136
and who has been certified by the bureau and secretary of state as 3137
required by this section. If bidding for the lease agreement has 3138
been conducted upon the basis of basic plans, specifications, 3139
bills of materials, and estimates of costs, upon the award to the 3140
builder the department, or the builder with the approval of the 3141
department, shall appoint an architect or engineer licensed in 3142
this state to prepare such further detailed plans, specifications, 3143
and bills of materials as are required to construct the building, 3144
structure, or improvement. The department shall adopt such rules 3145
as are necessary to give effect to this section. The department 3146
may reject any bid. Where there is reason to believe there is 3147
collusion or combination among bidders, the bids of those 3148
concerned therein shall be rejected. 3149

(15) To acquire by purchase, gift, devise, or grant and to 3150
transfer, lease, or otherwise dispose of all real property 3151
required to assist in the development of a conversion facility as 3152
defined in section 5709.30 of the Revised Code; 3153

(16) To lease for a period not to exceed forty years, 3154
notwithstanding any other division of this section, the 3155
state-owned property located at 408-450 East Town Street, 3156
Columbus, Ohio, formerly the state school for the deaf, to a 3157

developer in accordance with this section. "Developer," as used in 3158
this section, has the same meaning as in section 123.77 of the 3159
Revised Code. 3160

Such a lease shall be for the purpose of development of the 3161
land for use by senior citizens by constructing, altering, 3162
renovating, repairing, expanding, and improving the site as it 3163
existed on June 25, 1982. A developer desiring to lease the land 3164
shall prepare for submission to the department a plan for 3165
development. Plans shall include provisions for roads, sewers, 3166
water lines, waste disposal, water supply, and similar matters to 3167
meet the requirements of state and local laws. The plans shall 3168
also include provision for protection of the property by insurance 3169
or otherwise, and plans for financing the development, and shall 3170
set forth details of the developer's financial responsibility. 3171

The department may employ, as employees or consultants, 3172
persons needed to assist in reviewing the development plans. Those 3173
persons may include attorneys, financial experts, engineers, and 3174
other necessary experts. The department shall review the 3175
development plans and may enter into a lease if it finds all of 3176
the following: 3177

(a) The best interests of the state will be promoted by 3178
entering into a lease with the developer; 3179

(b) The development plans are satisfactory; 3180

(c) The developer has established the developer's financial 3181
responsibility and satisfactory plans for financing the 3182
development. 3183

The lease shall contain a provision that construction or 3184
renovation of the buildings, roads, structures, and other 3185
necessary facilities shall begin within one year after the date of 3186
the lease and shall proceed according to a schedule agreed to 3187
between the department and the developer or the lease will be 3188

terminated. The lease shall contain such conditions and 3189
stipulations as the director considers necessary to preserve the 3190
best interest of the state. Moneys received by the state pursuant 3191
to this lease shall be paid into the general revenue fund. The 3192
lease shall provide that at the end of the lease period the 3193
buildings, structures, and related improvements shall become the 3194
property of the state without cost. 3195

(17) To lease to any person any tract of land owned by the 3196
state and under the control of the department, or any part of such 3197
a tract, for the purpose of drilling for or the pooling of oil or 3198
gas. Such a lease shall be granted for a period not exceeding 3199
forty years, with the full power to contract for, determine the 3200
conditions governing, and specify the amount the state shall 3201
receive for the purposes specified in the lease, and shall be 3202
prepared as in other cases. 3203

(18) Biennially implement, by state agency location, a census 3204
of agency employees assigned space; 3205

(19) Require each state agency to categorize periodically the 3206
use of space allotted to the agency between office space, common 3207
areas, storage space, and other uses and report its findings to 3208
the department; 3209

(20) Create and update periodically a master space 3210
utilization plan for all space allotted to state agencies. The 3211
plan shall incorporate space utilization metrics. 3212

(21) Conduct periodically a cost-benefit analysis to 3213
determine the effectiveness of state-owned buildings; 3214

(22) Assess periodically the alternatives associated with 3215
consolidating the commercial leases for buildings located in 3216
Columbus; 3217

(23) Commission a comprehensive space utilization and 3218
capacity study in order to determine the feasibility of 3219

consolidating existing commercially leased space used by state 3220
agencies into a new state-owned facility. 3221

(B) This section and section 125.02 of the Revised Code shall 3222
not interfere with any of the following: 3223

(1) The power of the adjutant general to purchase military 3224
supplies, or with the custody of the adjutant general of property 3225
leased, purchased, or constructed by the state and used for 3226
military purposes, or with the functions of the adjutant general 3227
as director of state armories; 3228

(2) The power of the director of transportation in acquiring 3229
rights-of-way for the state highway system, or the leasing of 3230
lands for division or resident district offices, or the leasing of 3231
lands or buildings required in the maintenance operations of the 3232
department of transportation, or the purchase of real property for 3233
garage sites or division or resident district offices, or in 3234
preparing plans and specifications for and constructing such 3235
buildings as the director may require in the administration of the 3236
department; 3237

(3) The power of the director of public safety and the 3238
registrar of motor vehicles to purchase or lease real property and 3239
buildings to be used solely as locations to which a deputy 3240
registrar is assigned pursuant to division (B) of section 4507.011 3241
of the Revised Code and from which the deputy registrar is to 3242
conduct the deputy registrar's business, the power of the director 3243
of public safety to purchase or lease real property and buildings 3244
to be used as locations for division or district offices as 3245
required in the maintenance of operations of the department of 3246
public safety, and the power of the superintendent of the state 3247
highway patrol in the purchase or leasing of real property and 3248
buildings needed by the patrol, to negotiate the sale of real 3249
property owned by the patrol, to rent or lease real property owned 3250
or leased by the patrol, and to make or cause to be made repairs 3251

to all property owned or under the control of the patrol;	3252
(4) The power of the division of liquor control in the	3253
leasing or purchasing of retail outlets and warehouse facilities	3254
for the use of the division;	3255
(5) The power of the director of development to enter into	3256
leases of real property, buildings, and office space to be used	3257
solely as locations for the state's foreign offices to carry out	3258
the purposes of section 122.05 of the Revised Code.	3259
(C) Purchases for, and the custody and repair of, buildings	3260
under the management and control of the capitol square review and	3261
advisory board, the rehabilitation services commission, the bureau	3262
of workers' compensation, or the departments of public safety, job	3263
and family services, mental health, mental retardation and	3264
developmental disabilities, and rehabilitation and correction, and	3265
buildings of educational and benevolent institutions under the	3266
management and control of boards of trustees, are not subject to	3267
the control and jurisdiction of the department of administrative	3268
services.	3269
(D) Any instrument by which real property is acquired	3270
pursuant to this section shall identify the agency of the state	3271
that has the use and benefit of the real property as specified in	3272
section 5301.012 of the Revised Code.	3273
<u>Sec. 123.152. (A) As used in this section, "EDGE business</u>	3274
<u>enterprise" means a sole proprietorship, association, partnership,</u>	3275
<u>corporation, limited liability corporation, or joint venture</u>	3276
<u>certified as a participant in the encouraging diversity, growth,</u>	3277
<u>and equity program by the director of administrative services</u>	3278
<u>under this section of the Revised Code.</u>	3279
<u>(B) The director of administrative services shall establish a</u>	3280
<u>business assistance program known as the encouraging diversity,</u>	3281

growth, and equity program and shall adopt rules in accordance 3282
with Chapter 119. of the Revised Code to administer the program 3283
and that do all of the following: 3284

(1) Establish procedures by which a sole proprietorship, 3285
association, partnership, corporation, limited liability 3286
corporation, or joint venture may apply for certification as an 3287
EDGE business enterprise; 3288

(2) Establish agency procurement goals for contracting with 3289
EDGE business enterprises in the award of contracts under Chapters 3290
123., 125., and 153. of the Revised Code based on the availability 3291
of eligible program participants by region or geographic area, as 3292
determined by the director, and by standard industrial code. 3293

(a) Goals established under division (B)(2) of this section 3294
shall be based on a percentage level of participation and a 3295
percentage of contractor availability. 3296

(b) Goals established under division (B)(2) of this section 3297
shall be applied at the contract level, relative to an overall 3298
dollar goal for each state agency, in accordance with the 3299
following certification categories: construction, architecture, 3300
and engineering; professional services; goods and services; and 3301
information technology services. 3302

(3) Establish a system of certifying EDGE business 3303
enterprises based on a requirement that the business owner or 3304
owners show both social and economic disadvantage based on the 3305
following, as determined to be sufficient by the director: 3306

(a) Relative wealth of the business seeking certification as 3307
well as the personal wealth of the owner or owners of the 3308
business; 3309

(b) Social disadvantage based on any of the following: 3310

(i) A rebuttable presumption when the business owner or 3311

<u>owners demonstrate membership in a racial minority group or show</u>	3312
<u>personal disadvantage due to color, ethnic origin, gender,</u>	3313
<u>physical disability, long-term residence in an environment</u>	3314
<u>isolated from the mainstream of American society, location in an</u>	3315
<u>area of high unemployment;</u>	3316
<u>(ii) Some other demonstration of personal disadvantage not</u>	3317
<u>common to other small businesses;</u>	3318
<u>(iii) By business location in a qualified census tract.</u>	3319
<u>(c) Economic disadvantage based on economic and business size</u>	3320
<u>thresholds and eligibility criteria designed to stimulate economic</u>	3321
<u>development through contract awards to businesses located in</u>	3322
<u>qualified census tracts.</u>	3323
<u>(4) Establish standards to determine when an EDGE business</u>	3324
<u>enterprise no longer qualifies for EDGE business enterprise</u>	3325
<u>certification;</u>	3326
<u>(5) Develop a process for evaluating and adjusting goals</u>	3327
<u>established by this section to determine what adjustments are</u>	3328
<u>necessary to achieve participation goals established by the</u>	3329
<u>director;</u>	3330
<u>(6) Establish a point system to evaluate bid proposals to</u>	3331
<u>encourage EDGE business enterprises to participate in the</u>	3332
<u>procurement of professional design and information technology</u>	3333
<u>services;</u>	3334
<u>(7) Establish a system to track data and analyze each</u>	3335
<u>certification category established under division (B)(2)(b) of</u>	3336
<u>this section;</u>	3337
<u>(8) Establish a process to mediate complaints and to review</u>	3338
<u>EDGE business enterprise certification appeals;</u>	3339
<u>(9) Implement an outreach program to educate potential</u>	3340
<u>participants about the encouraging diversity, growth, and equity</u>	3341

<u>program;</u>	3342
<u>(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;</u>	3343 3344 3345
<u>(11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise;</u>	3346 3347 3348
<u>(12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises;</u>	3349 3350 3351 3352
<u>(13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective agencies.</u>	3353 3354 3355 3356
<u>(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.</u>	3357 3358 3359 3360 3361
<u>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:</u>	3362 3363 3364 3365
<u>(A) Conduct outreach, marketing, and recruitment of EDGE business enterprises;</u>	3366 3367
<u>(B) Provide assistance to the department of administrative services, as needed, to certify new EDGE business enterprises and to train appropriate state agency staff;</u>	3368 3369 3370
<u>(C) Provide business development services to EDGE business</u>	3371

enterprises in the developmental and transitional stages of the 3372
program, including financial and bonding and management and 3373
technical assistance; 3374

(D) Develop a mentor program to bring businesses into a 3375
working relationship with EDGE business enterprises in a way that 3376
commercially benefits both entities and serves the purpose of the 3377
EDGE program; 3378

(E) Not later than December 31, 2003, prepare a detailed 3379
report to the governor outlining and evaluating the progress made 3380
in implementing the encouraging diversity, growth, and equity 3381
program; 3382

(F) Establish processes by which an EDGE business enterprise 3383
may apply for contract assistance, financial and bonding 3384
assistance, management and technical assistance, and mentoring 3385
opportunities. 3386

Sec. 124.03. The state personnel board of review shall 3387
exercise the following powers and perform the following duties: 3388

(A) Hear appeals, as provided by law, of employees in the 3389
classified state service from final decisions of appointing 3390
authorities or the director of administrative services relative to 3391
reduction in pay or position, job abolishments, layoff, 3392
suspension, discharge, assignment or reassignment to a new or 3393
different position classification, or refusal of the director, or 3394
anybody authorized to perform the director's functions, to 3395
reassign an employee to another classification or to reclassify 3396
the employee's position with or without a job audit under division 3397
(D) of section 124.14 of the Revised Code. As used in this 3398
division, "discharge" includes disability separations. ~~The~~ 3399

The board may affirm, disaffirm, or modify the decisions of 3400
the appointing authorities or the director, as the case may be, 3401

and its decision is final. The board's decisions shall be 3402
consistent with the applicable classification specifications. ~~The~~ 3403

The board shall not be deprived of jurisdiction to hear any 3404
appeal due to the failure of an appointing authority to file its 3405
decision with the board. Any final decision of an appointing 3406
authority or of the director not filed in the manner provided in 3407
this chapter shall be disaffirmed. ~~The~~ 3408

The board may place an exempt employee, as defined in section 3409
124.152 of the Revised Code, into a bargaining unit 3410
classification, if the board determines that the bargaining unit 3411
classification is the proper classification for that employee. 3412
Notwithstanding Chapter 4117. of the Revised Code or instruments 3413
and contracts negotiated under it, such placements are at the 3414
board's discretion. 3415

In any hearing before the board, including any hearing at 3416
which a record is taken that may be the basis of an appeal to a 3417
court, an employee may be represented by a person permitted to 3418
practice before the board who is not an attorney at law ~~so~~ as long 3419
as the person does not receive any compensation from the employee 3420
for ~~such~~ the representation. 3421

(B) Hear appeals, as provided by law, of appointing 3422
authorities from final decisions of the director relative to the 3423
classification or reclassification of any position in the 3424
classified state service under the jurisdiction of ~~such~~ that 3425
appointing authority. The board may affirm, disaffirm, or modify 3426
the decisions of the director, and its decision is final. The 3427
board's decisions shall be consistent with the applicable 3428
classification specifications. 3429

(C) Exercise the authority provided by section 124.40 of the 3430
Revised Code, for appointment, removal, and supervision of 3431
municipal and civil service township civil service commissions; 3432

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

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

(F) Adopt rules in accordance with Chapter 119. of the
Revised Code relating to the procedure of the board in
administering the laws ~~which~~ it has the authority or duty to
administer and for the purpose of invoking the jurisdiction of the
board in hearing appeals of appointing authorities and employees
in matters set forth in divisions (A) and (B) of this section;

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

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

Sec. 124.05. (A)(1) The state personnel board of review shall 3464
be composed of ~~three~~ six members, not more than ~~two~~ four of whom 3465
shall be affiliated with the same political party, to be appointed 3466
by the governor with the advice and consent of the senate. ~~Terms~~ 3467
Except as otherwise provided under division (A)(2) of this 3468
section, terms of office shall be for six years, commencing on the 3469
ninth day of February and ending on the eighth day of February, ~~7~~ 3470
~~except that upon.~~ 3471

(2)(a) Upon expiration of the term ending February 11, 1975, 3472
the new term which succeeds it shall commence on February 12, 1975 3473
and end on February 8, 1981; and upon expiration of the term 3474
ending February 12, 1979, the new term which succeeds it shall 3475
commence on February 13, 1979 and end on February 8, 1985. ~~Each~~ 3476

(b) Within ninety days after the effective date of this 3477
amendment, the governor shall make initial appointments of three 3478
members to the board. Of those initial appointments, one shall be 3479
for a term ending February 8, 2004, one shall be for a term ending 3480
February 8, 2006, and one shall be for a term ending February 8, 3481
2008. Thereafter, terms of office for those members shall be for 3482
six years, pursuant to division (A)(1) of this section. 3483

(B) Each member shall hold office from the date of ~~his~~ 3484
appointment until the end of the term for which ~~he~~ the member was 3485
appointed. 3486

A vacancy in the office of a member of the board shall be 3487
filled pursuant to section 3.03 of the Revised Code. Any member 3488
appointed to fill a vacancy prior to the expiration of the term 3489
for which ~~his~~ the member's predecessor was appointed shall hold 3490
office for the remainder of such term. Any member shall continue 3491
in office subsequent to the expiration date of ~~his~~ the member's 3492
term until ~~his~~ a successor takes office, or until a period of 3493
sixty days has elapsed, whichever occurs first. 3494

Each member of the board, before entering upon the duties of
~~his~~ office, shall take and subscribe an oath of office and give
bond as provided in section 121.11 of the Revised Code.

Any member of the board may be removed from office for any of
the causes and in the manner provided in section 3.04 of the
Revised Code.

No member of the board shall hold any other office of trust
or profit under the government of the United States, the state, or
any political subdivision thereof.

Each member of the board shall devote whatever time is
necessary to the duties of this office and shall hold no other
office or position of public trust. Each member of the board shall
receive a salary fixed pursuant to section 124.14 of the Revised
Code, payable in the same manner as the salaries of other state
officers, and shall be reimbursed for ~~his~~ actual expenses incurred
in the performance of ~~his~~ official duties.

The governor, at the time of making the original appointment
of the members of the board and at the time of making the
appointment of any member for a full term thereafter, shall
designate one of the members as ~~chairman~~ chairperson. A quorum of
the board is a majority of its members and no action of the board
is valid without the concurrence of at least a majority of its
members.

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

(A) Subject to division (D) of this section, a state agency
may, without competitive selection, make any purchase of services
that cost fifty thousand dollars or less or any purchase of
supplies that cost twenty-five thousand dollars or less. The

agency may make the purchase directly or may make the purchase 3525
from or through the department of administrative services, 3526
whichever the agency determines. The department shall establish 3527
written procedures to assist state agencies when they make direct 3528
purchases. If the agency makes the purchase directly, it shall 3529
make the purchase by a term contract whenever possible. 3530

(B) Subject (1) Except as provided in division (B)(2) of this 3531
section and subject to division (D) of this section, a state 3532
agency wanting to purchase services that cost more than fifty 3533
thousand dollars or supplies that cost more than twenty-five 3534
thousand dollars shall, unless otherwise authorized by law, make 3535
the purchase from or through the department. The department shall 3536
make the purchase by competitive selection under section 125.07 of 3537
the Revised Code. If the director of administrative services 3538
determines that it is not possible or not advantageous to the 3539
state for the department to make the purchase, the department 3540
shall grant the agency a release and permit under section 125.06 3541
of the Revised Code to make the purchase. Section 127.16 of the 3542
Revised Code does not apply to purchases the department makes 3543
under this section. 3544

(2) Subject to division (D) of this section, a state agency 3545
desiring to purchase services that cost more than fifty thousand 3546
dollars or supplies that cost more than twenty-five thousand 3547
dollars shall solicit, pursuant to the competitive selection 3548
requirements specified in section 125.07 of the Revised Code, at 3549
least three bids for the services or supplies and make the 3550
purchase directly from the lowest bidder instead of from or 3551
through the department, but only if the state agency determines 3552
that it is possible to purchase the services or supplies directly 3553
from that bidder at a lower price than making the purchase from or 3554
through the department. If the agency makes a purchase pursuant to 3555
division (B)(2) of this section, it shall provide the department 3556

with written notification of the subject and amount of the 3557
purchase. 3558

(C) An agency that has been granted a release and permit to 3559
make a purchase may make the purchase without competitive 3560
selection if after making the purchase the cumulative purchase 3561
threshold as computed under division (F) of section 127.16 of the 3562
Revised Code would: 3563

(1) Be exceeded and the controlling board approves the 3564
purchase; 3565

(2) Not be exceeded and the department of administrative 3566
services approves the purchase. 3567

(D) Not later than January 31, 1997, the amounts specified in 3568
divisions (A) and (B) of this section and, not later than the 3569
thirty-first day of January of each second year thereafter, any 3570
amounts computed by adjustments made under this division, shall be 3571
increased or decreased by the average percentage increase or 3572
decrease in the consumer price index prepared by the United States 3573
bureau of labor statistics (U.S. City Average for Urban Wage 3574
Earners and Clerical Workers: "All Items 1982-1984=100") for the 3575
twenty-four calendar month period prior to the immediately 3576
preceding first day of January over the immediately preceding 3577
twenty-four calendar month period, as reported by the bureau. The 3578
director of administrative services shall make this determination 3579
and adjust the appropriate amounts accordingly. 3580

(E) If the Ohio SchoolNet commission, the department of 3581
education, or the Ohio education computer network determines that 3582
it can purchase software services or supplies for specified school 3583
districts at a price less than the price for which the districts 3584
could purchase the same software services or supplies for 3585
themselves, the office, department, or network shall certify that 3586
fact to the department of administrative services and, acting as 3587

an agent for the specified school districts, shall make that 3588
purchase without following the provisions in divisions (A) to (D) 3589
of this section. 3590

Sec. 125.06. The department of administrative services may, 3591
pursuant to division (B)(1) of section 125.05 of the Revised Code 3592
and subject to such rules as the director of administrative 3593
services may adopt, issue a release and permit to the agency to 3594
secure supplies or services. A release and permit shall specify 3595
the supplies or services to which it applies, the time during 3596
which it is operative, and the reason for its issuance. A release 3597
and permit for computer services shall also specify the type of 3598
services to be rendered, the number and type of machines to be 3599
employed, and may specify the amount of such services to be 3600
performed. One copy of every release and permit shall be filed 3601
with the agency to which it is issued, and one copy shall be 3602
retained by the department. 3603

Sec. 125.07. The department of administrative services, in 3604
making a purchase by competitive selection pursuant to division 3605
(B)(1) of section 125.05 of the Revised Code, or a state agency, 3606
in making a purchase by competitive selection pursuant to division 3607
(B)(2) of section 125.02 of the Revised Code, shall give notice in 3608
the following manner: 3609

(A) The department or state agency shall advertise the 3610
intended purchases by notice that is posted by mail or electronic 3611
means and that is for the benefit of competing persons producing 3612
or dealing in the supplies or services to be purchased, including, 3613
but not limited to, the persons whose names appear on the 3614
appropriate list provided for in section 125.08 of the Revised 3615
Code. The notice may be in the form of the bid or proposal 3616
document or of a listing in a periodic bulletin, or in any other 3617
form the director of administrative services or state agency head 3618

considers appropriate to sufficiently notify qualified competing persons of the intended purchases.

(B) The notice required under division (A) of this section shall include the time and place where bids or proposals will be accepted and opened, or, when bids are made in a reverse auction, the time when bids will be accepted; the conditions under which bids or proposals will be received; the terms of the proposed 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 3650
effectiveness of electronic procurement. 3651

Sec. 125.15. All state agencies required to secure any 3652
equipment, materials, supplies, or services, ~~or contracts of~~ 3653
~~insurance~~ from the department of administrative services shall 3654
make acquisition in the manner and upon forms prescribed by the 3655
director of administrative services and shall reimburse the 3656
department for the equipment, materials, supplies, or services, ~~or~~ 3657
~~contracts of insurance,~~ including a reasonable sum to cover the 3658
department's administrative costs, whenever reimbursement is 3659
required by the department. The money so paid shall be deposited 3660
in the state treasury to the credit of the general services fund 3661
or the information technology fund, as appropriate. ~~Such~~ Those 3662
funds are hereby created. 3663

Sec. 125.831. As used in sections 125.831 to 125.834 of the 3664
Revised Code: 3665

(A) "Law enforcement officer" means an officer, agent, or 3666
employee of a state agency upon whom, by statute, a duty to 3667
conserve the peace or to enforce all or certain laws is imposed 3668
and the authority to arrest violators is conferred, within the 3669
limits of that statutory duty and authority. 3670

(B) "Motor vehicle" means any automobile, automobile truck, 3671
tractor, or self-propelled vehicle not operated or driven on fixed 3672
rails or track, but does not include a motor vehicle used by a law 3673
enforcement officer or that has a one-ton or higher hauling 3674
capacity. 3675

(C) "State agency" means every organized body, office, or 3676
agency established by the laws of the state for the exercise of 3677
any function of state government, but does not include the general 3678
assembly, any legislative agency, the supreme court, other courts 3679

of record in the state, or any judicial agency. 3680

Sec. 125.832. The department of administrative services is 3681
hereby granted exclusive authority over the acquisition and 3682
management of all motor vehicles used by state agencies. In 3683
carrying out this authority, the department shall do all of the 3684
following: 3685

(A) Approve the purchase or lease of each motor vehicle. The 3686
department shall decide if a motor vehicle shall be leased or 3687
purchased. 3688

(B) Direct and approve all funds that are expended for the 3689
purchase, lease, repair, maintenance, registration, insuring, and 3690
all other costs related to the possession and operation of the 3691
motor vehicles; 3692

(C) Adopt rules pursuant to section 111.15 of the Revised 3693
Code establishing policies and procedures for the assignment of 3694
the motor vehicles to state agencies and to the employees and 3695
heads of state agencies. Where applicable, these policies and 3696
procedures shall include approval of the location of each state 3697
agency's motor vehicle pool. The pool may be at the central office 3698
of the state agency or at one or more of the state agency's 3699
regional offices. Assignment of motor vehicles to state agencies 3700
and to the employees and heads of state agencies shall be at the 3701
sole discretion of the department. 3702

(D) Determine how the motor vehicles will be maintained, 3703
insured, operated, financed, and licensed; 3704

(E) Negotiate with vendors to create fuel plans for the 3705
provision of fuel for the motor vehicles; 3706

(F)(1) Pursuant to the formula in division (F)(2) of this 3707
section, annually establish the minimum number of business miles 3708
per year an employee or the head of a state agency must drive in 3709

order to qualify for approval by the department to receive a 3710
personal motor vehicle for business use. The department shall not 3711
establish a minimum number that is less than fourteen thousand 3712
miles. The minimum number shall not include business miles 3713
traveled to and from the employee's home and work. 3714

(2) The department shall establish the minimum number of 3715
business miles per year under division (F)(1) of this section at 3716
an amount that results when the annual motor vehicle cost is 3717
divided by the amount that is the reimbursement rate per mile 3718
minus the amount that is the sum of the fuel cost, the operating 3719
cost, and the insurance cost. 3720

As used in division (F)(2) of this section: 3721

(a) "Annual motor vehicle cost" means the price of an average 3722
motor vehicle divided by the number of years an average motor 3723
vehicle is used. 3724

(b) "Fuel cost" means the average price per gallon of motor 3725
fuel divided by the miles per gallon fuel efficiency of an average 3726
motor vehicle. 3727

(c) "Insurance cost" means the cost of insuring an average 3728
motor vehicle per year divided by the number of miles an average 3729
motor vehicle is driven per year. 3730

(d) "Operating cost" means the maintenance cost of an average 3731
motor vehicle per year divided by the product resulting when the 3732
number of miles an average motor vehicle is driven per year is 3733
multiplied by the number of years an average motor vehicle is 3734
used. 3735

(e) "Reimbursement rate per mile" means the reimbursement per 3736
mile rate for travel expenses as provided by rule of the director 3737
of budget and management adopted pursuant to division (B) of 3738
section 126.31 of the Revised Code. 3739

(G) By December 31, 2003, adopt rules under section 111.15 of 3740
the Revised Code establishing policies and procedures governing 3741
the receipt by an employee or the head of a state agency of any 3742
additional salary, stipend, reimbursement, or any other form of 3743
compensation from the state agency for the employee's or head's 3744
use, ownership, lease, or operation of a motor vehicle. 3745

(H) Implement the recommendations from the 2002 report 3746
entitled "Administrative Analysis of the Ohio Fleet Management 3747
Program" related to the authority granted to the department by 3748
this section. 3749

Sec. 125.833. (A) There is hereby established within the 3750
department of administrative services the vehicle management 3751
commission. 3752

(B) The commission shall consist of the director of 3753
administrative services and six other members consisting of two 3754
members of the house of representatives appointed by the speaker 3755
of the house of representatives, two members of the senate 3756
appointed by the president of the senate, and two persons with 3757
experience in the vehicle leasing, purchasing, and maintenance 3758
industry in the state who are selected by the other five members 3759
of the commission. Initial appointments of legislative members to 3760
the committee shall be made by September 1, 2003, and in the 3761
manner prescribed in this section. Thereafter, appointments to the 3762
committee shall be made within fifteen days after the commencement 3763
of the first regular session of the general assembly and in the 3764
manner prescribed in this section. The terms of legislative 3765
members shall be for the duration of the session of the general 3766
assembly in which they are appointed. Legislative members of the 3767
committee shall continue to serve on the committee until the 3768
appointments are made in the following session of the general 3769
assembly, unless they cease to be members of the general assembly. 3770

A vacancy on the committee shall be filled for the unexpired term 3771
in the same manner as the original appointment. 3772

(C) The commission shall periodically review the 3773
implementation of this section by the department of administrative 3774
services and may recommend to the department and the general 3775
assembly modifications to the department's procedures and 3776
functions and other statutory changes. 3777

Sec. 125.834. (A) Motor vehicles shall be made available to 3778
state agencies and the employees and heads of state agencies only 3779
in the following ways: 3780

(1) Through provision by the department on an intermittent or 3781
temporary basis under section 125.83 of the Revised Code; 3782

(2) Through a motor vehicle pool at the central office of the 3783
state agency or at one or more of the state agency's regional 3784
offices, as the department determines under division (C) of 3785
section 125.832 of the Revised Code; 3786

(3) Through the provision of a personal motor vehicle at the 3787
request of a state agency to an employee or the head of the state 3788
agency who drives the minimum number of business miles per year 3789
that the department determines under division (F)(1) of section 3790
125.832 of the Revised Code and who receives approval for the 3791
motor vehicle from the department. If that individual drives less 3792
than the minimum number of miles per year or is otherwise not 3793
granted approval by the department for a personal motor vehicle, 3794
the individual must use an agency pool motor vehicle or the 3795
individual's own motor vehicle. If an individual uses the 3796
individual's own motor vehicle, the individual shall be reimbursed 3797
at the same mileage rate allowed for the reimbursement of travel 3798
expenses as provided by rule of the director of budget and 3799
management adopted pursuant to division (B) of section 126.31 of 3800
the Revised Code. If a state agency requests and receives approval 3801

for a personal motor vehicle for an individual and the individual 3802
drives the motor vehicle less than the minimum number of business 3803
miles per year, the state agency shall return that motor vehicle 3804
to the department for reassignment pursuant to this section. The 3805
state agency shall reimburse the department for all administrative 3806
costs incurred in the return and reassignment of the motor 3807
vehicle. 3808

(B) No employee or head of a state agency shall receive any 3809
additional salary, stipend, reimbursement, or any other form of 3810
compensation from the state agency with which the employee or head 3811
serves for the employee's or head's use, ownership, lease, or 3812
operation of a motor vehicle unless it is in accordance with rules 3813
adopted by the department under division (G) of section 125.832 of 3814
the Revised Code. 3815

(C) Each state agency shall reimburse the department for all 3816
costs incurred in the assignment of motor vehicles to the state 3817
agency. 3818

(D) Employees of the department shall be the only state 3819
employees responsible for the purchase, lease, repair, 3820
maintenance, registration, and insuring, and all other 3821
responsibilities related to the possession and operation of motor 3822
vehicles used by state agencies. 3823

(E) Except in the case of an emergency, all fuel for state 3824
vehicles must be purchased pursuant to fuel plans that the 3825
department negotiates under division (E) of section 125.832 of the 3826
Revised Code. In the case of an emergency, a state agency or its 3827
employee or head may purchase fuel other than pursuant to such a 3828
fuel plan and be reimbursed for expenses incurred upon the 3829
approval of the department. 3830

Sec. 125.22. (A) The department of administrative services 3831
shall establish the central service agency to perform routine 3832

support for the following boards and commissions:	3833
(1) State board of examiners of architects;	3834
(2) Barber board;	3835
(3) State chiropractic board;	3836
(4) State board of cosmetology;	3837
(5) Accountancy board;	3838
(6) State dental board;	3839
(7) State <u>vision</u> board of optometry ;	3840
(8) Ohio occupational therapy, physical therapy, and athletic trainers board;	3841 3842
(9) State board of registration for professional engineers and surveyors;	3843 3844
(10) State board of sanitarian registration;	3845
(11) Board of embalmers and funeral directors;	3846
(12) State board of psychology;	3847
(13) Ohio optical dispensers board;	3848
(14) Board of speech pathology and audiology;	3849
(15) <u>(14)</u> Counselor, social worker, and marriage and family therapist board;	3850 3851
(16) <u>(15)</u> State veterinary medical licensing board;	3852
(17) <u>(16)</u> Ohio board of dietetics;	3853
(18) <u>(17)</u> Commission on Hispanic-Latino affairs;	3854
(19) <u>(18)</u> Ohio respiratory care board;	3855
(20) <u>(19)</u> Ohio commission on African-American males;	3856
(21) <u>(20)</u> Chemical dependency professionals board.	3857
(B)(1) Notwithstanding any other section of the Revised Code,	3858

the agency shall perform the following routine support services 3859
for the boards and commissions named in division (A) of this 3860
section unless the controlling board exempts a board or commission 3861
from this requirement on the recommendation of the director of 3862
administrative services: 3863

(a) Preparing and processing payroll and other personnel 3864
documents; 3865

(b) Preparing and processing vouchers, purchase orders, 3866
encumbrances, and other accounting documents; 3867

(c) Maintaining ledgers of accounts and balances; 3868

(d) Preparing and monitoring budgets and allotment plans in 3869
consultation with the boards and commissions; 3870

(e) Other routine support services that the director of 3871
administrative services considers appropriate to achieve 3872
efficiency. 3873

(2) The agency may perform other services which a board or 3874
commission named in division (A) of this section delegates to the 3875
agency and the agency accepts. 3876

(3) The agency may perform any service for any professional 3877
or occupational licensing board not named in division (A) of this 3878
section or any commission if the board or commission requests such 3879
service and the agency accepts. 3880

(C) The director of administrative services shall be the 3881
appointing authority for the agency. 3882

(D) The agency shall determine the fees to be charged to the 3883
boards and commissions, which shall be in proportion to the 3884
services performed for each board or commission. 3885

(E) Each board or commission named in division (A) of this 3886
section and any other board or commission requesting services from 3887
the agency shall pay these fees to the agency from the general 3888

revenue fund maintenance account of the board or commission or 3889
from such other fund as the operating expenses of the board or 3890
commission are paid. Any amounts set aside for a fiscal year by a 3891
board or commission to allow for the payment of fees shall be used 3892
only for the services performed by the agency in that fiscal year. 3893
All receipts collected by the agency shall be deposited in the 3894
state treasury to the credit of the central service agency fund, 3895
which is hereby created. All expenses incurred by the agency in 3896
performing services for the boards or commissions shall be paid 3897
from the fund. 3898

(F) Nothing in this section shall be construed as a grant of 3899
authority for the central service agency to initiate or deny 3900
personnel or fiscal actions for the boards and commissions. 3901

Sec. 125.91. As used in sections 125.92 to 125.98 of the 3902
Revised Code: 3903

(A) "State agency" includes every department, bureau, board, 3904
commission, office, or other organized body established by the 3905
constitution and laws of the state for the exercise of any 3906
function of state government, but does not include any 3907
state-supported institution of higher education, the general 3908
assembly or any legislative agency, the attorney general, the 3909
auditor of state, the secretary of state, the treasurer of state, 3910
the bureau of workers' compensation, any court or judicial agency, 3911
or any political subdivision or agency ~~thereof~~ of a political 3912
subdivision. 3913

(B) "Form" means any document, device, or item used to convey 3914
information, regardless of medium, that has blank spaces for the 3915
insertion of information and that may have a predetermined format 3916
and data elements to guide the entry, ~~interpretation~~ 3917
interpretation, and use of the information. "Form" does not 3918
include letterheads, envelopes, labels, tags, tickets, or note 3919

pads, or forms mandated by the federal government, but does 3920
include all computer-generated forms except those mandated by the 3921
federal government. ~~As used in sections 125.931 to 125.935 of the~~ 3922
~~Revised Code, "form" applies only to a form that is used by a~~ 3923
~~state agency and that is completed in whole or in part by private~~ 3924
~~business, political subdivisions, or the public.~~ 3925

Sec. 125.92. There is hereby established in the department of 3926
administrative services a state forms management ~~control center~~ 3927
program, which shall be under the control and supervision of the 3928
director of administrative services, ~~who shall appoint an~~ 3929
~~administrator of the center or the director's designee.~~ 3930

The ~~center~~ state forms management program shall ~~develop,~~ 3931
~~implement, and maintain a statewide forms management program that~~ 3932
~~involves~~ be developed, implemented, and maintained for all state 3933
agencies and ~~is~~ be designed to simplify, consolidate, or 3934
eliminate, when expedient, forms, surveys, and other documents 3935
used by state agencies. In developing the program, particular 3936
emphasis shall be placed upon determining the actual need for any 3937
information, records, and reports sought from private business, 3938
agriculture, and local governments through the use of ~~such~~ forms, 3939
surveys, and other documents. 3940

Sec. 125.93. The state forms management ~~control center~~ 3941
program shall do each of the following: 3942

(A) Assist state agencies in establishing internal forms 3943
management capabilities; 3944

(B) Study, develop, coordinate, and initiate forms of 3945
interagency and common administrative usage, and establish basic 3946
design and specification criteria to standardize state forms; 3947

(C) Assist state agencies to design economical forms ~~and~~ 3948
~~compose art work for forms;~~ 3949

~~(D) Establish and supervise control procedures to prevent the~~ 3950
~~undue creation and reproduction of state forms;~~ 3951

~~(E)~~ Assist, train, and instruct state agencies and their 3952
forms management representatives in forms management techniques, 3953
and provide direct forms management assistance to new state 3954
agencies as they are created; 3955

~~(F)~~(E) Maintain a central ~~cross index~~ forms repository of all 3956
state forms to facilitate standardization of the forms, eliminate 3957
redundant forms, and provide a central source of information on 3958
forms usage and availability; 3959

~~(G) Utilize existing functions within the department of~~ 3960
~~administrative services to design economical forms and compose art~~ 3961
~~work, as well as use appropriate procurement techniques to take~~ 3962
~~advantage of competitive selection, consolidated orders, and~~ 3963
~~contract procurement of forms;~~ 3964

~~(H) Conduct an annual evaluation of the effectiveness of the~~ 3965
~~forms management program and the forms management practices of~~ 3966
~~individual state agencies, and maintain records that indicate~~ 3967
~~dollar savings resulting from, and the number of forms eliminated,~~ 3968
~~simplified, or standardized through, centralized forms management.~~ 3969
~~The results of the evaluation shall be reported to the speaker of~~ 3970
~~the house of representatives and president of the senate not later~~ 3971
~~than the fifteenth day of January each year. The center shall~~ 3972
~~report on the first day of each month to the state records~~ 3973
~~administrator on its activities during the preceding month.~~ 3974

Sec. 125.95. (A) The administrator of the state forms 3975
management ~~control center~~ program may permit any state agency to 3976
manage fully any forms used or proposed to be used by it, whenever 3977
the ~~administrator~~ program determines that the delegation will 3978
result in the most timely and economical method of accomplishing 3979

the objectives of the ~~forms management~~ program as set forth in 3980
section 125.93 of the Revised Code. A determination to delegate to 3981
a state agency authority to manage forms may, among other matters, 3982
take into consideration the benefits of central management of any 3983
form in relation to the costs associated with ~~such that~~ 3984
management. 3985

(B) To expedite the collection and disposition of general 3986
state and local revenue, the ~~administrator~~ state forms management 3987
program shall permit, without prior authorization, the tax 3988
commissioner to design, print or have printed, distribute, and 3989
require the use of those forms ~~which that~~ the tax commissioner 3990
determines are necessary for the proper administration of those 3991
taxes and programs ~~he~~ the tax commissioner administers except as 3992
provided in division (A) of section 4307.05 of the Revised Code. 3993
The tax commissioner shall report to the ~~administrator~~ program not 3994
later than fifteen days after the close of each calendar quarter 3995
with respect to the forms activities occurring within ~~his~~ the tax 3996
commissioner's agency during the preceding calendar quarter. 3997

Sec. 125.96. The director of administrative services may 3998
adopt, amend, or rescind rules necessary to carry out the powers 3999
and duties imposed upon the state forms management ~~control center~~ 4000
~~and its administrator~~ program and state agencies by sections 4001
125.92 to 125.98 of the Revised Code. The director shall adopt, 4002
and may amend or rescind, rules providing ~~that~~ each of the 4003
following: 4004

(A) After a date to be determined by the ~~administrator~~ state 4005
forms management program, no state agency shall utilize any form, 4006
other than a form subject to division (B) of section 125.95 of the 4007
Revised Code, the management of which has not been delegated to 4008
the agency by the ~~administrator~~ program under division (A) of that 4009
section ~~125.95 of the Revised Code or that has not~~ been approved 4010

by the ~~center~~ program. 4011

(B) The notice required by section 125.97 of the Revised Code 4012
shall appear in a standard place and a standard manner on each 4013
form to which the notice applies, and shall include specified 4014
indicia of approval by the ~~administrator~~ state forms management 4015
program. 4016

(C) Any form required by a state agency on an emergency basis 4017
may be given interim approval by the ~~administrator~~ state forms 4018
management program if the form is accompanied by a letter from the 4019
director or other head of the agency setting forth the nature of 4020
the emergency and requesting interim approval. 4021

Sec. 125.98. (A) Each state agency shall appoint a forms 4022
management representative, who may be from existing personnel. The 4023
appointee shall cooperate with, and provide other necessary 4024
assistance to, the director of administrative services and the 4025
~~administrator of the state forms management control center~~ program 4026
in implementing the ~~state forms management~~ program. A forms 4027
management representative shall do all of the following: 4028

(1) Manage the agency's forms management program and 4029
cooperate with and provide other necessary assistance to the 4030
director of administrative services in implementing the state 4031
forms management program; 4032

(2) Monitor the use and reproduction of all forms to ensure 4033
that all policies, procedures, guidelines, and standards 4034
established by the agency and the director of administrative 4035
services are followed; 4036

(3) Ensure that every form used by the agency is presented to 4037
the state forms management ~~control center~~ program for registration 4038
prior to its reproduction; 4039

(4) Maintain a master forms file history file, in numeric 4040

order, of all agency forms; 4041

(5) Verify and update the information on all forms ~~computer~~ 4042
~~file reports returned to the agency by the state forms management~~ 4043
~~control center~~ in the central forms repository database. 4044

(B) Any state agency, as ~~such term is~~ defined in section 1.60 4045
of the Revised Code, not included within the definition of a state 4046
agency in section 125.91 of the Revised Code may elect to 4047
participate in the state forms management program. The ~~center~~ 4048
program may provide to any such agency any service required or 4049
authorized by sections 125.92 to 125.98 of the Revised Code to be 4050
performed for a state agency. 4051

Sec. 126.03. (A) The director of budget and management shall: 4052
4053

(1) Prepare biennially a capital plan and, with the 4054
concurrence of the governor, submit it to the general assembly. 4055
The capital plan shall contain recommendations as to the 4056
acquisition of real estate and the construction of public 4057
improvements. The capital plan shall extend through a period of at 4058
least six years in the future and shall identify the projects 4059
which should be undertaken in each biennium of the period through 4060
which the plan extends, together with estimated costs of all such 4061
recommended projects. 4062

(2) Require biennially, from the chief administrative 4063
authorities of affected state agencies, their recommendations as 4064
to the acquisition of real estate and construction of public 4065
improvements which will be needed through a period of at least six 4066
years in the future, together with a description of each proposed 4067
public improvement and the estimated capacity of the improvement 4068
in terms of its proposed use, i a demonstration of the need for the 4069
real estate or public improvement, including the effects and 4070
efficacy of any such improvement relative to meeting the projected 4071

needs of affected clients, customers, constituents, patients, 4072
inmates, or other persons based on a survey and analysis by the 4073
agency of those needs; the benefits in governmental operations 4074
expected to result from the acquisition or construction⁷ⁱ; the 4075
state agencies ~~which~~ that will occupy or control the real estate 4076
or improvement⁷ⁱ; and the location of the real estate or public 4077
improvement. The director shall evaluate such recommended projects 4078
as to their validity ~~and as to,~~ the comparative degree of need 4079
among them, and their efficacy in meeting client, customer, 4080
constituent, patient, inmate, or other needs based on the 4081
information submitted; notify the chief administrative authorities 4082
of the recommending agencies of the action taken on each such 4083
recommendation; and consult with and seek the recommendations of 4084
the chief administrative authorities of the affected agencies on 4085
all projects being considered for inclusion in the capital plan, 4086
whether originally proposed by the director of budget and 4087
management or by a state agency. 4088

(3) At the request and with the concurrence of the governor, 4089
prepare and recommend to the general assembly a biennial capital 4090
budget that includes the recommendations of the director as to 4091
projects to be undertaken or revised during the fiscal biennium 4092
following the latest biennium for which a capital appropriations 4093
act was enacted. The capital budget shall include all projects 4094
~~which~~ that the director considers to be necessary and feasible, 4095
whether originally proposed by the director or by a state agency. 4096
Submitted with that budget shall be a summary of the client, 4097
customer, constituent, patient, inmate, or other needs information 4098
submitted under division (A)(2) of this section for the included 4099
projects. 4100

(B) In the capital plan and capital budget prepared under 4101
this section, the director of budget and management shall not 4102
provide for the acquisition of rights-of-way for, construction of, 4103

or reconstruction of transportation facilities by the director of 4104
transportation, other than transportation facilities financed by 4105
the Ohio building authority. Division (A)(2) of this section does 4106
not require the director of transportation to provide to the 4107
director of budget and management recommendations for the 4108
acquisition of rights-of-way for, construction of, or 4109
reconstruction of transportation facilities, other than 4110
transportation facilities financed by the Ohio building authority. 4111

Sec. 127.16. (A) Upon the request of either a state agency or 4112
the director of budget and management and after the controlling 4113
board determines that an emergency or a sufficient economic reason 4114
exists, the controlling board may approve the making of a purchase 4115
without competitive selection as provided in division (B) of this 4116
section. 4117

(B) Except as otherwise provided in this section, no state 4118
agency, using money that has been appropriated to it directly, 4119
shall: 4120

(1) Make any purchase from a particular supplier, that would 4121
amount to fifty thousand dollars or more when combined with both 4122
the amount of all disbursements to the supplier during the fiscal 4123
year for purchases made by the agency and the amount of all 4124
outstanding encumbrances for purchases made by the agency from the 4125
supplier, unless the purchase is made by competitive selection or 4126
with the approval of the controlling board; 4127

(2) Lease real estate from a particular supplier, if the 4128
lease would amount to seventy-five thousand dollars or more when 4129
combined with both the amount of all disbursements to the supplier 4130
during the fiscal year for real estate leases made by the agency 4131
and the amount of all outstanding encumbrances for real estate 4132
leases made by the agency from the supplier, unless the lease is 4133
made by competitive selection or with the approval of the 4134

controlling board.	4135
(C) Any person who authorizes a purchase in violation of	4136
division (B) of this section shall be liable to the state for any	4137
state funds spent on the purchase, and the attorney general shall	4138
collect the amount from the person.	4139
(D) Nothing in division (B) of this section shall be	4140
construed as:	4141
(1) A limitation upon the authority of the director of	4142
transportation as granted in sections 5501.17, 5517.02, and	4143
5525.14 of the Revised Code;	4144
(2) Applying to medicaid provider agreements under Chapter	4145
5111. of the Revised Code or payments or provider agreements under	4146
<u>the</u> disability assistance medical assistance <u>program</u> established	4147
under Chapter 5115. of the Revised Code;	4148
(3) Applying to the purchase of examinations from a sole	4149
supplier by a state licensing board under Title XLVII of the	4150
Revised Code;	4151
(4) Applying to entertainment contracts for the Ohio state	4152
fair entered into by the Ohio expositions commission, provided	4153
that the controlling board has given its approval to the	4154
commission to enter into such contracts and has approved a total	4155
budget amount for such contracts as agreed upon by commission	4156
action, and that the commission causes to be kept itemized records	4157
of the amounts of money spent under each contract and annually	4158
files those records with the clerk of the house of representatives	4159
and the clerk of the senate following the close of the fair;	4160
(5) Limiting the authority of the chief of the division of	4161
mineral resources management to contract for reclamation work with	4162
an operator mining adjacent land as provided in section 1513.27 of	4163
the Revised Code;	4164

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

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

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

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

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

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

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

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

organization or association;	4195
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	4196 4197
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	4198 4199 4200 4201
(16) Applying to purchases of tickets for passenger air transportation;	4202 4203
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	4204 4205 4206
(18) Applying to the judicial branch of state government;	4207
(19) Applying to purchases of liquor for resale by the division of liquor control;	4208 4209
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	4210 4211 4212
(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;	4213 4214 4215 4216
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	4217 4218 4219
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	4220 4221
(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	4222 4223 4224

defined in division (A) of that section;	4225
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	4226 4227
(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;	4228 4229 4230 4231 4232
(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;	4233 4234 4235
(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;	4236 4237 4238
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	4239 4240 4241 4242 4243 4244
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	4245 4246 4247 4248 4249
(31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code or the children's health insurance program part II provided for under section 5101.51 of the Revised Code;	4250 4251 4252 4253 4254

(32) Applying to payments by the attorney general from the 4255
reparations fund to hospitals and other emergency medical 4256
facilities for performing medical examinations to collect physical 4257
evidence pursuant to section 2907.28 of the Revised Code; 4258

(33) Applying to contracts with a contracting authority or 4259
administrative receiver under division (G)(2) of section 5126.055 4260
of the Revised Code. 4261

(E) Notwithstanding division (B)(1) of this section, the 4262
cumulative purchase threshold shall be seventy-five thousand 4263
dollars for the departments of mental retardation and 4264
developmental disabilities, mental health, rehabilitation and 4265
correction, and youth services. 4266

(F) When determining whether a state agency has reached the 4267
cumulative purchase thresholds established in divisions (B)(1), 4268
(B)(2), and (E) of this section, all of the following purchases by 4269
such agency shall not be considered: 4270

(1) Purchases made through competitive selection or with 4271
controlling board approval; 4272

(2) Purchases listed in division (D) of this section; 4273

(3) For the purposes of the thresholds of divisions (B)(1) 4274
and (E) of this section only, leases of real estate. 4275

(G) As used in this section, "competitive selection," 4276
"purchase," "supplies," and "services" have the same meanings as 4277
in section 125.01 of the Revised Code. 4278

Sec. 131.02. (A) Whenever any amount is payable to the state, 4279
the officer, employee, or agent responsible for administering the 4280
law under which the amount is payable shall immediately proceed to 4281
collect the amount or cause the amount to be collected and shall 4282
pay the amount into the state treasury or into the appropriate 4283
custodial fund in the manner set forth pursuant to section 113.08 4284

of the Revised Code. If the amount is not paid within forty-five 4285
days after payment is due, the officer, employee, or agent shall 4286
certify the amount due to the attorney general, in the form and 4287
manner prescribed by the attorney general, and notify the director 4288
of budget and management thereof. 4289

(B)(1) The attorney general shall give immediate notice by 4290
mail or otherwise to the party indebted of the nature and amount 4291
of the indebtedness. 4292

(2) If the amount payable to this state arises from a tax 4293
levied under Chapter 5733., 5739., 5741., or 5747. of the Revised 4294
Code, the notice also shall specify all of the following: 4295

(a) The assessment or case number; 4296

(b) The tax pursuant to which the assessment is made; 4297

(c) The reason for the liability, including, if applicable, 4298
that a penalty or interest is due; 4299

(d) An explanation of how and when interest will be added to 4300
the amount assessed; 4301

(e) That the attorney general and tax commissioner, acting 4302
together, have the authority, but are not required, to compromise 4303
the claim and accept payment over a reasonable time, if such 4304
actions are in the best interest of the state. 4305

(C) The attorney general shall collect the claim or secure a 4306
judgment and issue an execution for its collection. 4307

(D) Each claim shall bear interest, from the day on which the 4308
claim became due, at the ~~base~~ rate per annum ~~for advances and~~ 4309
~~discounts to member banks in effect at the federal reserve bank in~~ 4310
~~required by section 5703.47 of the second federal reserve district~~ 4311
Revised Code. 4312

(E) The attorney general and the chief officer of the agency 4313
reporting a claim, acting together, may do ~~either or both~~ any of 4314

the following if such action is in the best interests of the 4315
state: 4316

(1) Compromise the claim; 4317

(2) Extend for a reasonable period the time for payment of 4318
the claim by agreeing to accept monthly or other periodic 4319
payments. The agreement may require security for payment of the 4320
claim. 4321

(3) Add fees to recover the cost of processing checks or 4322
other draft instruments returned for insufficient funds and the 4323
cost of providing electronic payment options. 4324

Sec. 131.23. The various political subdivisions of this state 4325
may issue bonds, and any indebtedness created by such issuance 4326
shall not be subject to the limitations or included in the 4327
calculation of indebtedness prescribed by sections 133.05, 133.06, 4328
133.07, and 133.09 of the Revised Code, but such bonds may be 4329
issued only under the following conditions: 4330

(A) The subdivision desiring to issue such bonds shall obtain 4331
from the county auditor a certificate showing the total amount of 4332
delinquent taxes due and unpayable to such subdivision at the last 4333
semiannual tax settlement. 4334

(B) The fiscal officer of that subdivision shall prepare a 4335
statement, from the books of the subdivision, verified by ~~him~~ the 4336
fiscal officer under oath, which shall contain the following facts 4337
of such subdivision: 4338

(1) The total bonded indebtedness; 4339

(2) The aggregate amount of notes payable or outstanding 4340
accounts of the subdivision, incurred prior to the commencement of 4341
the current fiscal year, which shall include all evidences of 4342
indebtedness issued by the subdivision except notes issued in 4343
anticipation of bond issues and the indebtedness of any 4344

nontax-supported public utility;	4345
(3) Except in the case of school districts, the aggregate	4346
current year's requirement for disability <u>financial assistance and</u>	4347
<u>disability medical</u> assistance provided under Chapter 5115. of the	4348
Revised Code that the subdivision is unable to finance except by	4349
the issue of bonds;	4350
(4) The indebtedness outstanding through the issuance of any	4351
bonds or notes pledged or obligated to be paid by any delinquent	4352
taxes;	4353
(5) The total of any other indebtedness;	4354
(6) The net amount of delinquent taxes unpledged to pay any	4355
bonds, notes, or certificates, including delinquent assessments on	4356
improvements on which the bonds have been paid;	4357
(7) The budget requirements for the fiscal year for bond and	4358
note retirement;	4359
(8) The estimated revenue for the fiscal year.	4360
(C) The certificate and statement provided for in divisions	4361
(A) and (B) of this section shall be forwarded to the tax	4362
commissioner together with a request for authority to issue bonds	4363
of such subdivision in an amount not to exceed seventy per cent of	4364
the net unobligated delinquent taxes and assessments due and owing	4365
to such subdivision, as set forth in division (B)(6) of this	4366
section.	4367
(D) No subdivision may issue bonds under this section in	4368
excess of a sufficient amount to pay the indebtedness of the	4369
subdivision as shown by division (B)(2) of this section and,	4370
except in the case of school districts, to provide funds for	4371
disability <u>financial assistance and disability medical</u> assistance,	4372
as shown by division (B)(3) of this section.	4373
(E) The tax commissioner shall grant to such subdivision	4374

authority requested by such subdivision as restricted by divisions 4375
(C) and (D) of this section and shall make a record of the 4376
certificate, statement, and grant in a record book devoted solely 4377
to such recording and which shall be open to inspection by the 4378
public. 4379

(F) The commissioner shall immediately upon issuing the 4380
authority provided in division (E) of this section notify the 4381
proper authority having charge of the retirement of bonds of such 4382
subdivision by forwarding a copy of such grant of authority and of 4383
the statement provided for in division (B) of this section. 4384

(G) Upon receipt of authority, the subdivision shall proceed 4385
according to law to issue the amount of bonds authorized by the 4386
commissioner, and authorized by the taxing authority, provided the 4387
taxing authority of that subdivision may by resolution submit to 4388
the electors of that subdivision the question of issuing such 4389
bonds. Such resolution shall make the declarations and statements 4390
required by section 133.18 of the Revised Code. The county auditor 4391
and taxing authority shall thereupon proceed as set forth in 4392
divisions (C) and (D) of such section. The election on the 4393
question of issuing such bonds shall be held under divisions (E), 4394
(F), and (G) of such section, except that publication of the 4395
notice of such election shall be made on four separate days prior 4396
to such election in one or more newspapers of general circulation 4397
in the subdivisions. Such bonds may be exchanged at their face 4398
value with creditors of the subdivision in liquidating the 4399
indebtedness described and enumerated in division (B)(2) of this 4400
section or may be sold as provided in Chapter 133. of the Revised 4401
Code, and in either event shall be uncontestable. 4402

(H) The per cent of delinquent taxes and assessments 4403
collected for and to the credit of the subdivision after the 4404
exchange or sale of bonds as certified by the commissioner shall 4405
be paid to the authority having charge of the sinking fund of the 4406

subdivision, which money shall be placed in a separate fund for 4407
the purpose of retiring the bonds so issued. The proper authority 4408
of the subdivisions shall provide for the levying of a tax 4409
sufficient in amount to pay the debt charges on all such bonds 4410
issued under this section. 4411

(I) This section is for the sole purpose of assisting the 4412
various subdivisions in paying their unsecured indebtedness, and 4413
providing funds for disability financial assistance and disability 4414
medical assistance. The bonds issued under authority of this 4415
section shall not be used for any other purpose and any exchange 4416
for other purposes, or the use of the money derived from the sale 4417
of such bonds by the subdivision for any other purpose, is 4418
misapplication of funds. 4419

(J) The bonds authorized by this section shall be redeemable 4420
or payable in not to exceed ten years from date of issue and shall 4421
not be subject to or considered in calculating the net 4422
indebtedness of the subdivision. The budget commission of the 4423
county in which the subdivision is located shall annually allocate 4424
such portion of the then delinquent levy due such subdivision 4425
which is unpledged for other purposes to the payment of debt 4426
charges on the bonds issued under authority of this section. 4427

(K) The issue of bonds under this section shall be governed 4428
by Chapter 133. of the Revised Code, respecting the terms used, 4429
forms, manner of sale, and redemption except as otherwise provided 4430
in this section. 4431

The board of county commissioners of any county may issue 4432
bonds authorized by this section and distribute the proceeds of 4433
such bond issues to any or all of the cities and townships of such 4434
counties, according to their relative needs for disability 4435
financial assistance and disability medical assistance as 4436
determined by such county. 4437

All sections of the Revised Code inconsistent with or 4438
prohibiting the exercise of the authority conferred by this 4439
section are inoperative respecting bonds issued under this 4440
section. 4441

Sec. 131.35. (A) With respect to the federal funds received 4442
into any fund of the state from which transfers may be made under 4443
division (D) of section 127.14 of the Revised Code: 4444

(1) No state agency may make expenditures of any federal 4445
funds, whether such funds are advanced prior to expenditure or as 4446
reimbursement, unless such expenditures are made pursuant to 4447
specific appropriations of the general assembly ~~identifying the~~ 4448
~~federal program that is the source of funds, are authorized~~ 4449
~~pursuant to section 131.38 of the Revised Code, are authorized by~~ 4450
the controlling board pursuant to division (A)(5) of this section, 4451
or are authorized by an executive order issued in accordance with 4452
section 107.17 of the Revised Code, and until an allotment has 4453
been approved by the director of budget and management. All 4454
federal funds received by a state agency shall be reported to the 4455
director within fifteen days of the receipt of such funds or the 4456
notification of award, whichever occurs first. The director shall 4457
prescribe the forms and procedures to be used when reporting the 4458
receipt of federal funds. 4459

(2) If the federal funds received are greater than the amount 4460
of such funds appropriated by the general assembly for a specific 4461
purpose, the total appropriation of federal and state funds for 4462
such purpose shall remain at the amount designated by the general 4463
assembly, except that the expenditure of federal funds received in 4464
excess of such specific appropriation may be authorized by the 4465
controlling board. 4466

(3) To the extent that the expenditure of excess federal 4467
funds is authorized, the controlling board may transfer a like 4468

amount of general revenue fund appropriation authority from the 4469
affected agency to the emergency purposes appropriation of the 4470
controlling board, if such action is permitted under federal 4471
regulations. 4472

(4) Additional funds may be created by the controlling board 4473
to receive revenues not anticipated in an appropriations act for 4474
the biennium in which such new revenues are received. Expenditures 4475
from such additional funds may be authorized by the controlling 4476
board, but such authorization shall not extend beyond the end of 4477
the biennium in which such funds are created. 4478

(5) Controlling board authorization for a state agency to 4479
make an expenditure of federal funds constitutes authority for the 4480
agency to participate in the federal program providing the funds, 4481
and the agency is not required to obtain an executive order under 4482
section 107.17 of the Revised Code to participate in the federal 4483
program. 4484

(B) With respect to nonfederal funds received into the 4485
waterways safety fund, the wildlife fund, and any fund of the 4486
state from which transfers may be made under division (D) of 4487
section 127.14 of the Revised Code: 4488

(1) No state agency may make expenditures of any such funds 4489
unless the expenditures are made pursuant to specific 4490
appropriations of the general assembly. 4491

(2) If the receipts received into any fund are greater than 4492
the amount appropriated, the appropriation for that fund shall 4493
remain at the amount designated by the general assembly or as 4494
increased and approved by the controlling board. 4495

(3) Additional funds may be created by the controlling board 4496
to receive revenues not anticipated in an appropriations act for 4497
the biennium in which such new revenues are received. Expenditures 4498
from such additional funds may be authorized by the controlling 4499

board, but such authorization shall not extend beyond the end of 4500
the biennium in which such funds are created. 4501

(C) The controlling board shall not authorize more than ten 4502
per cent of additional spending from the occupational licensing 4503
and regulatory fund, created in section 4743.05 of the Revised 4504
Code, in excess of any appropriation made by the general assembly 4505
to a licensing agency except an appropriation for costs related to 4506
the examination or reexamination of applicants for a license. As 4507
used in this division, "licensing agency" and "license" have the 4508
same meanings as in section 4745.01 of the Revised Code. 4509

Sec. 135.22. (A) For purposes of this section: 4510

(1) "Treasurer" has the same meaning as in section 135.01 of 4511
the Revised Code, but does not include the treasurer of state. 4512
"Treasurer" includes any person whose duties include making 4513
investment decisions with respect to the investment or deposit of 4514
interim moneys. 4515

(2) "Subdivision" has the same meaning as in section 135.01 4516
of the Revised Code. 4517

(B) To enhance the background and working knowledge of 4518
treasurers in investments, cash management, and ethics, the 4519
treasurer of state shall provide annual continuing education 4520
programs for treasurers. A treasurer ~~annually~~ on a biennial basis 4521
shall complete the continuing education programs described in this 4522
section, unless the treasurer ~~annually~~ provides a notice of 4523
exemption described in division (E) of this section. 4524

(C) The treasurer of state shall determine the manner, 4525
content, and length of the continuing education programs after 4526
consultation with appropriate statewide organizations of local 4527
government officials. 4528

(D) Upon successful completion of a continuing education 4529

program required by this section, the treasurer of state shall 4530
issue a certificate indicating that the treasurer has successfully 4531
completed the continuing education program prescribed by the 4532
treasurer of state. The treasurer of state shall forward to the 4533
auditor of state any certificates issued pursuant to this division 4534
by the treasurer of state. The auditor of state shall maintain in 4535
the ~~auditor's~~ auditor of state's records any certificates 4536
forwarded by the treasurer of state pursuant to this division. As 4537
part of the auditor of state's audit of the subdivision conducted 4538
in accordance with section 117.11 of the Revised Code, the auditor 4539
of state shall report whether the treasurer is in compliance with 4540
this section of the Revised Code. 4541

(E) Division (B) of this section does not apply to any 4542
treasurer who ~~annually~~ provides a notice of exemption to the 4543
auditor of state. The notice shall be certified by the treasurer 4544
of state and shall provide that the treasurer is not subject to 4545
the continuing education requirements set forth in division (B) of 4546
this section, because the treasurer invests or deposits public 4547
moneys in the following investments only: 4548

(1) Interim deposits pursuant to division (B)(3) of section 4549
135.14 of the Revised Code; 4550

(2) No-load money market mutual funds pursuant to division 4551
(B)(5) of section 135.14 of the Revised Code; 4552

(3) The Ohio subdivision's fund pursuant to division (B)(6) 4553
of section 135.14 of the Revised Code. 4554

(F) In carrying out the duties required by this section, the 4555
treasurer of state may charge the subdivision served by the 4556
treasurer a registration fee that will meet actual and necessary 4557
expenses in connection with the training of the treasurer, 4558
including instruction fees, site acquisition costs, and the cost 4559
of course materials. Any necessary personal expenses of a 4560

treasurer incurred as a result of attending the continuing 4561
education courses shall be borne by the subdivision represented by 4562
the treasurer. 4563

(G) The treasurer of state may allow any other interested 4564
person to attend any of the continuing education programs that are 4565
held pursuant to this section, provided that before attending any 4566
such continuing education program, the interested person has paid 4567
to the treasurer of state the full registration fee set for the 4568
continuing education program. 4569

(H) All funds collected pursuant to this section shall be 4570
paid into the county treasurer education fund created pursuant to 4571
section 321.46 of the Revised Code, and the actual and necessary 4572
expenses of the treasurer of state in conducting the continuing 4573
education programs required by this section shall be paid from 4574
this fund. 4575

(I) The treasurer of state may adopt reasonable rules not 4576
inconsistent with this section for the implementation of this 4577
section. 4578

Sec. 147.01. (A) The secretary of state may appoint and 4579
commission as notaries public as many persons who meet the 4580
qualifications of division (B) of this section as the secretary of 4581
state considers necessary. 4582

(B) In order for a person to qualify to be appointed and 4583
commissioned as a notary public, the person must satisfy both of 4584
the following: 4585

(1) The person has attained the age of eighteen years. 4586

(2) One of the following applies: 4587

(a) The person is a ~~citizen~~ legal resident of this state who 4588
is not an attorney admitted to the practice of law in this state 4589
by the Ohio supreme court. 4590

(b) The person is a ~~citizen~~ legal resident of this state who 4591
is an attorney admitted to the practice of law in this state by 4592
the Ohio supreme court. 4593

(c) The person is not a ~~citizen~~ legal resident of this state, 4594
is an attorney admitted to the practice of law in this state by 4595
the Ohio supreme court, and has the person's principal place of 4596
business or the person's primary practice in this state. 4597

(C) A notary public shall be appointed and commissioned as a 4598
notary public for the state. The secretary of state may revoke a 4599
commission issued to a notary public upon presentation of 4600
satisfactory evidence of official misconduct or incapacity. 4601

Sec. 147.37. Each person receiving a commission as notary 4602
public, ~~except~~ including an attorney admitted to the practice of 4603
law in this state by the Ohio supreme court, shall pay a fee of 4604
~~five~~ fifteen dollars to the secretary of state. ~~Each person~~ 4605
~~receiving a commission as a notary public who is an attorney~~ 4606
~~admitted to the practice of law in this state by the Ohio supreme~~ 4607
~~court shall pay a fee of ten dollars to the secretary of state.~~ 4608

Sec. 149.011. As used in this chapter: 4609

(A) "Public office" includes any state agency, public 4610
institution, political subdivision, or ~~any~~ other organized body, 4611
office, agency, institution, or entity established by the laws of 4612
this state for the exercise of any function of government. 4613

(B) "State agency" includes every department, bureau, board, 4614
commission, office, or other organized body established by the 4615
constitution and laws of this state for the exercise of any 4616
function of state government, including any state-supported 4617
institution of higher education, the general assembly, ~~or~~ any 4618
legislative agency, any court or judicial agency, or any political 4619
subdivision or agency ~~thereof~~ of a political subdivision. 4620

(C) "Public money" includes all money received or collected 4621
by or due a public official, whether in accordance with or under 4622
authority of any law, ordinance, resolution, or order, under color 4623
of office, or otherwise. It also includes any money collected by 4624
any individual on behalf of a public office or as a purported 4625
representative or agent of the public office. 4626

(D) "Public official" includes all officers, employees, or 4627
duly authorized representatives or agents of a public office. 4628

(E) "Color of office" includes any act purported or alleged 4629
to be done under any law, ordinance, resolution, order, or other 4630
pretension to official right, power, or authority. 4631

(F) "Archive" includes any public record that is transferred 4632
to the state archives or other designated archival institutions 4633
because of the historical information contained on it. 4634

(G) "Records" includes any document, device, or item, 4635
regardless of physical form or characteristic, including an 4636
electronic record as defined in section 1306.01 of the Revised 4637
Code, created or received by or coming under the jurisdiction of 4638
any public office of the state or its political subdivisions, 4639
which serves to document the organization, functions, policies, 4640
decisions, procedures, operations, or other activities of the 4641
office. 4642

Sec. 149.30. The Ohio historical society, chartered by this 4643
state as a corporation not for profit to promote a knowledge of 4644
history and archaeology, especially of Ohio, and operated 4645
continuously in the public interest since 1885, may perform public 4646
functions as prescribed by law. 4647

The general assembly may appropriate money to the Ohio 4648
historical society each biennium to carry out the public functions 4649
of the society as enumerated in this section. An appropriation by 4650

the general assembly to the society constitutes an offer to 4651
contract with the society to carry out those public functions for 4652
which appropriations are made. An acceptance by the society of the 4653
appropriated funds constitutes an acceptance by the society of the 4654
offer and is considered an agreement by the society to perform 4655
those functions in accordance with the terms of the appropriation 4656
and the law and to expend the funds only for the purposes for 4657
which appropriated. The governor may request on behalf of the 4658
society, and the controlling board may release, additional funds 4659
to the society for survey, salvage, repair, or rehabilitation of 4660
an emergency nature for which funds have not been appropriated, 4661
and acceptance by the society of those funds constitutes an 4662
agreement on the part of the society to expend those funds only 4663
for the purpose for which released by the controlling board. 4664

The society shall faithfully expend and apply all moneys 4665
received from the state to the uses and purposes directed by law 4666
and for necessary administrative expenses. The society shall 4667
perform the public function of sending notice by certified mail to 4668
the owner of any property at the time it is listed on the national 4669
register of historic places. The society shall accurately record 4670
all expenditures of such funds in conformity with generally 4671
accepted accounting principles. 4672

The auditor of state shall audit all funds and fiscal records 4673
of the society. 4674

The public functions to be performed by the Ohio historical 4675
society shall include all of the following: 4676

(A) Creating, supervising, operating, protecting, 4677
maintaining, and promoting for public use a system of state 4678
memorials, titles to which may reside wholly or in part with this 4679
state or wholly or in part with the society as provided in and in 4680
conformity to appropriate acts and resolves of the general 4681
assembly, and leasing for renewable periods of two years or less, 4682

with the advice and consent of the attorney general and the 4683
director of administrative services, lands and buildings owned by 4684
the state which are in the care, custody, and control of the 4685
society, all of which shall be maintained and kept for public use 4686
at reasonable hours; 4687

(B) Making alterations and improvements, marking, and 4688
constructing, reconstructing, protecting, or restoring structures, 4689
earthworks, and monuments in its care, and equipping such 4690
facilities with appropriate educational maintenance facilities; 4691

(C) Serving as the archives administration for the state and 4692
its political subdivisions as provided in sections 149.31 to 4693
149.42 of the Revised Code; 4694

(D) Administering a state historical museum, to be the 4695
headquarters of the society and its principal museum and library, 4696
which shall be maintained and kept for public use at reasonable 4697
hours; 4698

(E) Establishing a marking system to identify all designated 4699
historic and archaeological sites within the state and marking or 4700
causing to be marked historic sites and communities considered by 4701
the society to be historically or archaeologically significant; 4702

(F) Publishing books, pamphlets, periodicals, and other 4703
publications about history, archaeology, and natural science and 4704
~~supplying offering~~ one copy of each regular periodical issue to 4705
all public libraries in this state ~~without charge~~ at a reasonable 4706
price, which shall not exceed ten per cent of the total cost of 4707
publication; 4708

(G) Engaging in research in history, archaeology, and natural 4709
science and providing historical information upon request to all 4710
state agencies; 4711

(H) Collecting, preserving, and making available by all 4712
appropriate means and under approved safeguards all manuscript, 4713

print, or near-print library collections and all historical 4714
objects, specimens, and artifacts which pertain to the history of 4715
Ohio and its people, including the following original documents: 4716
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed 4717
Ohio Constitution of 1875; design and the letters of patent and 4718
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R. 4719
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883); 4720
S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28 4721
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904); 4722
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition 4723
form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 4724
(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); 4725
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); 4726
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 4727
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 4728
(1947); 4729

(I) Encouraging and promoting the organization and 4730
development of county and local historical societies; 4731

(J) Providing to Ohio schools ~~with~~ such materials ~~at cost or~~ 4732
~~near cost~~ as the society may prepare to facilitate the instruction 4733
of Ohio history at a reasonable price, which shall not exceed ten 4734
per cent of the total cost of preparation; 4735

(K) Providing advisory and technical assistance to local 4736
societies for the preservation and restoration of historic and 4737
archaeological sites; 4738

(L) Devising uniform criteria for the designation of historic 4739
and archaeological sites throughout the state and advising local 4740
historical societies of the criteria and their application; 4741

(M) Taking inventory, in cooperation with the Ohio arts 4742
council, the Ohio archaeological council, and the archaeological 4743
society of Ohio, of significant designated and undesignated state 4744

and local sites and keeping an active registry of all designated 4745
sites within the state; 4746

(N) Contracting with the owners or persons having an interest 4747
in designated historic or archaeological sites or property 4748
adjacent or contiguous to those sites, or acquiring, by purchase, 4749
gift, or devise, easements in those sites or in property adjacent 4750
or contiguous to those sites, in order to control or restrict the 4751
use of those historic or archaeological sites or adjacent or 4752
contiguous property for the purpose of restoring or preserving the 4753
historical or archaeological significance or educational value of 4754
those sites; 4755

(O) Constructing a monument honoring Governor James A. 4756
Rhodes, which shall stand on the northeast quadrant of the grounds 4757
surrounding the capitol building. The monument shall be 4758
constructed with private funds donated to the Ohio historical 4759
society and designated for this purpose. No public funds shall be 4760
expended to construct this monument. The department of 4761
administrative services shall cooperate with the Ohio historical 4762
society in carrying out this function and shall maintain the 4763
monument in a manner compatible with the grounds of the capitol 4764
building. 4765

(P) Commissioning a portrait of each departing governor, 4766
which shall be displayed in the capitol building. The Ohio 4767
historical society may accept private contributions designated for 4768
this purpose and, at the discretion of its board of trustees, also 4769
may apply for the same purpose funds appropriated by the general 4770
assembly to the society pursuant to this section. 4771

(Q) Planning and developing a center at the capitol building 4772
for the purpose of educating visitors about the history of Ohio, 4773
including its political, economic, and social development and the 4774
design and erection of the capitol building and its grounds. The 4775
Ohio historical society may accept contributions of private moneys 4776

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 4807
institutions. The boards shall apply efficient and economical 4808
management methods to the creation, utilization, maintenance, 4809
retention, preservation, and disposition of the records of their 4810
respective institutions. 4811

Sec. 149.331. The state ~~record administration~~ records program 4812
of the department of administrative services shall do all of the 4813
following: 4814

(A) Establish and promulgate in consultation with the state 4815
archivist standards, procedures, and techniques for the effective 4816
management of state records; 4817

~~(B) Make continuing surveys of record-keeping operations and 4818
recommend improvements in current records management practices 4819
including the use of space, equipment, and supplies employed in 4820
creating, maintaining, storing, and servicing records; 4821~~

~~(C) Establish and operate such state records centers and 4822
auxiliary facilities as may be authorized by appropriation and 4823
provide such related services as are deemed necessary for the 4824
preservation, screening, storage, and servicing of state records 4825
pending disposition; 4826~~

~~(D)~~ Review applications for one-time records disposal and 4827
schedules of records retention and destruction submitted by state 4828
agencies in accordance with section 149.333 of the Revised Code; 4829

~~(E)~~(C) Establish "general schedules" proposing the disposal, 4830
after the lapse of specified periods of time, of records of 4831
specified form or character common to several or all agencies that 4832
either have accumulated or may accumulate in such agencies and 4833
that apparently will not, after the lapse of the periods 4834
specified, have sufficient administrative, legal, fiscal, or other 4835
value to warrant their further preservation by the state; 4836

~~(F)(D)~~ Establish and maintain a records management training 4837
program, and provide a basic consulting service, for personnel 4838
involved in record-making and record-keeping functions of 4839
departments, offices, and institutions; 4840

~~(G)~~ Obtain reports from departments, offices, and 4841
~~institutions necessary for the effective administration of the~~ 4842
~~program;~~ 4843

~~(H)(E)~~ Provide for the disposition of any remaining records 4844
of any state agency, board, or commission, whether in the 4845
executive, judicial, or legislative branch of government, that has 4846
terminated its operations. After the closing of the Ohio veterans' 4847
children's home, the resident records of the home and the resident 4848
records of the home when it was known as the soldiers' and 4849
sailors' orphans' home required to be maintained by approved 4850
records retention schedules shall be administered by the state 4851
department of education pursuant to this chapter, the 4852
administrative records of the home required to be maintained by 4853
approved records retention schedules shall be administered by the 4854
department of administrative services pursuant to this chapter, 4855
and historical records of the home shall be transferred to an 4856
appropriate archival institution in this state prescribed by the 4857
state ~~record administration records~~ program. 4858

~~(I)(F)~~ Establish a centralized program coordinating 4859
micrographics standards, training, and services for the benefit of 4860
all state agencies; 4861

~~(J)(G)~~ Establish and publish in accordance with the 4862
applicable law necessary procedures and rules for the retention 4863
and disposal of state records. 4864

This section does not apply to the records of state-supported 4865
institutions of higher education, which shall keep their own 4866
records. 4867

Sec. 149.332. Upon request the ~~state records administrator~~ 4868
director of administrative services and the state archivist shall 4869
assist and advise in the establishment of records management 4870
programs in the legislative and judicial branches of state 4871
government and shall, as required by them, provide program 4872
services similar to those available to the executive branch 4873
~~pursuant to~~ under section 149.33 of the Revised Code. Prior to the 4874
disposal of any records, the state archivist shall be allowed 4875
sixty days to select for preservation in the state archives those 4876
records ~~he~~ the state archivist determines to have continuing 4877
historical value. 4878

Sec. 149.333. No state agency shall retain, destroy, or 4879
otherwise transfer its state records in violation of this section. 4880
This section does not apply to state-supported institutions of 4881
higher education. 4882

Each state agency shall submit to the state records 4883
~~administrator~~ program under the director of administrative 4884
services all applications for records disposal or transfer and all 4885
schedules of records retention and destruction. The state records 4886
~~administrator~~ program shall review ~~such~~ the applications and 4887
schedules and provide written approval, rejection, or modification 4888
of ~~the~~ an application or schedule. The state records ~~administrator~~ 4889
program shall then forward the application for records disposal or 4890
transfer or the schedule for retention or destruction, with the 4891
~~administrator's~~ program's recommendation attached, to the auditor 4892
of state for review and approval. The decision of the auditor of 4893
state to approve, reject, or modify the ~~applications~~ application 4894
or ~~schedules~~ schedule shall be based upon the continuing 4895
administrative and fiscal value of the state records to the state 4896
or to its citizens. If the auditor of state disapproves the action 4897
by the state agency, ~~he~~ the auditor of state shall so inform the 4898

state agency through the state records ~~administrator~~ program 4899
within sixty days, and ~~these~~ the records shall not be destroyed. 4900
~~At~~ 4901

At the same time, the state records ~~administrator~~ program 4902
shall forward the application for records disposal or transfer or 4903
the schedule for retention or destruction to the state archivist 4904
for review and approval. The state archivist shall have sixty days 4905
to select for custody ~~such~~ the state records ~~as he~~ that the state 4906
archivist determines to be of continuing historical value. Records 4907
not ~~se~~ selected shall be disposed of in accordance with this 4908
section. 4909

Sec. 149.34. The head of each state agency, office, 4910
institution, board, or commission shall do the following: 4911

(A) Establish, maintain, and direct an active continuing 4912
program for the effective management of the records of the state 4913
agency; 4914

~~(B) Cooperate with the state records administrator in the~~ 4915
~~conduct of surveys pursuant to section 149.331 of the Revised~~ 4916
~~Code;~~ 4917

~~(C)~~ Submit to the state records ~~administrator~~ program, in 4918
accordance with applicable standards and procedures, schedules 4919
proposing the length of time each record series warrants retention 4920
for administrative, legal, or fiscal purposes after it has been 4921
received or created by the agency. The head ~~of each state agency~~ 4922
also shall submit to the state records ~~administrator~~ program 4923
applications for disposal of records in ~~his~~ the head's custody 4924
that are not needed in the transaction of current business and are 4925
not otherwise scheduled for retention or destruction. 4926

~~(D) Transfer to a state records center or auxiliary~~ 4927
~~facilities, in the manner prescribed by the state records~~ 4928

administrator, those records of the agency that can be retained 4929
more efficiently and economically in such a center; 4930

~~(E)~~(C) Within one year after their date of creation or 4931
receipt, schedule all records for disposition or retention in the 4932
manner prescribed by applicable law and procedures. 4933

This section does not apply to state-supported institutions 4934
of higher education. 4935

Sec. 149.35. If any law prohibits the destruction of records, 4936
neither the ~~state records administrator nor~~ director of 4937
administrative services, the director's designee, or the boards of 4938
trustees of state-supported institutions of higher education shall 4939
not order their destruction or other disposition, ~~and, if.~~ If any 4940
law provides that records shall be kept for a specified period of 4941
time, ~~neither~~ the ~~administrator nor~~ director of administrative 4942
services, the director's designee, or the boards shall not order 4943
their destruction or other disposition prior to the expiration of 4944
~~such~~ that period. 4945

Sec. 153.65. As used in sections 153.65 to 153.71 of the 4946
Revised Code: 4947

(A) "Public authority" means the state, ~~or~~ a county, 4948
township, municipal corporation, school district, or other 4949
political subdivision, or any public agency, authority, board, 4950
commission, instrumentality, or special district of the state or a 4951
county, township, municipal corporation, school district, or other 4952
political subdivision. 4953

(B) "Professional design firm" means any person legally 4954
engaged in rendering professional design services. 4955

(C) "Professional design services" means services within the 4956
scope of practice of an architect or landscape architect 4957
registered under Chapter 4703. of the Revised Code or a 4958

professional engineer or surveyor registered under Chapter 4733. 4959
of the Revised Code. 4960

(D) "Qualifications" means all of the following: 4961

(1) Competence of the professional design firm to perform the 4962
required professional design services as indicated by the 4963
technical training, education, and experience of the firm's 4964
personnel, especially the technical training, education, and 4965
experience of the employees within the firm who would be assigned 4966
to perform the services; 4967

(2) Ability of the firm in terms of its workload and the 4968
availability of qualified personnel, equipment, and facilities to 4969
perform the required professional design services competently and 4970
expeditiously; 4971

(3) Past performance of the firm as reflected by the 4972
evaluations of previous clients with respect to such factors as 4973
control of costs, quality of work, and meeting of deadlines; 4974

(4) ~~Other similar~~ Any other relevant factors as determined by 4975
the public authority. 4976

Sec. 153.691. No public authority planning to contract for 4977
professional design services, prior to selecting and ranking 4978
professional design firms and negotiating a contract with the firm 4979
ranked most qualified to perform the required services under 4980
section 153.69 of the Revised Code, shall seek any form of fee 4981
estimate, fee proposal, or other estimate or measure of 4982
compensation. 4983

Sec. 164.27. (A) The clean Ohio conservation fund is hereby 4984
created in the state treasury. Seventy-five per cent of the net 4985
proceeds of obligations issued and sold by the issuing authority 4986
pursuant to sections 151.01 and 151.09 of the Revised Code shall 4987
be deposited into the fund. Investment earnings of the fund shall 4988

be credited to the fund. ~~For two years after the effective date of~~ 4989
~~this section, investment earnings credited to the fund and~~ 4990
used to pay costs incurred by the Ohio public works commission in 4991
administering sections 164.20 to 164.27 of the Revised Code. 4992
Moneys in the clean Ohio conservation fund shall be used to make 4993
grants to local political subdivisions and nonprofit organizations 4994
for projects that have been approved for grants under sections 4995
164.20 to 164.27 of the Revised Code. 4996

The clean Ohio conservation fund shall be administered by the 4997
Ohio public works commission. 4998

(B) For the purpose of grants issued under sections 164.20 to 4999
164.27 of the Revised Code, moneys shall be allocated on an annual 5000
basis from the clean Ohio conservation fund to districts 5001
represented by natural resources assistance councils as follows: 5002

(1) Each district shall receive an amount that is equal to 5003
one-fourth of one per cent of the total annual amount allocated to 5004
all districts each year for each county that is represented by the 5005
district. 5006

(2) The remaining moneys shall be allocated to each district 5007
annually on a per capita basis. 5008

(C) A grant that is awarded under sections 164.20 to 164.27 5009
of the Revised Code may provide up to seventy-five per cent of the 5010
estimated cost of a project. Matching funds from a grant recipient 5011
may consist of contributions of money by any person, any local 5012
political subdivision, or the federal government or of 5013
contributions in-kind by such entities through the purchase or 5014
donation of equipment, land, easements, interest in land, labor, 5015
or materials necessary to complete the project. 5016

(D) The director of the Ohio public works commission shall 5017
notify the director of budget and management of the amounts 5018
allocated pursuant to this section, and that information shall be 5019

entered in the state accounting system. The director of budget and 5020
management may establish appropriate line items or other 5021
mechanisms that are needed to track the allocations. 5022

(E) Grants awarded under sections 164.20 to 164.27 of the 5023
Revised Code from the clean Ohio conservation fund shall be used 5024
by a local political subdivision or nonprofit organization only to 5025
pay the costs related to the purposes for which grants may be 5026
issued under section 164.22 of the Revised Code and shall not be 5027
used by a local political subdivision or nonprofit organization to 5028
pay any administrative costs incurred by the local political 5029
subdivision or nonprofit organization. 5030

Sec. 173.08. (A) The resident services coordinator program is 5031
established in the department of aging to fund resident services 5032
coordinators. The coordinators shall provide information to 5033
low-income and special-needs tenants, including the elderly, who 5034
live in subsidized rental housing complexes, and assist those 5035
tenants in identifying and obtaining community and program 5036
services and other benefits for which they are eligible. 5037

(B) The resident services coordinator program fund is hereby 5038
created in the state treasury to support the resident services 5039
coordinator program established pursuant to this section. The fund 5040
consists of all moneys the department of development sets aside 5041
pursuant to division (A)(4) of section 175.21 of the Revised Code 5042
and moneys the general assembly appropriates to the fund. 5043

**Sec. 173.26. (A) Each of the following facilities shall 5044
annually pay to the department of aging three dollars for each bed 5045
maintained by the facility for use by a resident during any part 5046
of the previous year: 5047**

(1) Nursing homes, residential care facilities, and homes for 5048
the aging as defined in section 3721.01 of the Revised Code; 5049

(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;

(3) County homes and district homes operated pursuant to Chapter 5155. of the Revised Code;

(4) Adult care facilities as defined in section 3722.01 of the Revised Code;

(5) ~~Adult foster homes certified under section 173.36 of the Revised Code;~~

~~(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.

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.

(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~~ ombudsperson 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~~ ombudsperson programs.

(C) The state long-term care ~~ombudsman~~ ombudsperson 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.

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

director of commerce and the director of development, or their 5080
respective designees, shall also be voting members of the agency. 5081
Of the nine appointed members, at least one shall have experience 5082
in residential housing construction; at least one shall have 5083
experience in residential housing mortgage lending, loan 5084
servicing, or brokering; at least one shall have experience in the 5085
licensed residential housing brokerage business; at least one 5086
shall have experience with the housing needs of senior citizens; 5087
at least one shall be from a background in labor representation in 5088
the construction industry; at least one shall represent the 5089
interests of nonprofit multifamily housing development 5090
corporations; at least one shall represent the interests of 5091
for-profit multifamily housing development organizations; and two 5092
shall be public members. The governor shall receive 5093
recommendations from the Ohio housing council for appointees to 5094
represent the interests of nonprofit multifamily housing 5095
development corporations and for-profit multifamily housing 5096
development organizations. Each appointee representing multifamily 5097
housing interests currently shall be employed with an organization 5098
that is active in the area of affordable housing development or 5099
management. No more than six of the appointed members of the 5100
agency shall be of the same political party. Of the appointments 5101
made to the agency for the eighth and ninth appointed members in 5102
accordance with this amendment, one shall be for a term ending on 5103
January 31, 2005, and one shall be for a term ending on January 5104
31, 2006. Thereafter, each appointed member shall serve for a term 5105
ending on the thirty-first day of January which is six years 5106
following the date of termination of the term which it succeeds. 5107
Each member shall hold office from the date of the member's 5108
appointment until the end of the term for which the member was 5109
appointed. Any member appointed to fill a vacancy occurring prior 5110
to the expiration of the term for which the member's predecessor 5111
was appointed shall hold office for the remainder of such term. 5112

Any appointed member shall continue in office subsequent to the 5113
expiration date of the member's term until the member's successor 5114
takes office, or until a period of sixty days has elapsed, 5115
whichever occurs first. Each appointed member may be removed from 5116
office by the governor for misfeasance, nonfeasance, malfeasance 5117
in office, or for failure to attend in person three consecutive 5118
meetings of the agency. 5119

(2) The ~~director of development or the director's designee~~ 5120
governor shall ~~be~~ appoint the chairperson of the agency. The 5121
agency shall elect one of its ~~appointed~~ members as 5122
vice-chairperson and such other officers as it deems necessary, 5123
who need not be members of the agency. Each appointed member of 5124
the agency shall receive compensation at the rate of one hundred 5125
fifty dollars per agency meeting attended in person, not to exceed 5126
a maximum of three thousand dollars per year. All members shall be 5127
reimbursed for their actual and necessary expenses incurred in the 5128
discharge of their official duties. 5129

(3) Six members of the agency constitute a quorum, and the 5130
affirmative vote of six members shall be necessary for any action 5131
taken by the agency. No vacancy in membership of the agency 5132
impairs the right of a quorum to exercise all the rights and 5133
perform all the duties of the agency. Meetings of the agency may 5134
be held at any place within the state. Meetings of the agency, 5135
including notice of the place of meetings, shall comply with 5136
section 121.22 of the Revised Code. 5137

(B)(1) The appointed members of the agency are not subject to 5138
section 102.02 of the Revised Code. Each such appointed member 5139
shall file with the agency a signed written statement setting 5140
forth the general nature of sales of goods, property or services 5141
or of loans to the agency in which such member has a pecuniary 5142
interest or in which any member of the member's immediate family, 5143
as defined in section 102.01 of the Revised Code, or any 5144

corporation, partnership or enterprise of which the member is an 5145
officer, director, or partner, or of which the member or a member 5146
of the member's immediate family, as so defined, owns more than a 5147
five per cent interest, has a pecuniary interest, and of which 5148
sale, loan and interest such member has knowledge. The statement 5149
shall be supplemented from time to time to reflect changes in the 5150
general nature of any such sales or loans. No member shall 5151
participate in portions of agency meetings dealing with, or vote 5152
concerning, any such matter. 5153

(2) The requirements of this section pertaining to disclosure 5154
and prohibition from participation and voting do not apply to 5155
agency loans to lending institutions or contracts between the 5156
agency and lending institutions for the purchase, administration, 5157
or servicing of loans notwithstanding that such lending 5158
institution has a director, officer, employee, or owner who is a 5159
member of the agency, and no such loans or contracts shall be 5160
deemed to be prohibited or otherwise regulated by reason of any 5161
other law or rule. 5162

(3) The members of the agency representing multifamily 5163
housing interests are not in violation of division (A) of section 5164
2921.42, division (D) of section 102.03, or division (E) of 5165
section 102.03 of the Revised Code in regard to a contract the 5166
agency enters into if both of the following apply: 5167

(a) The contract is entered into for a loan, grant, or 5168
participation in a program administered or funded by the agency 5169
and the contract was awarded pursuant to rules or guidelines the 5170
agency adopted. 5171

(b) The member does not participate in the discussion or vote 5172
on the contract if the contract secured a grant or loan that would 5173
directly benefit the member, a family member, or a business 5174
associate of the member. 5175

Sec. 175.21. (A) The low- and moderate-income housing trust 5176
fund is hereby created in the state treasury. The fund shall 5177
consist of all appropriations, grants, gifts, loan repayments, and 5178
contributions of money made from any source to the department of 5179
development for deposit in the fund. All investment earnings of 5180
the fund shall be credited to the fund. The director of 5181
development shall allocate a portion of the money in the fund to 5182
an account of the Ohio housing finance agency. The department 5183
shall administer the fund. The agency shall use money allocated to 5184
it in the fund for implementing and administering its programs and 5185
duties under sections 175.22 and 175.24 of the Revised Code, and 5186
the department shall use the remaining money in the fund for 5187
implementing and administering its programs and duties under 5188
sections 175.22 to 175.25 of the Revised Code. Use of all money in 5189
the fund is subject to the following restrictions: 5190

(1) Not more than six per cent of any current year 5191
appropriation authority for the fund shall be used for the 5192
transitional and permanent housing program to make grants to 5193
municipal corporations, counties, townships, and nonprofit 5194
organizations for the acquisition, rehabilitation, renovation, 5195
construction, conversion, operation, and cost of supportive 5196
services for new and existing transitional and permanent housing 5197
for homeless persons. 5198

(2)(a) Not more than five per cent of any current year 5199
appropriation authority for the fund shall be used for grants and 5200
loans to community development corporations and the Ohio community 5201
development finance fund, a private nonprofit corporation. 5202

(b) In any year in which the amount in the fund exceeds one 5203
hundred thousand dollars, not less than one hundred thousand 5204
dollars shall be used to provide training, technical assistance, 5205
and capacity building assistance to nonprofit development 5206

organizations in areas of the state the director designates as 5207
underserved. 5208

(c) For monies awarded in any fiscal year, priority shall be 5209
given to proposals submitted by nonprofit development 5210
organizations from areas of the state the director designates as 5211
underserved. 5212

(3) Not more than seven per cent of any current year 5213
appropriation authority for the fund shall be used for the 5214
emergency shelter housing grants program to make grants to 5215
private, nonprofit organizations and municipal corporations, 5216
counties, and townships for emergency shelter housing for the 5217
homeless. The grants shall be distributed pursuant to rules the 5218
director adopts and qualify as matching funds for funds obtained 5219
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 5220
11371 to 11378. 5221

(4) In any fiscal year in which the amount in the fund 5222
exceeds the amount awarded pursuant to division (A)(2)(b) of this 5223
section by at least two hundred fifty thousand dollars, at least 5224
two hundred fifty thousand dollars from the fund shall be provided 5225
to the department of aging for the resident services coordinator 5226
program. 5227

(5) Of all money in the fund: 5228

(a) Not more than six per cent shall be used for 5229
administration. 5230

(b) Not less than forty-five per cent of the amount of funds 5231
awarded during any one fiscal year shall be used to make for 5232
grants and loans to nonprofit organizations under section 175.22 5233
of the Revised Code, not. 5234

(c) Not less than fifty per cent of the amount of funds 5235
awarded during any one fiscal year, excluding the amounts awarded 5236
pursuant to divisions (A)(1), (A)(2), and (A)(3) of this section, 5237

shall be ~~used to make~~ for grants and loans for activities that 5238
~~will~~ provide housing and housing assistance to families and 5239
individuals in rural areas and small cities that ~~would~~ are not be 5240
eligible to participate as a participating jurisdiction under the 5241
"HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 5242
U.S.C. 12701 note, 12721, ~~no more than five per cent of the money~~ 5243
~~in the fund shall be used for administration, and no.~~ 5244

(d) No money in the fund shall be used to pay for any legal 5245
services other than the usual and customary legal services 5246
associated with the acquisition of housing. 5247

(6) Except as otherwise provided by the director under 5248
division (B) of this section, money in the fund may be used as 5249
matching money for federal funds received by the state, counties, 5250
municipal corporations, and townships for the activities listed in 5251
section 175.22 of the Revised Code. 5252

(B) If after the second quarter of any year it appears to the 5253
director that the full amount of the money in the ~~low and~~ 5254
~~moderate income housing trust~~ fund designated in that year for 5255
activities that ~~will~~ provide housing and housing assistance to 5256
families and individuals in rural areas and small cities under 5257
division (A) of this section will not be ~~so~~ used for that purpose, 5258
the director may reallocate all or a portion of that amount for 5259
other housing activities. In determining whether or how to 5260
reallocate money under this division, the director may consult 5261
with and shall receive advice from the housing trust fund advisory 5262
committee. 5263

Sec. 175.22. (A) The department of development and the Ohio 5264
housing finance agency shall each develop programs under which, in 5265
accordance with rules adopted under this section, ~~it~~ they may make 5266
grants, loans, loan guarantees, and loan subsidies to counties, 5267
municipal corporations, townships, local housing authorities, and 5268

nonprofit organizations and may make loans, loan guarantees, and 5269
loan subsidies to private developers and private lenders to assist 5270
~~them~~ in activities that ~~will~~ provide housing and housing 5271
assistance for specifically targeted low- and moderate-income 5272
families and individuals. There ~~shall be~~ is no minimum housing 5273
project size for awards under this division for any project that 5274
is ~~being~~ developed for a special needs population and that is 5275
supported by a social service agency where the housing project 5276
~~will be~~ is located. Activities for which grants, loans, loan 5277
guarantees, and loan subsidies may be made under this section 5278
include all of the following: 5279

(1) Acquiring, financing, constructing, leasing, 5280
rehabilitating, remodeling, improving, and equipping publicly or 5281
privately owned housing; 5282

(2) Providing supportive services related to housing and the 5283
homeless, including housing counseling. Not more than twenty per 5284
cent of the current year appropriation authority for the low- and 5285
moderate-income housing trust fund that remains after the 5286
expenditures made pursuant to divisions (A)(1), (A)(2), and (A)(3) 5287
of section 175.21 of the Revised Code, shall be awarded in any 5288
fiscal year for ~~such~~ supportive services. 5289

(3) Providing rental assistance payments or other project 5290
operating subsidies that lower tenant rents. 5291

(B) Grants, loans, loan guarantees, and loan subsidies may be 5292
made to counties, municipal corporations, townships, and nonprofit 5293
organizations for the additional purposes of providing technical 5294
assistance, design and finance services and consultation, and 5295
payment of pre-development and administrative costs related to any 5296
of the activities listed above. 5297

(C) In developing programs under this section, the department 5298
and the agency shall invite, accept, and consider public comment, 5299

and recommendations from the housing trust fund advisory committee 5300
created under section 175.25 of the Revised Code, on how the 5301
programs should be designed to most effectively benefit low- and 5302
moderate-income families and individuals. The programs developed 5303
under this section shall respond collectively to housing and 5304
housing assistance needs of low- and moderate-income families and 5305
individuals statewide. 5306

(D) The department and the agency, in accordance with Chapter 5307
119. of the Revised Code, shall each adopt rules ~~under which it~~ 5308
~~shall to~~ administer programs developed ~~by it~~ under this section. 5309
The rules shall prescribe procedures and forms ~~whereby that~~ 5310
counties, municipal corporations, townships, local housing 5311
authorities, and nonprofit organizations ~~may apply~~ shall use in 5312
applying for grants, loans, loan guarantees, and loan subsidies 5313
and that private developers and private lenders ~~may apply~~ shall 5314
use in applying for loans, loan guarantees, and loan subsidies; 5315
eligibility criteria for the receipt of funds; procedures for 5316
reviewing and granting or denying applications; procedures for 5317
paying out funds; conditions on the use of funds; procedures for 5318
monitoring the use of funds; and procedures under which a 5319
recipient shall be required to repay funds that are improperly 5320
used. The rules ~~adopted by the department~~ shall do both of the 5321
following: 5322

(1) Require each recipient of a grant or loan made from the 5323
low- and moderate-income housing trust fund for activities that 5324
~~will~~ provide, or assist in providing, a rental housing project, to 5325
reasonably ensure that the rental housing project will ~~be~~ remain 5326
affordable to those families and individuals targeted for the 5327
rental housing project for the useful life of the rental housing 5328
project or for thirty years, whichever is longer; 5329

(2) Require each recipient of a grant or loan made from the 5330
low- and moderate-income housing trust fund for activities that 5331

~~will~~ provide, or assist in providing, a housing project to prepare 5332
and implement a plan to reasonably assist any families and 5333
individuals displaced by the housing project in obtaining decent 5334
affordable housing. 5335

(E) In prescribing eligibility criteria and conditions for 5336
the use of funds, neither the department nor the agency is limited 5337
to the criteria and conditions specified in this section and each 5338
may prescribe additional eligibility criteria and conditions that 5339
relate to the purposes for which grants, loans, loan guarantees, 5340
and loan subsidies may be made. However, the department and agency 5341
are limited by the following specifically targeted low- and 5342
moderate-income guidelines: 5343

(1) Not less than seventy-five per cent of the money granted 5344
and loaned under this section in any fiscal year shall be for 5345
activities that ~~will~~ provide affordable housing and housing 5346
assistance to families and individuals ~~in a county~~ whose incomes 5347
are equal to or less than fifty per cent of the median income for 5348
~~that~~ the county in which they live, as determined by the 5349
department under section 175.23 of the Revised Code. 5350

(2) ~~The remainder of the~~ Any money granted and loaned under 5351
this section in any fiscal year that is not granted or loaned 5352
pursuant to division (E)(1) of this section shall be for 5353
activities that ~~will~~ provide affordable housing and housing 5354
assistance to families and individuals ~~in a county~~ whose incomes 5355
are equal to or less than eighty per cent of the median income for 5356
~~that~~ the county in which they live, as determined by the 5357
department under section 175.23 of the Revised Code. 5358

(F) In making grants, loans, loan guarantees, and loan 5359
subsidies under this section, the department and the agency shall 5360
give preference to viable projects and activities that ~~will~~ 5361
benefit those families and individuals ~~in a county~~ whose incomes 5362
are equal to or less than thirty-five per cent of the median 5363

income for ~~that~~ the county in which they live, as determined by 5364
the department under section 175.23 of the Revised Code. 5365

(G) The department and the agency shall monitor the programs 5366
developed under this section to ensure that money granted and 5367
loaned under this section is not used in a manner that violates 5368
division (H) of section 4112.02 of the Revised Code or 5369
discriminates against families with children. 5370

Sec. 183.02. This section's references to years mean state 5371
fiscal years. 5372

All payments received by the state pursuant to the tobacco 5373
master settlement agreement shall be deposited into the state 5374
treasury to the credit of the tobacco master settlement agreement 5375
fund, which is hereby created. All investment earnings of the fund 5376
shall also be credited to the fund. Except as provided in division 5377
(K) of this section, payments and interest credited to the fund 5378
shall be transferred by the director of budget and management as 5379
follows: 5380

(A)(1) Of the first payment credited to the tobacco master 5381
settlement agreement fund in 2000 and the net amounts credited to 5382
the fund annually from 2000 to 2006 and in 2012, the following 5383
amount or percentage shall be transferred to the tobacco use 5384
prevention and cessation trust fund, created in section 183.03 of 5385
the Revised Code: 5386

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment credited)	\$104,855,222.85	5388
2000 (net amount credited)	70.30%	5389
2001	62.84	5390
2002	61.41	5391
2003	63.24	5392
2004	66.65	5393

2005	66.24	5394
2006	65.97	5395
2012	56.01	5396

(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	5424

2000 (net amount credited)	5.41%	5425
2001	2.32	5426

(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%	5434
2000 (net amount credited)	8.73	5435
2001	8.12	5436
2002	9.18	5437
2003	8.91	5438
2004	7.84	5439
2005	7.79	5440
2006	7.76	5441
2007	17.39	5442
2008 through 2011	17.25	5443

~~(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 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 2003 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly.~~

(D)~~(1)~~ The following percentages of the net amounts credited to the tobacco master settlement agreement fund annually shall be transferred to Ohio's public health priorities trust fund, created in section 183.18 of the Revised Code:

YEAR	PERCENTAGE
2000	5.41
2001	6.68
2002	6.79
2003	6.90
2004	7.82
2005	8.18
2006	8.56
2007	19.83
2008	19.66
2009	20.48
2010	21.30
2011	22.12
2012	10.47

~~(2) Of the net amounts credited to the tobacco master settlement agreement fund in 2013, the director shall transfer to Ohio's public health priorities trust fund the amount not transferred to Ohio's public health priorities 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 Ohio's public health priorities trust fund the amount not transferred to Ohio's public health priorities 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 5488~~
~~Am. Sub. S.B. No. 242 of the 124th general assembly. 5489~~

(E) The following percentages of the net amounts credited to 5490
the tobacco master settlement agreement fund annually shall be 5491
transferred to the biomedical research and technology transfer 5492
trust fund, created in section 183.19 of the Revised Code: 5493

YEAR	PERCENTAGE	5494
2000	2.71	5495
2001	14.03	5496
2002	13.29	5497
2003	12.73	5498
2004	13.78	5499
2005	14.31	5500
2006	14.66	5501
2007	49.57	5502
2008 to 2011	45.06	5503
2012	18.77	5504

(F) Of the amounts credited to the tobacco master settlement 5505
agreement fund annually, the following amounts shall be 5506
transferred to the education facilities trust fund, created in 5507
section 183.26 of the Revised Code: 5508

YEAR	AMOUNT	5509
2000	\$133,062,504.95	5510
2001	128,938,732.73	5511
2002	185,804,475.78	5512
2003	180,561,673.11	5513
2004	122,778,219.49	5514
2005	121,389,325.80	5515
2006	120,463,396.67	5516
2007	246,389,369.01	5517
2008 to 2011	267,531,291.85	5518
2012	110,954,545.28	5519

(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	
2014	33.36	
2015 to 2025	40.90	

(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	
2001	6.01	
2002	9.33	
2003	8.22	
2004	3.91	
2005	3.48	
2006	3.05	
2007	13.21	
2008	18.03	
2009	17.21	
2010	16.39	
2011	15.57	
2012	14.75	

(I) In each year from 2003 to 2025, after the transfers made under divisions (F) and (G) of this section but prior to the transfers made under divisions (A) to (E) of this section, the

director of budget and management shall transfer to the tobacco 5552
settlement oversight, administration, and enforcement fund created 5553
in section 183.34 of the Revised Code such amount as the director 5554
determines necessary to pay the costs incurred by the attorney 5555
general in tobacco settlement oversight, administration, and 5556
enforcement. 5557

(J) In each year from 2003 to 2025, after the transfers made 5558
under divisions (F) and (G) of this section but prior to the 5559
transfers made under divisions (A) to (E) of this section, the 5560
director of budget and management shall transfer to the tobacco 5561
settlement enforcement fund created in section 183.35 of the 5562
Revised Code such amount as the director determines necessary to 5563
pay the costs incurred by the tax commissioner in the enforcement 5564
of divisions (F) and (G) of section 5743.03 of the Revised Code. 5565

(K) If in any year from 2001 to 2012 the payments and 5566
interest credited to the tobacco master settlement agreement fund 5567
during the year amount to less than the amounts required to be 5568
transferred to the education facilities trust fund and the 5569
education facilities endowment fund that year, the director of 5570
budget and management shall make none of the transfers required by 5571
divisions (A) to (J) of this section. 5572

(L) If in any year from 2000 to 2025 the payments credited to 5573
the tobacco master settlement agreement fund during the year 5574
exceed the following amounts, the director of budget and 5575
management shall transfer the excess to the income tax reduction 5576
fund, created in section 131.44 of the Revised Code: 5577

YEAR	AMOUNT	
2000	\$443,892,767.51	5579
2001	348,780,049.22	5580
2002	418,783,038.09	5581
2003	422,746,368.61	5582
2004	352,827,184.57	5583

2005	352,827,184.57	5584
2006	352,827,184.57	5585
2007	352,827,184.57	5586
2008 to 2017	383,779,323.15	5587
2018 to 2025	403,202,282.16	5588

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

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

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

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

For purposes of this division, "unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two

members, constituting a quorum, are present. 5615

Whenever a contract of purchase, lease, or construction is 5616
exempted from competitive bidding under division (A)(1) of this 5617
section because the estimated cost is less than fifty thousand 5618
dollars, but the estimated cost is ~~fifteen~~ twenty-five thousand 5619
dollars or more, the county or contracting authority shall solicit 5620
informal estimates from no fewer than three persons who could 5621
perform the contract, before awarding the contract. With regard to 5622
each such contract, the county or contracting authority shall 5623
maintain a record of such estimates, including the name of each 5624
person from whom an estimate is solicited. The county or 5625
contracting authority shall maintain the record for the longer of 5626
at least one year after the contract is awarded or the amount of 5627
time the federal government requires. 5628

(B)(1) The purchase consists of supplies or a replacement or 5629
supplemental part or parts for a product or equipment owned or 5630
leased by the county, and the only source of supply for the 5631
supplies, part, or parts is limited to a single supplier. 5632

(2) The purchase consists of services related to information 5633
technology, such as programming services, that are proprietary or 5634
limited to a single source. 5635

(C) The purchase is from the federal government, the state, 5636
another county or contracting authority of another county, or a 5637
board of education, township, or municipal corporation. 5638

(D) Public family services or workforce development 5639
activities are purchased for provision by the county department of 5640
job and family services under section 329.04 of the Revised Code, 5641
or program services, such as direct and ancillary client services, 5642
child day-care, case management services, residential services, 5643
and family resource services, are purchased for provision by a 5644
county board of mental retardation and developmental disabilities 5645

under section 5126.05 of the Revised Code. 5646

(E) The purchase consists of criminal justice services, 5647
social services programs, family services, or workforce 5648
development activities by the board of county commissioners from 5649
nonprofit corporations or associations under programs funded by 5650
the federal government or by state grants. 5651

(F) The purchase consists of any form of an insurance policy 5652
or contract authorized to be issued under Title XXXIX of the 5653
Revised Code or any form of health care plan authorized to be 5654
issued under Chapter 1751. of the Revised Code, or any combination 5655
of such policies, contracts, or plans that the contracting 5656
authority is authorized to purchase, and the contracting authority 5657
does all of the following: 5658

(1) Determines that compliance with the requirements of this 5659
section would increase, rather than decrease, the cost of the 5660
purchase; 5661

(2) Employs a competent consultant to assist the contracting 5662
authority in procuring appropriate coverages at the best and 5663
lowest prices; 5664

(3) Requests issuers of the policies, contracts, or plans to 5665
submit proposals to the contracting authority, in a form 5666
prescribed by the contracting authority, setting forth the 5667
coverage and cost of the policies, contracts, or plans as the 5668
contracting authority desires to purchase; 5669

(4) Negotiates with the issuers for the purpose of purchasing 5670
the policies, contracts, or plans at the best and lowest price 5671
reasonably possible. 5672

(G) The purchase consists of computer hardware, software, or 5673
consulting services that are necessary to implement a computerized 5674
case management automation project administered by the Ohio 5675
prosecuting attorneys association and funded by a grant from the 5676

federal government.	5677
(H) Child day-care services are purchased for provision to county employees.	5678 5679
(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:	5680 5681 5682
(a) The contracting authority is authorized by the Revised Code to lease the property.	5683 5684
(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.	5685 5686 5687 5688
(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.	5689 5690 5691 5692 5693
(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.	5694 5695 5696 5697 5698
(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.	5699 5700 5701 5702
(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth,	5703 5704 5705 5706

or status offender under the supervision of the juvenile court, 5707
including, but not limited to, community residential care, day 5708
treatment, services to children in their home, or electronic 5709
monitoring. 5710

(K) The purchase is made by a public children services agency 5711
pursuant to section 307.92 or 5153.16 of the Revised Code and 5712
consists of family services, programs, or ancillary services that 5713
provide case management, prevention, or treatment services for 5714
children at risk of being or alleged to be abused, neglected, or 5715
dependent children. 5716

Any issuer of policies, contracts, or plans listed in 5717
division (F) of this section and any prospective lessor under 5718
division (I) of this section may have the issuer's or prospective 5719
lessor's name and address, or the name and address of an agent, 5720
placed on a special notification list to be kept by the 5721
contracting authority, by sending the contracting authority that 5722
name and address. The contracting authority shall send notice to 5723
all persons listed on the special notification list. Notices shall 5724
state the deadline and place for submitting proposals. The 5725
contracting authority shall mail the notices at least six weeks 5726
prior to the deadline set by the contracting authority for 5727
submitting proposals. Every five years the contracting authority 5728
may review this list and remove any person from the list after 5729
mailing the person notification of that action. 5730

Any contracting authority that negotiates a contract under 5731
division (F) of this section shall request proposals and 5732
renegotiate with issuers in accordance with that division at least 5733
every three years from the date of the signing of such a contract. 5734

Any consultant employed pursuant to division (F) of this 5735
section and any real estate appraiser employed pursuant to 5736
division (I) of this section shall disclose any fees or 5737
compensation received from any source in connection with that 5738

employment. 5739

Sec. 307.87. Where competitive bidding is required by section 5740
307.86 of the Revised Code, notice thereof shall be given in the 5741
following manner: 5742

(A) Notice shall be published once a week for not less than 5743
two consecutive weeks preceding the day of the opening of bids in 5744
a newspaper of general circulation within the county for any 5745
purchase, lease, lease with option or agreement to purchase, or 5746
construction contract in excess of ~~ten~~ twenty-five thousand 5747
dollars. The contracting authority may also cause notice to be 5748
inserted in trade papers or other publications designated by it or 5749
to be distributed by electronic means, including posting the 5750
notice on the contracting authority's internet site on the world 5751
wide web. If the contracting authority posts the notice on that 5752
location on the world wide web, it may eliminate the second notice 5753
otherwise required to be published in a newspaper of general 5754
circulation within the county, provided that the first notice 5755
published in such a newspaper meets all of the following 5756
requirements: 5757

(1) It is published at least two weeks before the opening of 5758
bids. 5759

(2) It includes a statement that the notice is posted on the 5760
contracting authority's internet site on the world wide web. 5761

(3) It includes the internet address of the contracting 5762
authority's internet site on the world wide web. 5763

(4) It includes instructions describing how the notice may be 5764
accessed on the contracting authority's internet site on the world 5765
wide web. 5766

(B) Notices shall state all of the following: 5767

(1) A general description of the subject of the proposed 5768

contract and the time and place where the plans and specifications 5769
or itemized list of supplies, facilities, or equipment and 5770
estimated quantities can be obtained or examined; 5771

(2) The time and place where bids will be opened; 5772

(3) The time and place for filing bids; 5773

(4) The terms of the proposed purchase; 5774

(5) Conditions under which bids will be received; 5775

(6) The existence of a system of preference, if any, for 5776
products mined and produced in Ohio and the United States adopted 5777
pursuant to section 307.90 of the Revised Code. 5778

~~(B)~~(C) The contracting authority shall also maintain in a 5779
public place in its office or other suitable public place a 5780
bulletin board upon which it shall post and maintain a copy of 5781
such notice for at least two weeks preceding the day of the 5782
opening of the bids. 5783

Sec. 307.93. (A) The boards of county commissioners of two or 5784
more adjacent counties may contract for the joint establishment of 5785
a multicounty correctional center, and the board of county 5786
commissioners of a county or the boards of two or more counties 5787
may contract with any municipal corporation or municipal 5788
corporations located in that county or those counties for the 5789
joint establishment of a municipal-county or multicounty-municipal 5790
correctional center. The center shall augment county and, where 5791
applicable, municipal jail programs and facilities by providing 5792
custody and rehabilitative programs for those persons under the 5793
charge of the sheriff of any of the contracting counties or of the 5794
officer or officers of the contracting municipal corporation or 5795
municipal corporations having charge of persons incarcerated in 5796
the municipal jail, workhouse, or other correctional facility who, 5797
in the opinion of the sentencing court, need programs of custody 5798

and rehabilitation not available at the county or municipal jail 5799
and by providing custody and rehabilitative programs in accordance 5800
with division (C) of this section, if applicable. The contract may 5801
include, but need not be limited to, provisions regarding the 5802
acquisition, construction, maintenance, repair, termination of 5803
operations, and administration of the center. The contract shall 5804
prescribe the manner of funding of, and debt assumption for, the 5805
center and the standards and procedures to be followed in the 5806
operation of the center. Except as provided in division (H) of 5807
this section, the contracting counties and municipal corporations 5808
shall form a corrections commission to oversee the administration 5809
of the center. Members of the commission shall consist of the 5810
sheriff of each participating county, the president of the board 5811
of county commissioners of each participating county, the 5812
presiding judge of the court of common pleas of each participating 5813
county, or, if the court of common pleas of a participating county 5814
has only one judge, then that judge, the chief of police of each 5815
participating municipal corporation, the mayor or city manager of 5816
each participating municipal corporation, and the presiding judge 5817
or the sole judge of the municipal court of each participating 5818
municipal corporation. Any of the foregoing officers may appoint a 5819
designee to serve in the officer's place on the corrections 5820
commission. The standards and procedures shall be formulated and 5821
agreed to by the commission and may be amended at any time during 5822
the life of the contract by agreement of the parties to the 5823
contract upon the advice of the commission. The standards and 5824
procedures formulated by the commission shall include, but need 5825
not be limited to, designation of the person in charge of the 5826
center, the categories of employees to be employed at the center, 5827
the appointing authority of the center, and the standards of 5828
treatment and security to be maintained at the center. The person 5829
in charge of, and all persons employed to work at, the center 5830
shall have all the powers of police officers that are necessary 5831

for the proper performance of the duties relating to their 5832
positions at the center. 5833

(B) Each board of county commissioners that enters a contract 5834
under division (A) of this section may appoint a building 5835
commission pursuant to section 153.21 of the Revised Code. If any 5836
commissions are appointed, they shall function jointly in the 5837
construction of a multicounty or multicounty-municipal 5838
correctional center with all the powers and duties authorized by 5839
law. 5840

(C) Prior to the acceptance for custody and rehabilitation 5841
into a center established under this section of any persons who 5842
are designated by the department of rehabilitation and correction, 5843
who plead guilty to or are convicted of a felony of the fourth or 5844
fifth degree, and who satisfy the other requirements listed in 5845
section 5120.161 of the Revised Code, the corrections commission 5846
of a center established under this section shall enter into an 5847
agreement with the department of rehabilitation and correction 5848
under section 5120.161 of the Revised Code for the custody and 5849
rehabilitation in the center of persons who are designated by the 5850
department, who plead guilty to or are convicted of a felony of 5851
the fourth or fifth degree, and who satisfy the other requirements 5852
listed in that section, in exchange for a per diem fee per person. 5853
Persons incarcerated in the center pursuant to an agreement 5854
entered into under this division shall be subject to supervision 5855
and control in the manner described in section 5120.161 of the 5856
Revised Code. This division does not affect the authority of a 5857
court to directly sentence a person who is convicted of or pleads 5858
guilty to a felony to the center in accordance with section 5859
2929.16 of the Revised Code. 5860

(D) Pursuant to section 2929.37 of the Revised Code, each 5861
board of county commissioners and the legislative authority of 5862
each municipal corporation that enters into a contract under 5863

division (A) of this section may require a person who was 5864
convicted of an offense, who is under the charge of the sheriff of 5865
their county or of the officer or officers of the contracting 5866
municipal corporation or municipal corporations having charge of 5867
persons incarcerated in the municipal jail, workhouse, or other 5868
correctional facility, and who is confined in the multicounty, 5869
municipal-county, or multicounty-municipal correctional center as 5870
provided in that division, to reimburse the applicable county or 5871
municipal corporation for its expenses incurred by reason of the 5872
person's confinement in the center. 5873

(E) Notwithstanding any contrary provision in this section or 5874
section 2929.18, 2929.21, 2929.36, or 2929.37 of the Revised Code, 5875
the corrections commission of a center may establish a policy that 5876
complies with section 2929.38 of the Revised Code and that 5877
requires any person who is not indigent and who is confined in the 5878
multicounty, municipal-county, or multicounty-municipal 5879
correctional center to pay a reception fee, a fee for medical 5880
treatment or service requested by and provided to that person, or 5881
the fee for a random drug test assessed under division (E) of 5882
section 341.26 of the Revised Code. 5883

(F)(1) The corrections commission of a center established 5884
under this section may establish a commissary for the center. The 5885
commissary may be established either in-house or by another 5886
arrangement. If a commissary is established, all persons 5887
incarcerated in the center shall receive commissary privileges. A 5888
person's purchases from the commissary shall be deducted from the 5889
person's account record in the center's business office. The 5890
commissary shall provide for the distribution to indigent persons 5891
incarcerated in the center of necessary hygiene articles and 5892
writing materials. 5893

(2) If a commissary is established, the corrections 5894
commission of a center established under this section shall 5895

establish a commissary fund for the center. The management of 5896
funds in the commissary fund shall be strictly controlled in 5897
accordance with procedures adopted by the auditor of state. 5898
Commissary fund revenue over and above operating costs and reserve 5899
shall be considered profits. All profits from the commissary fund 5900
shall be used to purchase supplies and equipment for the benefit 5901
of persons incarcerated in the center and to pay salary and 5902
benefits for employees of the center, or for any other persons, 5903
who work in or are employed for the sole purpose of providing 5904
service to the commissary. The corrections commission shall adopt 5905
rules and regulations for the operation of any commissary fund it 5906
establishes. 5907

(G) In lieu of forming a corrections commission to administer 5908
a multicounty correctional center or a municipal-county or 5909
multicounty-municipal correctional center, the boards of county 5910
commissioners and the legislative authorities of the municipal 5911
corporations contracting to establish the center may also agree to 5912
contract for the private operation and management of the center as 5913
provided in section 9.06 of the Revised Code, but only if the 5914
center houses only misdemeanor inmates. In order to enter into a 5915
contract under section 9.06 of the Revised Code, all the boards 5916
and legislative authorities establishing the center shall approve 5917
and be parties to the contract. 5918

(H) If a person who is convicted of or pleads guilty to an 5919
offense is sentenced to a term in a multicounty correctional 5920
center or a municipal-county or multicounty-municipal correctional 5921
center or is incarcerated in the center in the manner described in 5922
division (C) of this section, or if a person who is arrested for 5923
an offense, and who has been denied bail or has had bail set and 5924
has not been released on bail is confined in a multicounty 5925
correctional center or a municipal-county or multicounty-municipal 5926
correctional center pending trial, at the time of reception and at 5927

other times the officer, officers, or other person in charge of 5928
the operation of the center determines to be appropriate, the 5929
officer, officers, or other person in charge of the operation of 5930
the center may cause the convicted or accused offender to be 5931
examined and tested for tuberculosis, HIV infection, hepatitis, 5932
including but not limited to hepatitis A, B, and C, and other 5933
contagious diseases. The officer, officers, or other person in 5934
charge of the operation of the center may cause a convicted or 5935
accused offender in the center who refuses to be tested or treated 5936
for tuberculosis, HIV infection, hepatitis, including but not 5937
limited to hepatitis A, B, and C, or another contagious disease to 5938
be tested and treated involuntarily. 5939

(I) As used in this section, "multicounty-municipal" means 5940
more than one county and a municipal corporation, or more than one 5941
municipal corporation and a county, or more than one municipal 5942
corporation and more than one county. 5943

Sec. 311.17. For the services specified in this section, the 5944
sheriff shall charge the following fees, which the court or its 5945
clerk ~~thereof~~ shall tax in the bill of costs against the judgment 5946
debtor or those legally liable therefor for the judgment: 5947

(A) For the service and return of the following writs and 5948
orders: 5949

(1) Execution: 5950

(a) When money is paid without levy or when no property is 5951
found, ~~five~~ twenty dollars; 5952

(b) When levy is made on real property, for the first tract, 5953
~~twenty~~ twenty-five dollars, and for each additional tract, ~~five~~ 5954
ten dollars; 5955

(c) When levy is made on goods and chattels, including 5956
inventory, ~~twenty-five~~ fifty dollars. 5957

(2) Writ of attachment of property, except for purpose of garnishment, twenty <u>forty</u> dollars;	5958 5959
(3) Writ of attachment for the purpose of garnishment, five <u>ten</u> dollars;	5960 5961
(4) Writ of replevin, twenty <u>forty</u> dollars;	5962
(5) Warrant to arrest, for each person named in the writ, five <u>ten</u> dollars;	5963 5964
(6) Attachment for contempt, for each person named in the writ, three <u>six</u> dollars;	5965 5966
(7) Writ of possession or restitution, twenty <u>sixty</u> dollars;	5967
(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>	5968 5969 5970
(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>	5971 5972 5973
(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>	5974 5975 5976
(11) Writ of partition, fifteen <u>twenty-five</u> dollars;	5977
(12) Order of sale on partition, for the first tract, twenty-five <u>fifty</u> dollars, and for each additional tract, five <u>twenty-five</u> dollars;	5978 5979 5980
(13) Other order of sale of real property, for the first tract, twenty <u>fifty</u> dollars, and for each additional tract, five <u>twenty-five</u> dollars;	5981 5982 5983
(14) Administering oath to appraisers, one-dollar and fifty cents <u>three dollars</u> each;	5984 5985
(15) Furnishing copies for advertisements, fifty-cents <u>one</u>	5986

<u>dollar</u> for each hundred words;	5987
(16) Copy of indictment, for each defendant, two <u>five</u> dollars;	5988
	5989
(17) All summons, writs, orders, or notices, for the first name, three <u>six</u> dollars, and for each additional name, fifty cents <u>one dollar</u> .	5990
	5991
	5992
(B) In addition to the fee for service and return, the sheriff may charge:	5993
	5994
(1) On each summons, writ, order, or notice, a fee of fifty cents <u>one dollar</u> per mile for the first mile, and twenty <u>fifty</u> cents per mile for each additional mile, going and returning, actual mileage to be charged on each additional name;	5995
	5996
	5997
	5998
(2) Taking bail bond, one dollar <u>three dollars</u> ;	5999
(3) Jail fees, as follows:	6000
(a) For receiving a prisoner, four <u>five</u> dollars <u>each time a prisoner is received</u> , and for discharging or surrendering a prisoner, four <u>five</u> dollars; <u>each time a prisoner is discharged or surrendered. The departure or return of a prisoner from or to a jail in connection with a program established under section 5147.28 of the Revised Code is not a receipt, discharge, or surrender of the prisoner for purposes of this division.</u>	6001
	6002
	6003
	6004
	6005
	6006
	6007
(b) Taking a prisoner before a judge or court, per day, three <u>five</u> dollars;	6008
	6009
(c) Calling action, fifty cents <u>one dollar</u> ;	6010
(d) Calling jury, one dollar <u>three dollars</u> ;	6011
(e) Calling each witness, one dollar <u>three dollars</u> ;	6012
(f) Bringing prisoner before court on habeas corpus, four <u>six</u> dollars;.	6013
	6014
(4) Poundage on all moneys actually made and paid to the	6015

sheriff on execution, decree, or sale of real estate, one and 6016
one-half per cent; 6017

(5) Making and executing a deed of land sold on execution, 6018
decree, or order of the court, to be paid by the purchaser, 6019
~~twenty-five~~ fifty dollars. 6020

When any of the ~~foregoing~~ services described in division (A) 6021
or (B) of this section are rendered by an officer or employee, 6022
whose salary or per diem compensation is paid by the county, the 6023
applicable legal fees and any other extraordinary expenses, 6024
including overtime, provided for ~~such the~~ service ~~in this section~~ 6025
shall be taxed in the costs in the case, and, when ~~such fees are~~ 6026
collected ~~they,~~ shall be paid into the general fund of the county. 6027

The sheriff shall charge the same fees for the execution of 6028
process issued in any other state as ~~he~~ the sheriff charges for 6029
the execution of process of a substantively similar nature that is 6030
issued in this state. 6031

Sec. 323.01. Except as otherwise provided, as used in Chapter 6032
323. of the Revised Code: 6033

(A) "Subdivision" means any county, township, school 6034
district, or municipal corporation. 6035

(B) "Municipal corporation" includes charter municipalities. 6036

(C) "Taxes" means the total amount of all charges against an 6037
entry appearing on a tax list and the duplicate thereof that was 6038
prepared and certified in accordance with section 319.28 of the 6039
Revised Code, including taxes levied against real estate; taxes on 6040
property whose value is certified pursuant to section 5727.23 of 6041
the Revised Code; recoupment charges applied pursuant to section 6042
5713.35 of the Revised Code; all assessments; penalties and 6043
interest charged pursuant to section 323.121 of the Revised Code; 6044
charges added pursuant to section 319.35 of the Revised Code; and 6045

all of such charges which remain unpaid from any previous tax 6046
year. 6047

(D) "Current taxes" means all taxes charged against an entry 6048
on the general tax list and duplicate of real and public utility 6049
property that have not appeared on such list and duplicate for any 6050
prior tax year and any penalty thereon charged by division (A) of 6051
section 323.121 of the Revised Code. Current taxes, whether or not 6052
they have been certified delinquent, become delinquent taxes if 6053
they remain unpaid after the last day prescribed for payment of 6054
the second installment of current taxes without penalty. 6055

(E) "Delinquent taxes" means: 6056

(1) Any taxes charged against an entry on the general tax 6057
list and duplicate of real and public utility property that were 6058
charged against an entry on such list and duplicate for a prior 6059
tax year and any penalties and interest charged against such 6060
taxes. 6061

(2) Any current taxes charged on the general tax list and 6062
duplicate of real and public utility property that remain unpaid 6063
after the last day prescribed for payment of the second 6064
installment of such taxes without penalty, whether or not they 6065
have been certified delinquent, and any penalties and interest 6066
charged against such taxes. 6067

(F) "Current tax year" means, with respect to particular 6068
taxes, the calendar year in which the first installment of taxes 6069
is due prior to any extension granted under section 323.17 of the 6070
Revised Code. 6071

(G) "Liquidated claim" means: 6072

(1) Any sum of money due and payable, upon a written 6073
contractual obligation executed between the subdivision and the 6074
taxpayer, but excluding any amount due on general and special 6075
assessment bonds and notes; 6076

(2) Any sum of money due and payable, for disability 6077
financial assistance or disability medical assistance provided 6078
under Chapter 5115. of the Revised Code that is furnished to or in 6079
behalf of a subdivision, provided that such claim is recognized by 6080
a resolution or ordinance of the legislative body of such 6081
subdivision; 6082

(3) Any sum of money advanced and paid to or received and 6083
used by a subdivision, pursuant to a resolution or ordinance of 6084
such subdivision or its predecessor in interest, and the moral 6085
obligation to repay which sum, when in funds, shall be recognized 6086
by resolution or ordinance by the subdivision. 6087

Sec. 325.31. (A) On the first business day of each month, and 6088
at the end of the officer's term of office, each officer named in 6089
section 325.27 of the Revised Code shall pay into the county 6090
treasury, to the credit of the general county fund, on the warrant 6091
of the county auditor, all fees, costs, penalties, percentages, 6092
allowances, and perquisites collected by the officer's office 6093
during the preceding month or part thereof for official services, 6094
except the fees allowed the county auditor by division (B) of 6095
section 319.54 of the Revised Code, which shall be paid into the 6096
county treasury to the credit of the real estate assessment fund 6097
hereby created. 6098

(B) Moneys to the credit of the real estate assessment fund 6099
may be expended, upon appropriation by the board of county 6100
commissioners, for ~~the purpose of defraying~~ one or more of the 6101
following purposes: 6102

(1) Defraying the cost incurred by the county auditor in 6103
assessing real estate pursuant to Chapter 5713. of the Revised 6104
Code and manufactured and mobile homes pursuant to Chapter 4503. 6105
of the Revised Code, ~~and, at;~~ 6106

(2) At the county auditor's discretion, for any costs related 6107
to county tax maps and also for the expenses incurred by the 6108
county board of revision under Chapter 5715. of the Revised Code- 6109
Any; 6110

(3) Defraying expenses incurred by the county auditor for 6111
geographic information systems and mapping programs; 6112

(4) Defraying expenses incurred by the county auditor in the 6113
collection of tangible personal property taxes under Chapters 6114
5711. and 5719. of the Revised Code; 6115

(5) Deferring expenses and fees incurred by the county 6116
auditor in the collection of estate taxes under Chapter 5731. of 6117
the Revised Code. 6118

Any expenditures made from the real estate assessment fund 6119
shall comply with rules that the tax commissioner adopts under 6120
division (0) of section 5703.05 of the Revised Code. Those rules 6121
shall include a requirement that a copy of any appraisal plans, 6122
progress of work reports, contracts, or other documents required 6123
to be filed with the tax commissioner shall be filed also with the 6124
board of county commissioners. 6125

The board of county commissioners shall not transfer moneys 6126
required to be deposited in the real estate assessment fund to any 6127
other fund. Following an assessment of real property pursuant to 6128
Chapter 5713. of the Revised Code, or an assessment of a 6129
manufactured or mobile home pursuant to Chapter 4503. of the 6130
Revised Code, any moneys not expended for the purpose of defraying 6131
the cost incurred in assessing real estate or manufactured or 6132
mobile homes, or for costs related to county tax maps, or for the 6133
purpose of defraying the expenses ~~of the county board of revision~~ 6134
described in divisions (B)(2), (3), (4), and (5) of this section, 6135
and thereby remaining to the credit of the real estate assessment 6136
fund, shall be apportioned ratably and distributed to those taxing 6137

authorities that contributed to the fund. However, no such 6138
distribution shall be made if the amount of such unexpended moneys 6139
remaining to the credit of the real estate assessment fund does 6140
not exceed five thousand dollars. 6141

(C) None of the officers named in section 325.27 of the 6142
Revised Code shall collect any fees from the county. Each of such 6143
officers shall, at the end of each calendar year, make and file a 6144
sworn statement with the board of county commissioners of all such 6145
fees, costs, penalties, percentages, allowances, and perquisites 6146
which have been due in the officer's office and unpaid for more 6147
than one year prior to the date such statement is required to be 6148
made. 6149

Sec. 329.03. (A) As used in this section: 6150

(1) "Applicant" or "recipient" means an applicant for or 6151
participant in the Ohio works first program established under 6152
Chapter 5107. of the Revised Code or an applicant for or recipient 6153
of disability financial assistance under Chapter 5115. of the 6154
Revised Code. 6155

(2) "Voluntary direct deposit" means a system established 6156
pursuant to this section under which cash assistance payments to 6157
recipients who agree to direct deposit are made by direct deposit 6158
by electronic transfer to an account in a financial institution 6159
designated under this section. 6160

(3) "Mandatory direct deposit" means a system established 6161
pursuant to this section under which cash assistance payments to 6162
all participants in the Ohio works first program or recipients of 6163
disability financial assistance, other than those exempt under 6164
division (E) of this section, are made by direct deposit by 6165
electronic transfer to an account in a financial institution 6166
designated under this section. 6167

(B) A board of county commissioners may by adoption of a 6168
resolution require the county department of job and family 6169
services to establish a direct deposit system for distributing 6170
cash assistance payments under Ohio works first, disability 6171
financial assistance, or both, unless the director of job and 6172
family services has provided for those payments to be made by 6173
electronic benefit transfer pursuant to section 5101.33 of the 6174
Revised Code. Voluntary or mandatory direct deposit may be applied 6175
to either of the programs. The resolution shall specify for each 6176
program for which direct deposit is to be established whether 6177
direct deposit is voluntary or mandatory. The board may require 6178
the department to change or terminate direct deposit by adopting a 6179
resolution to change or terminate it. Within ninety days after 6180
adopting a resolution under this division, the board shall certify 6181
one copy of the resolution to the director of job and family 6182
services and one copy to the office of budget and management. The 6183
director of job and family services may adopt rules governing 6184
establishment of direct deposit by county departments of job and 6185
family services. 6186

The county department of job and family services shall 6187
determine what type of account will be used for direct deposit and 6188
negotiate with financial institutions to determine the charges, if 6189
any, to be imposed by a financial institution for establishing and 6190
maintaining such accounts. Under voluntary direct deposit, the 6191
county department of job and family services may pay all charges 6192
imposed by a financial institution for establishing and 6193
maintaining an account in which direct deposits are made for a 6194
recipient. Under mandatory direct deposit, the county department 6195
of job and family services shall pay all charges imposed by a 6196
financial institution for establishing and maintaining such an 6197
account. No financial institution shall impose any charge for such 6198
an account that the institution does not impose on its other 6199

customers for the same type of account. Direct deposit does not 6200
affect the exemption of Ohio works first and disability financial 6201
assistance from attachment, garnishment, or other like process 6202
afforded by sections 5107.75 and ~~5115.07~~ 5115.06 of the Revised 6203
Code. 6204

(C) The county department of job and family services shall, 6205
within sixty days after a resolution requiring the establishment 6206
of direct deposit is adopted, establish procedures governing 6207
direct deposit. 6208

Within one hundred eighty days after the resolution is 6209
adopted, the county department shall: 6210

(1) Inform each applicant or recipient of the procedures 6211
governing direct deposit, including in the case of voluntary 6212
direct deposit those that prescribe the conditions under which a 6213
recipient may change from one method of payment to another; 6214

(2) Obtain from each applicant or recipient an authorization 6215
form to designate a financial institution equipped for and 6216
authorized by law to accept direct deposits by electronic transfer 6217
and the account into which the applicant or recipient wishes the 6218
payments to be made, or in the case of voluntary direct deposit 6219
states the applicant's or recipient's election to receive such 6220
payments in the form of a paper warrant. 6221

The department may require a recipient to complete a new 6222
authorization form whenever the department considers it necessary. 6223

A recipient's designation of a financial institution and 6224
account shall remain in effect until withdrawn in writing or 6225
dishonored by the financial institution, except that no change may 6226
be made in the authorization form until the next eligibility 6227
redetermination of the recipient unless the department feels that 6228
good grounds exist for an earlier change. 6229

(D) An applicant or recipient without an account who either 6230

agrees or is required to receive payments by direct deposit shall 6231
have ten days after receiving the authorization form to designate 6232
an account suitable for direct deposit. If within the required 6233
time the applicant or recipient does not make the designation or 6234
requests that the department make the designation, the department 6235
shall designate a financial institution and help the recipient to 6236
open an account. 6237

(E) At the time of giving an applicant or recipient the 6238
authorization form, the county department of job and family 6239
services of a county with mandatory direct deposit shall inform 6240
each applicant or recipient of the basis for exemption and the 6241
right to request exemption from direct deposit. 6242

Under mandatory direct deposit, an applicant or recipient who 6243
wishes to receive payments in the form of a paper warrant shall 6244
record on the authorization form a request for exemption under 6245
this division and the basis for the exemption. 6246

The department shall exempt from mandatory direct deposit any 6247
recipient who requests exemption and is any of the following: 6248

(1) Over age sixty-five; 6249

(2) Blind or disabled; 6250

(3) Likely, in the judgment of the department, to be caused 6251
personal hardship by direct deposit. 6252

A recipient granted an exemption under this division shall 6253
receive payments for which the recipient is eligible in the form 6254
of paper warrants. 6255

(F) The county department of job and family services shall 6256
bear the full cost of the amount of any replacement warrant issued 6257
to a recipient for whom an authorization form as provided in this 6258
section has not been obtained within one hundred eighty days after 6259
the later of the date the board of county commissioners adopts a 6260

resolution requiring payments of financial assistance by direct 6261
deposit to accounts of recipients of Ohio works first or 6262
disability financial assistance or the date the recipient made 6263
application for assistance, and shall not be reimbursed by the 6264
state for any part of the cost. Thereafter, the county department 6265
of job and family services shall continue to bear the full cost of 6266
each replacement warrant issued until the board of county 6267
commissioners requires the county department of job and family 6268
services to obtain from each such recipient the authorization 6269
forms as provided in this section. 6270

Sec. 329.04. (A) The county department of job and family 6271
services shall have, exercise, and perform the following powers 6272
and duties: 6273

(1) Perform any duties assigned by the state department of 6274
job and family services regarding the provision of public family 6275
services, including the provision of the following services to 6276
prevent or reduce economic or personal dependency and to 6277
strengthen family life: 6278

(a) Services authorized by a Title IV-A program, as defined 6279
in section 5101.80 of the Revised Code; 6280

(b) Social services authorized by Title XX of the "Social 6281
Security Act" and provided for by section 5101.46 of the Revised 6282
Code; 6283

(c) If the county department is designated as the child 6284
support enforcement agency, services authorized by Title IV-D of 6285
the "Social Security Act" and provided for by Chapter 3125. of the 6286
Revised Code. The county department may perform the services 6287
itself or contract with other government entities, and, pursuant 6288
to division (C) of section 2301.35 and section 2301.42 of the 6289
Revised Code, private entities, to perform the Title IV-D 6290
services. 6291

(2) Administer disability <u>financial</u> assistance under Chapter	6292
5115. of the Revised Code, as required by the state department of	6293
job and family services <u>under section 5115.03 of the Revised Code;</u>	6294
<u>(3) Administer disability medical assistance, as required by</u>	6295
<u>the state department of job and family services under section</u>	6296
<u>5115.13 of the Revised Code;</u>	6297
(3) <u>(4)</u> Administer burials insofar as the administration of	6298
burials was, prior to September 12, 1947, imposed upon the board	6299
of county commissioners and if otherwise required by state law;	6300
(4) <u>(5)</u> Cooperate with state and federal authorities in any	6301
matter relating to family services and to act as the agent of such	6302
authorities;	6303
(5) <u>(6)</u> Submit an annual account of its work and expenses to	6304
the board of county commissioners and to the state department of	6305
job and family services at the close of each fiscal year;	6306
(6) <u>(7)</u> Exercise any powers and duties relating to family	6307
services or workforce development activities imposed upon the	6308
county department of job and family services by law, by resolution	6309
of the board of county commissioners, or by order of the governor,	6310
when authorized by law, to meet emergencies during war or peace;	6311
(7) <u>(8)</u> Determine the eligibility for medical assistance of	6312
recipients of aid under Title XVI of the "Social Security Act";	6313
(8) <u>(9)</u> If assigned by the state director of job and family	6314
services under section 5101.515 of the Revised Code, determine	6315
applicants' eligibility for health assistance under the children's	6316
health insurance program part II;	6317
(9) <u>(10)</u> Enter into a plan of cooperation with the board of	6318
county commissioners under section 307.983, consult with the board	6319
in the development of the transportation work plan developed under	6320
section 307.985, establish with the board procedures under section	6321

307.986 for providing services to children whose families relocate 6322
frequently, and comply with the contracts the board enters into 6323
under sections 307.981 and 307.982 of the Revised Code that affect 6324
the county department; 6325

~~(10)~~(11) For the purpose of complying with a partnership 6326
agreement the board of county commissioners enters into under 6327
section 307.98 of the Revised Code, exercise the powers and 6328
perform the duties the partnership agreement assigns to the county 6329
department; 6330

~~(11)~~(12) If the county department is designated as the 6331
workforce development agency, provide the workforce development 6332
activities specified in the contract required by section 330.05 of 6333
the Revised Code. 6334

(B) The powers and duties of a county department of job and 6335
family services are, and shall be exercised and performed, under 6336
the control and direction of the board of county commissioners. 6337
The board may assign to the county department any power or duty of 6338
the board regarding family services and workforce development 6339
activities. If the new power or duty necessitates the state 6340
department of job and family services changing its federal cost 6341
allocation plan, the county department may not implement the power 6342
or duty unless the United States department of health and human 6343
services approves the changes. 6344

Sec. 329.051. The county department of job and family 6345
services shall make voter registration applications as prescribed 6346
by the secretary of state under section 3503.10 of the Revised 6347
Code available to persons who are applying for, receiving 6348
assistance from, or participating in any of the following: 6349

(A) The disability financial assistance program established 6350
under Chapter 5115. of the Revised Code; 6351

(B) <u>The disability medical assistance program established</u>	6352
<u>under Chapter 5115. of the Revised Code;</u>	6353
(C) The medical assistance program established under Chapter	6354
5111. of the Revised Code;	6355
(C) (D) The Ohio works first program established under Chapter	6356
5107. of the Revised Code;	6357
(D) (E) The prevention, retention, and contingency program	6358
established under Chapter 5108. of the Revised Code.	6359
Sec. 340.021. (A) In an alcohol, drug addiction, and mental	6360
health service district comprised of a county with a population of	6361
two hundred fifty thousand or more on the effective date of this	6362
section <u>October 10, 1989</u> , the board of county commissioners shall,	6363
within thirty days of the effective date of this section <u>October</u>	6364
<u>10, 1989</u> , establish an alcohol and drug addiction services board	6365
as the entity responsible for providing alcohol and drug addiction	6366
services in the county, unless, prior to that date, the board	6367
adopts a resolution providing that the entity responsible for	6368
providing the services is a board of alcohol, drug addiction, and	6369
mental health services. If the board of county commissioners	6370
establishes an alcohol and drug addiction services board, the	6371
community mental health board established under former section	6372
340.02 of the Revised Code shall serve as the entity responsible	6373
for providing mental health services in the county. A community	6374
mental health board has all the powers, duties, and obligations of	6375
a board of alcohol, drug addiction, and mental health services	6376
with regard to mental health services. An alcohol and drug	6377
addiction services board has all the powers, duties, and	6378
obligations of a board of alcohol, drug addiction, and mental	6379
health services with regard to alcohol and drug addiction	6380
services. Any provision of the Revised Code that refers to a board	6381
of alcohol, drug addiction, and mental health services with regard	6382

to mental health services also refers to a community mental health 6383
board and any provision that refers to a board of alcohol, drug 6384
addiction, and mental health services with regard to alcohol and 6385
drug addiction services also refers to an alcohol and drug 6386
addiction services board. 6387

An alcohol and drug addiction services board shall consist of 6388
eighteen members, six of whom shall be appointed by the director 6389
of alcohol and drug addiction services and twelve of whom shall be 6390
appointed by the board of county commissioners. Of the members 6391
appointed by the director, one shall be a person who has received 6392
or is receiving services for alcohol or drug addiction, one shall 6393
be a parent or relative of such a person, one shall be a 6394
professional in the field of alcohol or drug addiction services, 6395
and one shall be an advocate for persons receiving treatment for 6396
alcohol or drug addiction. The membership of the board shall, as 6397
nearly as possible, reflect the composition of the population of 6398
the service district as to race and sex. Members shall be 6399
residents of the service district and shall be interested in 6400
alcohol and drug addiction services. Requirements for membership, 6401
including prohibitions against certain family and business 6402
relationships, and terms of office shall be the same as those for 6403
members of boards of alcohol, drug addiction, and mental health 6404
services. 6405

~~(B)~~ A community mental health board shall consist of eighteen 6406
members, six of whom shall be appointed by the director of mental 6407
health and twelve of whom shall be appointed by the board of 6408
county commissioners. Of the members appointed by the director, 6409
one shall be a person who has received or is receiving mental 6410
health services, one shall be a parent or relative of such a 6411
person, one shall be a psychiatrist or a physician, and one shall 6412
be a mental health professional. The membership of the board as 6413
nearly as possible shall reflect the composition of the population 6414

of the service district as to race and sex. Members shall be 6415
residents of the service district and shall be interested in 6416
mental health services. Requirements for membership, including 6417
prohibitions against certain family and business relationships, 6418
and terms of office shall be the same as those for members of 6419
boards of alcohol, drug addiction, and mental health services. 6420

(B) If a board of county commissioners subject to division 6421
(A) of this section did not adopt a resolution providing for a 6422
board of alcohol, drug addiction, and mental health services, the 6423
board of county commissioners may adopt a resolution providing for 6424
such a board, subject to both of the following: 6425

(1) The resolution shall be adopted not later than January 1, 6426
2004. 6427

(2) Before adopting the resolution, the board of county 6428
commissioners shall provide notice of the proposed resolution to 6429
the alcohol and drug services board and the community mental 6430
health board and shall provide both boards an opportunity to 6431
comment on the proposed resolution. 6432

Sec. 340.03. (A) Subject to rules issued by the director of 6433
mental health after consultation with relevant constituencies as 6434
required by division (A)(11) of section 5119.06 of the Revised 6435
Code, with regard to mental health services, the board of alcohol, 6436
drug addiction, and mental health services shall: 6437

(1) Serve as the community mental health planning agency for 6438
the county or counties under its jurisdiction, and in so doing it 6439
shall: 6440

(a) Evaluate the need for facilities and community mental 6441
health services; 6442

(b) In cooperation with other local and regional planning and 6443
funding bodies and with relevant ethnic organizations, assess the 6444

community mental health needs, set priorities, and develop plans 6445
for the operation of facilities and community mental health 6446
services; 6447

(c) In accordance with guidelines issued by the director of 6448
mental health after consultation with board representatives, 6449
develop and submit to the department of mental health, no later 6450
than six months prior to the conclusion of the fiscal year in 6451
which the board's current plan is scheduled to expire, a community 6452
mental health plan listing community mental health needs, 6453
including the needs of all residents of the district now residing 6454
in state mental institutions and severely mentally disabled 6455
adults, children, and adolescents; all children subject to a 6456
determination made pursuant to section 121.38 of the Revised Code; 6457
and all the facilities and community mental health services that 6458
are or will be in operation or provided during the period for 6459
which the plan will be in operation in the service district to 6460
meet such needs. 6461

The plan shall include, but not be limited to, a statement of 6462
which of the services listed in section 340.09 of the Revised Code 6463
the board intends to provide or purchase, an explanation of how 6464
the board intends to make any payments that it may be required to 6465
pay under section 5119.62 of the Revised Code, a statement of the 6466
inpatient and community-based services the board proposes that the 6467
department operate, an assessment of the number and types of 6468
residential facilities needed, and such other information as the 6469
department requests, and a budget for moneys the board expects to 6470
receive. The board shall also submit an allocation request for 6471
state and federal funds. Within sixty days after the department's 6472
determination that the plan and allocation request are complete, 6473
the department shall approve or disapprove the plan and request, 6474
in whole or in part, according to the criteria developed pursuant 6475
to section 5119.61 of the Revised Code. The department's statement 6476

of approval or disapproval shall specify the inpatient and the 6477
community-based services that the department will operate for the 6478
board. Eligibility for financial support shall be contingent upon 6479
an approved plan or relevant part of a plan. 6480

If the director disapproves all or part of any plan, the 6481
director shall inform the board of the reasons for the disapproval 6482
and of the criteria that must be met before the plan may be 6483
approved. The director shall provide the board an opportunity to 6484
present its case on behalf of the plan. The director shall give 6485
the board a reasonable time in which to meet the criteria, and 6486
shall offer the board technical assistance to help it meet the 6487
criteria. 6488

If the approval of a plan remains in dispute thirty days 6489
prior to the conclusion of the fiscal year in which the board's 6490
current plan is scheduled to expire, the board or the director may 6491
request that the dispute be submitted to a mutually agreed upon 6492
third-party mediator with the cost to be shared by the board and 6493
the department. The mediator shall issue to the board and the 6494
department recommendations for resolution of the dispute. Prior to 6495
the conclusion of the fiscal year in which the current plan is 6496
scheduled to expire, the director, taking into consideration the 6497
recommendations of the mediator, shall make a final determination 6498
and approve or disapprove the plan, in whole or in part. 6499

If a board determines that it is necessary to amend a plan or 6500
an allocation request that has been approved under division 6501
(A)(1)(c) of this section, the board shall submit a proposed 6502
amendment to the director. The director may approve or disapprove 6503
all or part of the amendment. If the director does not approve all 6504
or part of the amendment within thirty days after it is submitted, 6505
the amendment or part of it shall be considered to have been 6506
approved. The director shall inform the board of the reasons for 6507
disapproval of all or part of an amendment and of the criteria 6508

that must be met before the amendment may be approved. The 6509
director shall provide the board an opportunity to present its 6510
case on behalf of the amendment. The director shall give the board 6511
a reasonable time in which to meet the criteria, and shall offer 6512
the board technical assistance to help it meet the criteria. 6513

The board shall implement the plan approved by the 6514
department. 6515

(d) Receive, compile, and transmit to the department of 6516
mental health applications for state reimbursement; 6517

(e) Promote, arrange, and implement working agreements with 6518
social agencies, both public and private, and with judicial 6519
agencies. 6520

(2) Investigate, or request another agency to investigate, 6521
any complaint alleging abuse or neglect of any person receiving 6522
services from a community mental health agency as defined in 6523
section 5122.01 of the Revised Code, or from a residential 6524
facility licensed under section 5119.22 of the Revised Code. If 6525
the investigation substantiates the charge of abuse or neglect, 6526
the board shall take whatever action it determines is necessary to 6527
correct the situation, including notification of the appropriate 6528
authorities. Upon request, the board shall provide information 6529
about such investigations to the department. 6530

(3) For the purpose of section 5119.611 of the Revised Code, 6531
cooperate with the director of mental health in visiting and 6532
evaluating whether the services of a community mental health 6533
agency satisfy the certification standards established by rules 6534
adopted under that section; 6535

(4) In accordance with criteria established under division 6536
(G) of section 5119.61 of the Revised Code, review and evaluate 6537
the quality, effectiveness, and efficiency of services provided 6538
through its community mental health plan and submit its findings 6539

and recommendations to the department of mental health; 6540

(5) In accordance with section 5119.22 of the Revised Code, 6541
review applications for residential facility licenses and 6542
recommend to the department of mental health approval or 6543
disapproval of applications; 6544

(6) Audit, in accordance with rules adopted by the auditor of 6545
state pursuant to section 117.20 of the Revised Code, at least 6546
annually all programs and services provided under contract with 6547
the board. In so doing, the board may contract for or employ the 6548
services of private auditors. A copy of the fiscal audit report 6549
shall be provided to the director of mental health, the auditor of 6550
state, and the county auditor of each county in the board's 6551
district. 6552

(7) Recruit and promote local financial support for mental 6553
health programs from private and public sources; 6554

(8)(a) Enter into contracts with public and private 6555
facilities for the operation of facility services included in the 6556
board's community mental health plan and enter into contracts with 6557
public and private community mental health agencies for the 6558
provision of community mental health services listed in section 6559
340.09 of the Revised Code and included in the board's community 6560
mental health plan. Contracts with community mental health 6561
agencies are subject to section 5119.611 of the Revised Code. 6562
Section 307.86 of the Revised Code does not apply to contracts 6563
entered into under this division. In contracting with a community 6564
mental health agency, a board shall consider the cost 6565
effectiveness of services provided by that agency and the quality 6566
and continuity of care, and may review cost elements, including 6567
salary costs, of the services to be provided. A utilization review 6568
process shall be established as part of the contract for services 6569
entered into between a board and a community mental health agency. 6570
The board may establish this process in a way that is most 6571

effective and efficient in meeting local needs. In the case of a 6572
contract with a community mental health facility ~~described, as~~ 6573
~~defined~~ in ~~division (B) of~~ section 5111.022 of the Revised Code, 6574
to provide services ~~established by~~ listed in division ~~(A)~~(B) of 6575
that section, the contract shall provide for the facility to be 6576
paid in accordance with the contract entered into between the 6577
departments of job and family services and mental health under 6578
~~division (E) of that~~ section 5111.91 of the Revised Code and any 6579
rules adopted under division (A) of section 5119.61 of the Revised 6580
Code. 6581

If either the board or a facility or community mental health 6582
agency with which the board contracts under division (A)(8)(a) of 6583
this section proposes not to renew the contract or proposes 6584
substantial changes in contract terms, the other party shall be 6585
given written notice at least one hundred twenty days before the 6586
expiration date of the contract. During the first sixty days of 6587
this one hundred twenty-day period, both parties shall attempt to 6588
resolve any dispute through good faith collaboration and 6589
negotiation in order to continue to provide services to persons in 6590
need. If the dispute has not been resolved sixty days before the 6591
expiration date of the contract, either party may notify the 6592
department of mental health of the unresolved dispute. The 6593
director may require both parties to submit the dispute to a third 6594
party with the cost to be shared by the board and the facility or 6595
community mental health agency. The third party shall issue to the 6596
board, the facility or agency, and the department recommendations 6597
on how the dispute may be resolved twenty days prior to the 6598
expiration date of the contract, unless both parties agree to a 6599
time extension. The director shall adopt rules establishing the 6600
procedures of this dispute resolution process. 6601

(b) With the prior approval of the director of mental health, 6602
a board may operate a facility or provide a community mental 6603

health service as follows, if there is no other qualified private 6604
or public facility or community mental health agency that is 6605
immediately available and willing to operate such a facility or 6606
provide the service: 6607

(i) In an emergency situation, any board may operate a 6608
facility or provide a community mental health service in order to 6609
provide essential services for the duration of the emergency; 6610

(ii) In a service district with a population of at least one 6611
hundred thousand but less than five hundred thousand, a board may 6612
operate a facility or provide a community mental health service 6613
for no longer than one year; 6614

(iii) In a service district with a population of less than 6615
one hundred thousand, a board may operate a facility or provide a 6616
community mental health service for no longer than one year, 6617
except that such a board may operate a facility or provide a 6618
community mental health service for more than one year with the 6619
prior approval of the director and the prior approval of the board 6620
of county commissioners, or of a majority of the boards of county 6621
commissioners if the district is a joint-county district. 6622

The director shall not give a board approval to operate a 6623
facility or provide a community mental health service under 6624
division (A)(8)(b)(ii) or (iii) of this section unless the 6625
director determines that it is not feasible to have the department 6626
operate the facility or provide the service. 6627

The director shall not give a board approval to operate a 6628
facility or provide a community mental health service under 6629
division (A)(8)(b)(iii) of this section unless the director 6630
determines that the board will provide greater administrative 6631
efficiency and more or better services than would be available if 6632
the board contracted with a private or public facility or 6633
community mental health agency. 6634

The director shall not give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility. The director shall not give a board approval to provide a community mental health service previously provided by a community mental health agency unless the board has established to the director's satisfaction that the agency cannot effectively provide the service or that the agency has requested the board take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of community mental health service under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community mental health agency, but a facility or agency may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or agency.

(9) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community mental health agencies in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;

(10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the programs under the jurisdiction of the board, including a fiscal accounting;

(11) Establish, to the extent resources are available, a

community support system, which provides for treatment, support, 6666
and rehabilitation services and opportunities. The essential 6667
elements of the system include, but are not limited to, the 6668
following components in accordance with section 5119.06 of the 6669
Revised Code: 6670

(a) To locate persons in need of mental health services to 6671
inform them of available services and benefits mechanisms; 6672

(b) Assistance for clients to obtain services necessary to 6673
meet basic human needs for food, clothing, shelter, medical care, 6674
personal safety, and income; 6675

(c) Mental health care, including, but not limited to, 6676
outpatient, partial hospitalization, and, where appropriate, 6677
inpatient care; 6678

(d) Emergency services and crisis intervention; 6679

(e) Assistance for clients to obtain vocational services and 6680
opportunities for jobs; 6681

(f) The provision of services designed to develop social, 6682
community, and personal living skills; 6683

(g) Access to a wide range of housing and the provision of 6684
residential treatment and support; 6685

(h) Support, assistance, consultation, and education for 6686
families, friends, consumers of mental health services, and 6687
others; 6688

(i) Recognition and encouragement of families, friends, 6689
neighborhood networks, especially networks that include racial and 6690
ethnic minorities, churches, community organizations, and 6691
meaningful employment as natural supports for consumers of mental 6692
health services; 6693

(j) Grievance procedures and protection of the rights of 6694
consumers of mental health services; 6695

(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.

(12) Designate the treatment program, agency, or facility for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code and authorize payment for such treatment. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the services listed in section 340.09 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for services, which may include prior authorization in appropriate circumstances. The board may provide for services directly to a severely mentally disabled person when life or safety is endangered and when no community mental health agency is available to provide the service.

(13) Establish a method for evaluating referrals for involuntary commitment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to involuntary hospitalization and what alternative treatment is available and appropriate, if any;

(14) Ensure that apartments or rooms built, subsidized, renovated, rented, owned, or leased by the board or a community mental health agency have been approved as meeting minimum fire safety standards and that persons residing in the rooms or apartments are receiving appropriate and necessary services, including culturally relevant services, from a community mental health agency. This division does not apply to residential facilities licensed pursuant to section 5119.22 of the Revised

Code.	6728
(15) Establish a mechanism for involvement of consumer recommendation and advice on matters pertaining to mental health services in the alcohol, drug addiction, and mental health service district;	6729 6730 6731 6732
(16) Perform the duties under section 3722.18 of the Revised Code required by rules adopted under section 5119.61 of the Revised Code regarding referrals by the board or mental health agencies under contract with the board of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for the individuals.	6733 6734 6735 6736 6737 6738 6739 6740 6741
(B) The board shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter.	6742 6743 6744 6745
(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor.	6746 6747 6748 6749 6750 6751 6752 6753 6754 6755 6756
(D) No board member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury	6757 6758

or damages caused by any action or inaction taken within the scope 6759
of the board member's official duties or the employee's 6760
employment, whether or not such action or inaction is expressly 6761
authorized by this section, section 340.033, or any other section 6762
of the Revised Code, unless such action or inaction constitutes 6763
willful or wanton misconduct. Chapter 2744. of the Revised Code 6764
applies to any action or inaction by a board member or employee of 6765
a board taken within the scope of the board member's official 6766
duties or employee's employment. For the purposes of this 6767
division, the conduct of a board member or employee shall not be 6768
considered willful or wanton misconduct if the board member or 6769
employee acted in good faith and in a manner that the board member 6770
or employee reasonably believed was in or was not opposed to the 6771
best interests of the board and, with respect to any criminal 6772
action or proceeding, had no reasonable cause to believe the 6773
conduct was unlawful. 6774

(E) The meetings held by any committee established by a board 6775
of alcohol, drug addiction, and mental health services shall be 6776
considered to be meetings of a public body subject to section 6777
121.22 of the Revised Code. 6778

Sec. 341.05. (A) The sheriff shall assign sufficient staff to 6779
ensure the safe and secure operation of the county jail, but staff 6780
shall be assigned only to the extent such staff can be provided 6781
with funds appropriated to the sheriff at the discretion of the 6782
board of county commissioners. The staff may include any of the 6783
following: 6784

(1) An administrator for the jail; 6785

(2) Jail officers, including civilian jail officers who are 6786
not sheriff's deputies, to conduct security duties; 6787

(3) Other necessary employees to assist in the operation of 6788
the county jail. 6789

(B) The sheriff shall employ a sufficient number of female staff to be available to perform all reception and release procedures for female prisoners. These female employees shall be on duty for the duration of the confinement of the female prisoners.

(C) The jail administrator and civilian jail officers appointed by the sheriff shall have all the powers of police officers on the jail grounds as are necessary for the proper performance of the duties relating to their positions at the jail and as are consistent with their level of training.

(D) The sheriff may authorize civilian jail officers to wear a standard uniform consistent with their prescribed authority, in accordance with section 311.281 of the Revised Code. Civilian jail officer uniforms shall be differentiated clearly from the uniforms worn by sheriff's deputies.

(E) The Except as provided in division (B) of section 341.25 of the Revised Code, the compensation of jail staff shall be payable from the general fund of the county, upon the warrant of the auditor, in accordance with standard county payroll procedures.

Sec. 341.25. (A) The sheriff may establish a commissary for the jail. The commissary may be established either in-house or by another arrangement. If a commissary is established, all persons incarcerated in the jail shall receive commissary privileges. A person's purchases from the commissary shall be deducted from the person's account record in the jail's business office. The commissary shall provide for the distribution to indigent persons incarcerated in the jail necessary hygiene articles and writing materials.

(B) If a commissary is established, the sheriff shall

establish a commissary fund for the jail. The management of funds 6820
in the commissary fund shall be strictly controlled in accordance 6821
with procedures adopted by the auditor of state. Commissary fund 6822
revenue over and above operating costs and reserve shall be 6823
considered profits. All profits from the commissary fund shall be 6824
used to purchase supplies and equipment, and to provide life 6825
skills training and education or treatment services, or both, for 6826
the benefit of persons incarcerated in the jail, and to pay salary 6827
and benefits for employees of the sheriff who work in or are 6828
employed for the purpose of providing service to the commissary. 6829
The sheriff shall adopt rules for the operation of any commissary 6830
fund the sheriff establishes. 6831

Sec. 504.03. (A)(1) If a limited home rule government is 6832
adopted pursuant to section 504.02 of the Revised Code, it shall 6833
remain in effect for at least three years except as otherwise 6834
provided in division (B) of this section. At the end of that 6835
period, if the board of township trustees determines that that 6836
government is not in the best interests of the township, it may 6837
adopt a resolution causing the board of elections to submit to the 6838
electors of the unincorporated area of the township the question 6839
of whether the township should continue the limited home rule 6840
government. The question shall be voted upon at the next general 6841
election occurring at least seventy-five days after the 6842
certification of the resolution to the board of elections. After 6843
certification of the resolution, the board of elections shall 6844
submit the question to the electors of the unincorporated area of 6845
the township, and the ballot language shall be substantially as 6846
follows: 6847

"Shall the township of (name) continue the 6848
limited home rule government under which it is operating? 6849
..... For continuation of the limited home rule government 6850
..... Against continuation of the limited home rule government" 6851

(2) At least forty-five days before the election on the question of continuing the limited home rule government, the board of township trustees shall have notice of the election published in a newspaper of general circulation in the township for three consecutive weeks and have the notice posted in five conspicuous places in the unincorporated area of the township.

(B) The electors of a township that has adopted a limited home rule government may propose at any time by initiative petition, in accordance with section 504.14 of the Revised Code, a resolution submitting to the electors in the unincorporated area of the township, in an election, the question set forth in division (A)(1) of this section.

(C) If a majority of the votes cast under division (A) or (B) of this section on the proposition of continuing the limited home rule government is in the negative, that government is terminated effective on the first day of January immediately following the election, and a limited home rule government shall not be adopted in the unincorporated area of the township pursuant to section 504.02 of the Revised Code for at least three years after that date.

(D) If a limited home rule government is terminated under this section, the board of township trustees immediately shall adopt a resolution repealing all resolutions adopted pursuant to this chapter that are not authorized by any other section of the Revised Code outside this chapter, effective on the first day of January immediately following the election described in division (A) or (B) of this section. However, no resolution adopted under this division shall affect or impair the obligations of the township under any security issued or contracts entered into by the township in connection with the financing of any water supply facility or sewer improvement under sections 504.18 to 504.20 of the Revised Code or the authority of the township to collect or

enforce any assessments or other revenues constituting security 6884
for or source of payments of debt service charges of those 6885
securities. 6886

(E) Upon the termination of a limited home rule government 6887
under this section, if the township had converted its board of 6888
township trustees to a five-member board ~~under section 504.21 of~~ 6889
~~the Revised Code~~ before the effective date of this amendment, the 6890
current board member who received the lowest number of votes of 6891
the current board members who were elected at the most recent 6892
election for township trustees, and the current board member who 6893
received the lowest number of votes of the current board members 6894
who were elected at the second most recent election for township 6895
trustees, shall cease to be township trustees on the date that the 6896
limited home rule government terminates. Their offices likewise 6897
shall cease to exist at that time, and the board shall continue as 6898
a three-member board as provided in section 505.01 of the Revised 6899
Code. 6900

Sec. 504.04. (A) A township that adopts a limited home rule 6901
government may do all of the following by resolution, provided 6902
that any of these resolutions, other than a resolution to supply 6903
water or sewer services in accordance with sections 504.18 to 6904
504.20 of the Revised Code, may be enforced only by the imposition 6905
of civil fines as authorized in this chapter: 6906

(1) Exercise all powers of local self-government within the 6907
unincorporated area of the township, other than powers that are in 6908
conflict with general laws, except that the township shall comply 6909
with the requirements and prohibitions of this chapter, and shall 6910
enact no taxes other than those authorized by general law, and 6911
except that no resolution adopted pursuant to this chapter shall 6912
encroach upon the powers, duties, and privileges of elected 6913
township officers or change, alter, combine, eliminate, or 6914

otherwise modify the form or structure of the township government	6915
unless the change is required or permitted by this chapter;	6916
(2) Adopt and enforce within the unincorporated area of the	6917
township local police, sanitary, and other similar regulations	6918
that are not in conflict with general laws or otherwise prohibited	6919
by division (B) of this section;	6920
(3) Supply water and sewer services to users within the	6921
unincorporated area of the township in accordance with sections	6922
504.18 to 504.20 of the Revised Code.	6923
(B) No resolution adopted pursuant to this chapter shall do	6924
any of the following:	6925
(1) Create a criminal offense or impose criminal penalties,	6926
except as authorized by division (A) of this section;	6927
(2) Impose civil fines other than as authorized by this	6928
chapter;	6929
(3) Establish or revise subdivision regulations, road	6930
construction standards, urban sediment rules, or storm water and	6931
drainage regulations;	6932
(4) Establish or revise building standards, building codes,	6933
and other standard codes except as provided in section 504.13 of	6934
the Revised Code;	6935
(5) Increase, decrease, or otherwise alter the powers or	6936
duties of a township under any other chapter of the Revised Code	6937
pertaining to agriculture or the conservation or development of	6938
natural resources;	6939
(6) Establish regulations affecting hunting, trapping,	6940
fishing, or the possession, use, or sale of firearms;	6941
(7) Establish or revise water or sewer regulations, except in	6942
accordance with sections 504.18 and 504.19 of the Revised Code.	6943
Nothing in this chapter shall be construed as affecting the	6944

powers of counties with regard to the subjects listed in divisions 6945
(B)(3) to (5) of this section. 6946

(C) Under a limited home rule government, all officers shall 6947
have the qualifications, and be nominated, elected, or appointed, 6948
as provided in Chapter 505. of the Revised Code, except that the 6949
board of township trustees shall appoint a full-time or part-time 6950
law director pursuant to section 504.15 of the Revised Code, and 6951
except that ~~section 504.21 of the Revised Code also shall apply if~~ 6952
a five-member board of township trustees ~~is~~ approved for the 6953
township before the effective date of this amendment shall 6954
continue to serve as the legislative authority with successive 6955
members serving for four-year terms of office until a termination 6956
of a limited home rule government under section 504.03 of the 6957
Revised Code. 6958

(D) In case of conflict between resolutions enacted by a 6959
board of township trustees and municipal ordinances or 6960
resolutions, the ordinance or resolution enacted by the municipal 6961
corporation prevails. In case of conflict between resolutions 6962
enacted by a board of township trustees and any county resolution, 6963
the resolution enacted by the board of township trustees prevails. 6964

Sec. 507.09. (A) Except as otherwise provided in division (D) 6965
of this section, the township clerk shall be entitled to 6966
compensation as follows: 6967

(1) In townships having a budget of fifty thousand dollars or 6968
less, three thousand five hundred dollars; 6969

(2) In townships having a budget of more than fifty thousand 6970
but not more than one hundred thousand dollars, five thousand five 6971
hundred dollars; 6972

(3) In townships having a budget of more than one hundred 6973
thousand but not more than two hundred fifty thousand dollars, 6974

seven thousand seven hundred dollars;	6975
(4) In townships having a budget of more than two hundred	6976
fifty thousand but not more than five hundred thousand dollars,	6977
nine thousand nine hundred dollars;	6978
(5) In townships having a budget of more than five hundred	6979
thousand but not more than seven hundred fifty thousand dollars,	6980
eleven thousand dollars;	6981
(6) In townships having a budget of more than seven hundred	6982
fifty thousand but not more than one million five hundred thousand	6983
dollars, thirteen thousand two hundred dollars;	6984
(7) In townships having a budget of more than one million	6985
five hundred thousand but not more than three million five hundred	6986
thousand dollars, fifteen thousand four hundred dollars;	6987
(8) In townships having a budget of more than three million	6988
five hundred thousand dollars but not more than six million	6989
dollars, sixteen thousand five hundred dollars;	6990
(9) In townships having a budget of more than six million	6991
dollars, seventeen thousand six hundred dollars.	6992
(B) Any township clerk may elect to receive less than the	6993
compensation the clerk is entitled to under division (A) of this	6994
section. Any clerk electing to do this shall so notify the board	6995
of township trustees in writing, and the board shall include this	6996
notice in the minutes of its next board meeting.	6997
(C) The compensation of the township clerk shall be paid in	6998
equal monthly payments. If the office of clerk is held by more	6999
than one person during any calendar year, each person holding the	7000
office shall receive payments for only those months, and any	7001
fractions of those months, during which the person holds the	7002
office.	7003
(D) Beginning in calendar year 1999, the township clerk shall	7004

be entitled to compensation as follows: 7005

(1) In calendar year 1999, the compensation specified in 7006
division (A) of this section increased by three per cent; 7007

(2) In calendar year 2000, the compensation determined under 7008
division (D)(1) of this section increased by three per cent; 7009

(3) In calendar year 2001, the compensation determined under 7010
division (D)(2) of this section increased by three per cent; 7011

(4) In calendar year 2002, except in townships having a 7012
budget of more than six million dollars, the compensation 7013
determined under division (D)(3) of this section increased by 7014
three per cent; in townships having a budget of more than six 7015
million but not more than ten million dollars, nineteen thousand 7016
eight hundred ten dollars; and in townships having a budget of 7017
more than ten million dollars, twenty thousand nine hundred 7018
dollars; 7019

(5) In calendar year 2003, the compensation determined under 7020
division (D)(4) of this section increased by three per cent; 7021

(6) In calendar year 2004, except in townships having a 7022
budget of more than six million dollars, the compensation 7023
determined under division (D)(5) of this section for the calendar 7024
year 2003 increased by three per cent; in townships having a 7025
budget of more than six million but not more than ten million 7026
dollars, twenty-two thousand eighty-seven dollars; and in 7027
townships having a budget of more than ten million dollars, 7028
twenty-five thousand five hundred fifty-three dollars; 7029

(7) In calendar years ~~2003~~ 2005 through 2008, the 7030
compensation determined under division (D) of this section for the 7031
immediately preceding calendar year increased by the lesser of the 7032
following: 7033

(a) Three per cent; 7034

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

~~(6)~~(8) In calendar year 2009 and thereafter, the amount determined under division (D) of this section for calendar year 2008.

As used in this division, "consumer price index" has the same meaning as in section 325.18 of the Revised Code.

Sec. 511.181. If the board of park commissioners of a township park district created before 1955 is appointed by the board of township trustees, the board of township trustees may adopt a resolution to convert the parks owned and operated by the park district into parks owned and operated by the township if the township has a population of less than thirty-five thousand and a geographical area of less than fifteen square miles. Upon the adoption of that resolution, the township park district shall cease to exist, all real and personal property owned by the park district shall be transferred to the township, and the township shall assume liability with respect to all contracts and debts of the park district. All employees of the township park district whose parks are so converted into township parks shall become township employees, and the board of township trustees may retain the former park commissioners, on the terms that the trustees consider appropriate, to operate the property formerly owned by the township park district.

The township shall continue to collect any taxes levied within the former township park district, and the taxes shall be deposited into the township treasury as funds to be used for the park purposes for which they were levied.

Within fifteen days after the adoption of a township park district conversion resolution under this section, the clerk of the board of township trustees shall certify a copy of that resolution to the county auditor. 7065
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7068

Sec. 715.013. (A) Except as otherwise expressly authorized by the Revised Code, no municipal corporation shall levy a tax that is the same as or similar to a tax levied under Chapter 322., 3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 5707., 5725., 5727., 5728., 5729., 5731., 5735., 5737., 5739., 5741., 5743., or 5749. of the Revised Code. 7069
7070
7071
7072
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7074

(B) This section does not prohibit a municipal corporation from levying a tax on ~~amounts~~ any of the following: 7075
7076

(1) Amounts received for admission to any place ~~or, on and after January 1, 2002, on the;~~ 7077
7078

(2) The income of an electric company or combined company, as defined in section 5727.01 of the Revised Code; 7079
7080

(3) On and after January 1, 2004, the income of a telephone company, as defined in section 5727.01 of the Revised Code. 7081
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Sec. 718.01. (A) As used in this chapter: 7083

(1) "Adjusted federal taxable income" means federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows: 7084
7085
7086

(a) Deduct intangible income to the extent included in federal taxable income; 7087
7088

(b) Add expenses incurred in the production of intangible income; 7089
7090

(c) Add the amounts described in section 5745.042 of the Revised Code, except that "taxpayer" as used in section 5745.042 7091
7092

of the Revised Code has the same meaning as in this section; and 7093

(d) If the taxpayer is not a C corporation and is not an 7094
individual, the taxpayer shall compute "adjusted federal taxable 7095
income" as if the taxpayer were a C corporation, but with respect 7096
to each owner-employee of the taxpayer, amounts paid or accrued to 7097
a qualified self-employed retirement plan and amounts paid or 7098
accrued to or for health insurance or life insurance shall not be 7099
allowed as a deduction. 7100

Nothing in division (A)(1) of section 718.01 of the Revised 7101
Code shall be construed as allowing the taxpayer to deduct any 7102
amount more than once. 7103

(2) "Internal Revenue Code" means the Internal Revenue Code 7104
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 7105

~~(2)~~(3) "Schedule C" means internal revenue service schedule C 7106
filed by a taxpayer pursuant to the Internal Revenue Code. 7107

~~(3)~~(4) "Form 2106" means internal revenue service form 2106 7108
filed by a taxpayer pursuant to the Internal Revenue Code. 7109

~~(4)~~(5) "Intangible income" means income of any of the 7110
following types: income yield, interest, dividends, or other 7111
income arising from the ownership, sale, exchange, or other 7112
disposition of intangible property including, but not limited to, 7113
investments, deposits, money, or credits as those terms are 7114
defined in Chapter 5701. of the Revised Code. 7115

~~(5)~~(6) "S corporation" means a corporation that has made an 7116
election under subchapter S of Chapter 1 of Subtitle A of the 7117
Internal Revenue Code for its taxable year. 7118

(7) For taxable years beginning on or after January 1, 2004, 7119
"net profit" means adjusted federal taxable income calculated on 7120
the basis of the Internal Revenue Code. 7121

(8) "Taxpayer" means a person subject to a tax on income 7122

<u>levied by a municipal corporation.</u>	7123
<u>(9) "Taxable year" means the corresponding tax reporting</u>	7124
<u>period as prescribed for the taxpayer under the Internal Revenue</u>	7125
<u>Code.</u>	7126
<u>(10) "Tax administrator" means the individual charged with</u>	7127
<u>direct responsibility for administration of a tax on income levied</u>	7128
<u>by a municipal corporation.</u>	7129
(B) No municipal corporation with respect to that income that	7130
it may tax shall tax such income at other than a uniform rate.	7131
(C) No municipal corporation shall levy a tax on income at a	7132
rate in excess of one per cent without having obtained the	7133
approval of the excess by a majority of the electors of the	7134
municipality voting on the question at a general, primary, or	7135
special election. The legislative authority of the municipal	7136
corporation shall file with the board of elections at least	7137
seventy-five days before the day of the election a copy of the	7138
ordinance together with a resolution specifying the date the	7139
election is to be held and directing the board of elections to	7140
conduct the election. The ballot shall be in the following form:	7141
"Shall the Ordinance providing for a ... per cent levy on income	7142
for (Brief description of the purpose of the proposed levy) be	7143
passed?	7144
FOR THE INCOME TAX	7145
AGAINST THE INCOME TAX"	7146
In the event of an affirmative vote, the proceeds of the levy	7147
may be used only for the specified purpose.	7148
(D)(1) Except as otherwise provided in division (D)(2) or	7149
(F)(9)(E) of this section, no municipal corporation shall exempt	7150
from a tax on income, compensation for personal services of	7151
individuals over eighteen years of age or the net profit from a	7152

business or profession. 7153

~~(2) The legislative authority of a municipal corporation may, by ordinance or resolution, exempt from a tax on income any compensation arising from the grant, sale, exchange, or other disposition of a stock option; the exercise of a stock option; or the sale, exchange, or other disposition of stock purchased under a stock option. (a) For taxable years beginning on or after January 1, 2004, no municipal corporation shall tax the net profit from a business or profession using any base other than the taxpayer's adjusted federal taxable income.~~ 7154
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~~(b) Division (D)(2)(a) of this section does not apply to any taxpayer required to file a return under section 5745.03 of the Revised Code or to the net profit from a sole proprietorship.~~ 7163
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~~(E) Nothing in this section shall prevent Except as provided in division (D)(2) of this section, a municipal corporation from permitting may permit lawful deductions as prescribed by ordinance. The legislative authority of a municipal corporation may, by ordinance or resolution, exempt from a tax on income any compensation arising from the grant, sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option. If a taxpayer's an individual's taxable income includes income against which the taxpayer has taken a deduction for federal income tax purposes as reportable on the taxpayer's form 2106, and against which a like deduction has not been allowed by the municipal corporation, the municipal corporation shall deduct from the taxpayer's taxable income an amount equal to the deduction shown on such form allowable against such income, to the extent not otherwise so allowed as a deduction by the municipal corporation. In~~ 7166
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In the case of a taxpayer who has a net profit from a business or profession that is operated as a sole proprietorship, 7183
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no municipal corporation may tax or use as the base for 7185
determining the amount of the net profit that shall be considered 7186
as having a taxable situs in the municipal corporation, ~~a greater~~ 7187
~~amount than the net profit reported by the taxpayer on schedule C~~ 7188
~~filed in reference to the year in question as taxable income from~~ 7189
~~such sole proprietorship, except as otherwise specifically~~ 7190
~~provided by ordinance or regulation~~ an amount other than the net 7191
profit required to be reported by the taxpayer on schedule C as 7192
taxable income from such sole proprietorship for the taxable year, 7193
but such amount shall be increased in accordance with the 7194
principles and concepts described in section 5745.042 of the 7195
Revised Code as if the taxpayer were a C corporation. 7196

(F) A municipal corporation shall not tax any of the 7197
following: 7198

(1) The military pay or allowances of members of the armed 7199
forces of the United States and of members of their reserve 7200
components, including the Ohio national guard; 7201

(2) The income of religious, fraternal, charitable, 7202
scientific, literary, or educational institutions to the extent 7203
that such income is derived from tax-exempt real estate, 7204
tax-exempt tangible or intangible property, or tax-exempt 7205
activities; 7206

(3) Except as otherwise provided in division (G) of this 7207
section, intangible income; 7208

(4) Compensation paid under section 3501.28 or 3501.36 of the 7209
Revised Code to a person serving as a precinct election official, 7210
to the extent that such compensation does not exceed one thousand 7211
dollars annually. Such compensation in excess of one thousand 7212
dollars may be subjected to taxation by a municipal corporation. A 7213
municipal corporation shall not require the payer of such 7214
compensation to withhold any tax from that compensation. 7215

(5) Compensation paid to an employee of a transit authority, 7216
regional transit authority, or regional transit commission created 7217
under Chapter 306. of the Revised Code for operating a transit bus 7218
or other motor vehicle for the authority or commission in or 7219
through the municipal corporation, unless the bus or vehicle is 7220
operated on a regularly scheduled route, the operator is subject 7221
to such a tax by reason of residence or domicile in the municipal 7222
corporation, or the headquarters of the authority or commission is 7223
located within the municipal corporation; 7224

(6) The income of a public utility, when that public utility 7225
is subject to the tax levied under section 5727.24 or 5727.30 of 7226
the Revised Code, except ~~starting January 1, 2002, the income of~~ 7227
~~an electric company or combined company, as defined in section~~ 7228
~~5727.01 of the Revised Code, may be taxed by~~ a municipal 7229
corporation may tax the following, subject to Chapter 5745. of the 7230
Revised Code; 7231

(a) Beginning January 1, 2002, the income of an electric 7232
company or combined company; 7233

(b) Beginning January 1, 2004, the income of a telephone 7234
company. 7235

As used in division (F)(6) of this section, "combined 7236
company," "electric company," and "telephone company" have the 7237
same meanings as in section 5727.01 of the Revised Code. 7238

(7) On and after January 1, 2003, items excluded from federal 7239
gross income pursuant to section 107 of the Internal Revenue Code; 7240

(8) On and after January 1, 2001, compensation paid to a 7241
nonresident individual to the extent prohibited under section 7242
718.011 of the Revised Code; 7243

(9) Except as provided in division (H) of this section, an S 7244
corporation shareholder's distributive share of net profits of the 7245

S corporation, other than any part of the distributive share of 7246
net profits that represents wages as defined in section 3121(a) of 7247
the Internal Revenue Code or net earnings from self-employment as 7248
defined in section 1402(a) of the Internal Revenue Code, to the 7249
extent such distributive share would not be allocated or 7250
apportioned to this state under division (B)(1) and (2) of section 7251
5733.05 of the Revised Code if the S corporation were a 7252
corporation subject to the taxes imposed under Chapter 5733. of 7253
the Revised Code. 7254

(G) Any municipal corporation that taxes any type of 7255
intangible income on March 29, 1988, pursuant to Section 3 of 7256
Amended Substitute Senate Bill No. 238 of the 116th general 7257
assembly, may continue to tax that type of income after 1988 if a 7258
majority of the electors of the municipal corporation voting on 7259
the question of whether to permit the taxation of that type of 7260
intangible income after 1988 vote in favor thereof at an election 7261
held on November 8, 1988. 7262

(H) Any municipal corporation that, on December 6, 2002, 7263
taxes an S corporation shareholder's distributive share of net 7264
profits of the S corporation to any greater extent than that 7265
permitted under division (F)(9) of this section may continue after 7266
2002 to tax such distributive shares to such greater extent only 7267
if a majority of the electors of the municipal corporation voting 7268
on the question of such continuation vote in favor thereof at an 7269
election held on November 4, 2003. If a majority of electors vote 7270
in favor of that question, then, for purposes of section 718.14 of 7271
the Revised Code, "pass-through entity" includes S corporations, 7272
"income from a pass-through entity" includes distributive shares 7273
from an S corporation, and "owner" includes a shareholder of an S 7274
corporation, notwithstanding that section to the contrary. 7275

(I) Nothing in this section or section 718.02 of the Revised 7276
Code shall authorize the levy of any tax on income that a 7277

municipal corporation is not authorized to levy under existing 7278
laws or shall require a municipal corporation to allow a deduction 7279
from taxable income for losses incurred from a sole proprietorship 7280
or partnership. 7281

Sec. 718.02. This section does not apply to electric 7282
~~companies or combined companies, or to electric light companies~~ 7283
~~for which an election made under section 5745.031~~ taxpayers that 7284
are subject to and required to file reports under Chapter 5745. of 7285
the Revised Code ~~is in effect.~~ 7286

(A) ~~In the taxation of income that is subject to municipal~~ 7287
~~income taxes, if the books and records of a taxpayer conducting a~~ 7288
~~business or profession both within and without the boundaries of a~~ 7289
~~municipal corporation disclose with reasonable accuracy what~~ 7290
~~portion of its net profit is attributable to that part of the~~ 7291
~~business or profession conducted within the boundaries of the~~ 7292
~~municipal corporation, then only such portion shall be considered~~ 7293
~~as having a taxable situs in such municipal corporation for~~ 7294
~~purposes of municipal income taxation. In the absence of such~~ 7295
~~records, net~~ Net profit from a business or profession conducted 7296
both within and without the boundaries of a municipal corporation 7297
shall be considered as having a taxable situs in such municipal 7298
corporation for purposes of municipal income taxation in the same 7299
proportion as the average ratio of the following: 7300

(1) The average ~~net book value~~ original cost of the real and 7301
tangible personal property owned or used by the taxpayer in the 7302
business or profession in such municipal corporation during the 7303
taxable period to the average ~~net book value~~ original cost of all 7304
of the real and tangible personal property owned or used by the 7305
taxpayer in the business or profession during the same period, 7306
wherever situated. 7307

As used in the preceding paragraph, real property shall 7308

include property rented or leased by the taxpayer and the value of 7309
such property shall be determined by multiplying the annual rental 7310
thereon by eight; 7311

(2) Wages, salaries, and other compensation paid during the 7312
taxable period to persons employed in the business or profession 7313
for services performed in such municipal corporation to wages, 7314
salaries, and other compensation paid during the same period to 7315
persons employed in the business or profession, wherever their 7316
services are performed, excluding compensation that is not taxable 7317
by the municipal corporation under section 718.011 of the Revised 7318
Code; 7319

(3) Gross receipts of the business or profession from sales 7320
made and services performed during the taxable period in such 7321
municipal corporation to gross receipts of the business or 7322
profession during the same period from sales and services, 7323
wherever made or performed. 7324

If the foregoing ~~allocation~~ apportionment formula does not 7325
produce an equitable result, another basis may be substituted, 7326
under uniform regulations, so as to produce an equitable result. 7327
If, for any taxable year, the application of the foregoing 7328
apportionment formula produces an amount less than zero, the 7329
taxpayer shall not be entitled to a refund with respect to that 7330
taxable year of any amounts other than amounts the taxpayer has 7331
paid in estimated taxes for the taxable year and any overpayment 7332
from a previous taxable year credited towards the taxable year for 7333
which the foregoing apportionment formula produces an amount less 7334
than zero. 7335

(B) As used in division (A) of this section, "sales made in a 7336
municipal corporation" mean: 7337

(1) All sales of tangible personal property delivered within 7338
such municipal corporation regardless of where title passes if 7339

shipped or delivered from a stock of goods within such municipal corporation; 7340
7341

(2) All sales of tangible personal property delivered within such municipal corporation regardless of where title passes even though transported from a point outside such municipal corporation if the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within such municipal corporation and the sales result from such solicitation or promotion; 7342
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(3) All sales of tangible personal property shipped from a place within such municipal corporation to purchasers outside such municipal corporation regardless of where title passes if the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made. 7349
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Sec. 718.021. (A) As used in this section: 7355

(1) "Apportioned net income" means the amount derived from the application of the apportionment formula described in section 718.02 of the Revised Code. 7356
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(2) "Loss-generating taxable year" means a taxable year in which the taxpayer has negative apportioned net income. 7359
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(3) "Negative apportioned net income" means apportioned net income that is less than zero, except that if, for any taxable year, a taxpayer was not subject to the income tax imposed by a municipal corporation or was exempt from that tax, then the taxpayer's negative apportioned net income with respect to that municipal corporation is zero for that taxable year. 7361
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(4) "Positive apportioned net income" means apportioned net income greater than zero. 7367
7368

(B)(1) If a taxpayer has negative apportioned net income for 7369

a taxable year beginning on or after January 1, 2004, with respect 7370
to a municipal income tax, then for each of the next five ensuing 7371
taxable years, the taxpayer may reduce any positive apportioned 7372
net income with respect to the municipal corporation in which the 7373
negative apportioned net income was generated by the lesser of: 7374

(a) The positive apportioned net income for that ensuing 7375
taxable year; or 7376

(b) The absolute value of the negative apportioned net income 7377
attributable to the loss-generating taxable year reduced by any 7378
amount the taxpayer was allowed to deduct under this section in 7379
any of the previous taxable years. 7380

(2) If, during a period of five consecutive taxable years, a 7381
taxpayer has negative apportioned net income in more than one 7382
taxable year, the negative apportioned net income generated in the 7383
earliest of those taxable years shall be the first negative 7384
apportioned net income deducted under this section. 7385

(C) Nothing in this section allows any negative apportioned 7386
net income for a taxable year to be deducted more than once in any 7387
subsequent taxable year. 7388

(D) Nothing in this section allows any negative apportioned 7389
net income for a taxable year to be deducted in any subsequent 7390
taxable year beginning more than five years after the beginning of 7391
the loss-generating taxable year. 7392

(E) Nothing in this section denies a taxpayer any net 7393
operating loss deductions for any losses arising in taxable years 7394
beginning before 2004 if such deductions are permitted by a 7395
municipal corporation's ordinance. 7396

Sec. 718.03. (A) As used in this section: 7397

(1) "Other payer" means any person, other than an 7398
individual's employer or the employer's agent, that pays an 7399

individual any item included in the taxable income of the 7400
individual. 7401

(2) "Qualifying wages" means wages, as defined in section 7402
3121 of the Internal Revenue Code, adjusted as follows: 7403

(a) Deduct any amount included in wages to the extent the 7404
amount constitutes compensation attributable to a nonqualified 7405
deferred compensation plan or program described in section 7406
3121(v)(2)(C) of the Internal Revenue Code and is not included in 7407
any person's federal gross income. 7408

(b) Add any amount not included in wages to the extent the 7409
amount constitutes compensation attributable to a nonqualified 7410
deferred compensation plan or program described in section 7411
3121(v)(2)(C) of the Internal Revenue Code if the amount is 7412
included in any person's federal gross income, but only to the 7413
extent the municipal corporation did not impose its tax on that 7414
amount of nonqualified deferred compensation at the time the 7415
compensation was deferred. 7416

(c) Add any amount not included in wages to the extent the 7417
amount has been directly or indirectly paid to or for the benefit 7418
of any employee, payee, or former employee and is excluded from 7419
the employee's, payee's, or former employee's federal gross income 7420
under section 125 of the Internal Revenue Code. 7421

(B) For taxable years beginning after 2003, no municipal 7422
corporation shall require any employer or any agent of any 7423
employer or any other payer, to withhold tax from any compensation 7424
greater than qualifying wages directly or indirectly paid to or 7425
for the benefit of any employee or payee or former employee. 7426
Nothing in this section prohibits an employer from withholding 7427
amounts on a basis greater than qualifying wages. 7428

(C)(1) The failure of an employer to withhold tax as required 7429
by a municipal corporation does not relieve an employee from 7430

<u>liability for the tax.</u>	7431
<u>(2) The failure of an employer to remit to the municipal corporation the tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer to fail to remit the tax withheld.</u>	7432 7433 7434 7435
<u>(D) The exemption of compensation from withholding under this section does not exempt that compensation from taxation as otherwise provided by law.</u>	7436 7437 7438
<u>Sec. 718.031. The tax administrator may require each employer, on or before the last day of February of each year, to notify the administrator of the name, address, and social security number of each employee for whom the employer deferred compensation, other than qualified deferred compensation, during the previous calendar year. The notification shall also include the amount so deferred for each employee.</u>	7439 7440 7441 7442 7443 7444 7445
<u>Sec. 718.05. (A) As used in this section:</u>	7446
<u>(1) "Generic form" means an electronic or paper form designed for reporting estimated municipal income taxes and annual municipal income tax liability or for filing a refund claim that is not prescribed by a particular municipal corporation for the reporting of that municipal corporation's tax on income.</u>	7447 7448 7449 7450 7451
<u>(2) "Return preparer" means any person other than a taxpayer that is authorized by a taxpayer to complete or file an income tax return, report, or other document for or on behalf of the taxpayer.</u>	7452 7453 7454 7455
<u>(B) A municipal corporation shall not require a taxpayer to file an annual income tax return or report prior to the filing date for the corresponding tax reporting period as prescribed for such a taxpayer under the Internal Revenue Code. For taxable years beginning after 2003, except as otherwise provided in section</u>	7456 7457 7458 7459 7460

718.051 of the Revised Code and division (D) of this section, a 7461
municipal corporation shall not require a taxpayer to file an 7462
annual income tax return or report on any date other than the 7463
fifteenth day of the fourth month following the end of the 7464
taxpayer's taxable year. 7465

(C) On and after January 1, 2001, any municipal corporation 7466
that requires taxpayers to file income tax returns, reports, or 7467
other documents shall accept for filing a generic form of such a 7468
return, report, or document if the generic form, once completed 7469
and filed, contains all of the information required to be 7470
submitted with the municipal corporation's prescribed returns, 7471
reports, or documents, and if the taxpayer or return preparer 7472
filing the generic form otherwise complies with rules or 7473
ordinances of the municipal corporation governing the filing of 7474
returns, reports, or documents. 7475

(D) ~~Beginning~~ Except as otherwise provided in section 718.051 7476
of the Revised Code, beginning January 1, 2001, any taxpayer that 7477
has requested an extension for filing a federal income tax return 7478
may request an extension for the filing of a municipal income tax 7479
return. The taxpayer shall make the request by filing a copy of 7480
the taxpayer's request for a federal filing extension with the 7481
individual or office charged with the administration of the 7482
municipal income tax. The request for extension shall be filed not 7483
later than the last day for filing the municipal income tax return 7484
as prescribed by ordinance or rule of the municipal corporation. A 7485
municipal corporation shall grant such a request for extension 7486
filed before January 1, 2004, for a period not less than the 7487
period of the federal extension request. For taxable years 7488
beginning after 2003, the extended due date of the municipal 7489
income tax return shall be the last day of the month to which the 7490
due date of the federal income tax return has been extended. A 7491
municipal corporation may deny a taxpayer's request for extension 7492

only if the taxpayer fails to timely file the request, fails to 7493
file a copy of the request for the federal extension, owes the 7494
municipal corporation any delinquent income tax or any penalty, 7495
interest, assessment, or other charge for the late payment or 7496
nonpayment of income tax, or has failed to file any required 7497
income tax return, report, or other related document for a prior 7498
tax period. The granting of an extension for filing a municipal 7499
corporation income tax return does not extend the last date for 7500
paying the tax without penalty unless the municipal corporation 7501
grants an extension of that date. 7502

Sec. 718.051. (A) As used in this section, "Ohio business 7503
gateway" means the online computer network system, initially 7504
created by the department of administrative services under section 7505
125.30 of the Revised Code, that allows private businesses to 7506
electronically file business reply forms with state agencies. 7507

(B) Notwithstanding section 718.05 of the Revised Code, on 7508
and after January 1, 2005, any taxpayer that is subject to any 7509
municipal corporation's tax on the net profit from a business or 7510
profession and has received an extension to file the federal 7511
income tax return shall not be required to notify the municipal 7512
corporation of the federal extension and shall not be required to 7513
file any municipal income tax return until the last day of the 7514
month to which the due date for filing the federal return has been 7515
extended, provided that, on or before the date for filing the 7516
municipal income tax return, the person notifies the tax 7517
commissioner of the federal extension through the Ohio business 7518
gateway or any successor electronic filing and payment system. 7519

(C) For taxable years beginning on or after January 1, 2005, 7520
a taxpayer subject to any municipal corporation's tax on the net 7521
profit from a business or profession may file any municipal income 7522
tax return or estimated municipal income return, and may make 7523

payment of amounts shown to be due on such returns, by using the 7524
Ohio business gateway or any successor electronic filing and 7525
payment system. 7526

(D)(1) As used in this division, "qualifying wages" has the 7527
same meaning as in section 718.03 of the Revised Code. 7528

(2) Any employer may report the amount of municipal income 7529
tax withheld from qualifying wages paid on or after January 1, 7530
2007, and may make remittance of such amounts, by using the Ohio 7531
business gateway or any successor electronic filing and payment 7532
system. 7533

(E) Nothing in this section affects the due dates for filing 7534
income tax returns or employer withholding tax returns or for 7535
paying any amounts shown to be due on such returns. 7536

(F) No municipal corporation shall be required to pay any fee 7537
or charge for the operation or maintenance of the Ohio business 7538
gateway. 7539

(G) The use of the Ohio business gateway by municipal 7540
corporations, taxpayers, or other persons pursuant to this section 7541
does not affect the legal rights of municipalities or taxpayers as 7542
otherwise permitted by law. This state shall not be a party to the 7543
administration of municipal income taxes or to an appeal of a 7544
municipal income tax matter, except as otherwise specifically 7545
provided by law. 7546

~~Sec. 718.11. As used in this section, "tax administrator"~~ 7547
~~means the individual charged with direct responsibility for~~ 7548
~~administration of a tax levied by a municipal corporation on~~ 7549
~~income.~~ 7550

~~Not later than one hundred eighty days after the effective~~ 7551
~~date of this section, the~~ The legislative authority of each 7552
municipal corporation that imposes a tax on income ~~on that~~ 7553

~~effective date shall establish by ordinance~~ maintain a board to 7554
hear appeals as provided in this section. The legislative 7555
authority of any municipal corporation that does not impose a tax 7556
on income on the effective date of this ~~section~~ amendment, but 7557
that imposes such a tax after that date, shall establish such a 7558
board by ordinance not later than one hundred eighty days after 7559
the tax takes effect. 7560

Whenever a tax administrator issues a decision regarding a 7561
municipal income tax obligation that is subject to appeal as 7562
provided in this section or in an ordinance or regulation of the 7563
municipal corporation, the tax administrator shall notify the 7564
taxpayer in writing at the same time of the taxpayer's right to 7565
appeal the decision and of the manner in which the taxpayer may 7566
appeal the decision. 7567

Any person who is aggrieved by a decision by the tax 7568
administrator and who has filed with the municipal corporation the 7569
required returns or other documents pertaining to the municipal 7570
income tax obligation at issue in the decision may appeal the 7571
decision to the board created pursuant to this section by filing a 7572
request with the board. The request shall be in writing, shall 7573
state why the decision should be deemed incorrect or unlawful, and 7574
shall be filed within thirty days after the tax administrator 7575
issues the decision complained of. 7576

The board shall schedule a hearing within forty-five days 7577
after receiving the request, unless the taxpayer waives a hearing. 7578
If the taxpayer does not waive the hearing, the taxpayer may 7579
appear before the board and may be represented by an attorney at 7580
law, certified public accountant, or other representative. 7581

The board may affirm, reverse, or modify the tax 7582
administrator's decision or any part of that decision. The board 7583
shall issue a final decision on the appeal within ninety days 7584
after the board's final hearing on the appeal, and send ~~notice a~~ 7585

copy of its final decision by ordinary mail to the petitioner 7586
within fifteen days after issuing the decision. The taxpayer may 7587
appeal the board's decision to the board of tax appeals as 7588
provided in section 5717.011 of the Revised Code. 7589

Each board of appeal created pursuant to this section shall 7590
adopt rules governing its procedures and shall keep a record of 7591
its transactions. Such records are not public records available 7592
for inspection under section 149.43 of the Revised Code. Hearings 7593
requested by a taxpayer before a board of appeal created pursuant 7594
to this section are not meetings of a public body subject to 7595
section 121.22 of the Revised Code. 7596

Sec. 718.121. (A) If tax or withholding is erroneously paid 7597
to a municipal corporation on income or wages, and if another 7598
municipal corporation imposes a tax on that income or wages after 7599
the time period allowed for a refund of the tax or withholding 7600
paid to the first municipal corporation, the second municipal 7601
corporation shall allow a nonrefundable credit, against the tax or 7602
withholding the second municipality claims is due, equal to the 7603
tax or withholding paid to the first municipal corporation. 7604

(B) If tax or withholding was paid to a municipal corporation 7605
on nonqualified deferred compensation for a previous taxable year 7606
in which the compensation was deferred, and if another municipal 7607
corporation imposes tax for the current taxable year on the 7608
compensation when it is paid in that current taxable year, then 7609
the second municipal corporation shall allow a credit for the tax 7610
paid to the first municipal corporation to the same extent that 7611
the second municipal corporation would allow a credit if the tax 7612
had been paid to the first municipal corporation in the current 7613
taxable year. 7614

Sec. 753.22. (A) The director of public safety or the joint 7615

board established pursuant to section 753.15 of the Revised Code 7616
may establish a commissary for the workhouse. The commissary may 7617
be established either in-house or by another arrangement. If a 7618
commissary is established, all persons incarcerated in the 7619
workhouse shall receive commissary privileges. A person's 7620
purchases from the commissary shall be deducted from the person's 7621
account record in the workhouse's business office. The commissary 7622
shall provide for the distribution to indigent persons 7623
incarcerated in the workhouse necessary hygiene articles and 7624
writing materials. 7625

(B) If a commissary is established, the director of public 7626
safety or the joint board established pursuant to section 753.15 7627
of the Revised Code shall establish a commissary fund for the 7628
workhouse. The management of funds in the commissary fund shall be 7629
strictly controlled in accordance with procedures adopted by the 7630
auditor of state. Commissary fund revenue over and above operating 7631
costs and reserve shall be considered profits. All profits from 7632
the commissary fund shall be used to purchase supplies and 7633
equipment for the benefit of persons incarcerated in the workhouse 7634
and to pay salary and benefits for employees of the workhouse, or 7635
for any other persons, who work in or are employed for the sole 7636
purpose of providing service to the commissary. The director of 7637
public safety or the joint board established pursuant to section 7638
753.15 of the Revised Code shall adopt rules and regulations for 7639
the operation of any commissary fund the director or the joint 7640
board establishes. 7641

Sec. 901.17. ~~(A)~~ The division of markets ~~shall~~ may do all of 7642
the following: 7643

~~(1)~~(A) Investigate the cost of production and marketing in 7644
all its phases; 7645

~~(2)~~(B) Gather and disseminate information concerning supply, 7646

demand, prevailing prices, and commercial movements, including 7647
common and cold storage of food products, and maintain market news 7648
service for disseminating such information; 7649

~~(3)~~(C) Promote, assist, and encourage the organization and 7650
operation of cooperative and other associations and organizations 7651
for improving the relations and services among producers, 7652
distributors, and consumers of food products; 7653

~~(4)~~(D) Investigate the practice, methods, and any specific 7654
transaction of commission merchants and others who receive, 7655
solicit, buy, or handle on commission or otherwise, food products; 7656

~~(5)~~(E) Act as mediator or arbitrator, when invited, in any 7657
controversy or issue that arises between producers and 7658
distributors and that affects the interest of the consumer; 7659

~~(6)~~(F) Act on behalf of the consumers in conserving and 7660
protecting their interests in every practicable way against 7661
excessive prices; 7662

~~(7)~~(G) Act as market adviser for producers and distributors, 7663
assisting them in economical and efficient distribution of good 7664
products at fair prices; 7665

~~(8)~~(H) Encourage the establishment of retail municipal 7666
markets and develop direct dealing between producers and 7667
consumers; 7668

~~(9)~~(I) Encourage the consumption of Ohio-grown products 7669
within the state, nationally, and internationally, ~~and inspect and~~ 7670
~~determine the grade and condition of farm produce, both at~~ 7671
~~collecting and receiving centers within the state;~~ 7672

~~(10)~~(J) Take such means and use such powers, relative to 7673
shipment, transportation, and storage of foodstuffs of any kind, 7674
as are necessary, advisable, or desirable in case of an emergency 7675
creating or threatening to create a scarcity of food within the 7676

state;	7677
<u>(K) Participate in trade missions between states and foreign countries in order to encourage the sale and promotion of Ohio-grown products.</u>	7678 7679 7680
(B)(1) The director of agriculture shall adopt and may amend schedules of fees to be charged for inspecting farm produce at collecting and receiving centers or such other services as may be rendered under this section. All such fees shall be made with a view to the minimum cost and to make this branch of the department of agriculture self-sustaining.	7681 7682 7683 7684 7685 7686
The fees shall be deposited in the state treasury and credited to the inspection fund, which is hereby created, for use in carrying out the purposes of this section. All investment earnings of the inspection fund shall be credited to the fund. If, in any year, the balance in the inspection fund is not sufficient to meet the expenses incurred pursuant to this section, the deficit shall be paid from funds appropriated for the use of the department.	7687 7688 7689 7690 7691 7692 7693 7694
(2) The director may adopt a schedule of fees to be charged for inspecting any agricultural product for the purposes of the issuance of an export certificate, as may be required by the United States department of agriculture or foreign purchasers. Such fees shall be credited to the general revenue fund.	7695 7696 7697 7698 7699
Sec. 901.21. (A) As used in this section and section 901.22 of the Revised Code:	7700 7701
(1) "Agricultural easement" has the same meaning as in section 5301.67 of the Revised Code.	7702 7703
(2) "Agriculture" means those activities occurring on land devoted exclusively to agricultural use, as defined in section 5713.30 of the Revised Code, or on land that constitutes a	7704 7705 7706

homestead. 7707

(3) "Homestead" means the portion of a farm on which is 7708
located a dwelling house, yard, or outbuildings such as a barn or 7709
garage. 7710

(B) The director of agriculture may acquire real property 7711
used predominantly in agriculture and agricultural easements by 7712
gift, devise, or bequest if, at the time an easement is granted, 7713
such an easement is on land that is valued for purposes of real 7714
property taxation at its current value for agricultural use under 7715
section 5713.31 of the Revised Code or that constitutes a 7716
homestead. Any terms may be included in an agricultural easement 7717
so acquired that are necessary or appropriate to preserve on 7718
behalf of the grantor of the easement the favorable tax 7719
consequences of the gift, devise, or bequest under the "Internal 7720
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 7721
The director, by any such means or by purchase or lease, may 7722
acquire, or acquire the use of, stationary personal property or 7723
equipment that is located on land acquired in fee by the director 7724
under this section and that is necessary or appropriate for the 7725
use of the land predominantly in agriculture. 7726

(C) The director may do all things necessary or appropriate 7727
to retain the use of real property acquired in fee under division 7728
(B) of this section predominantly in agriculture, including, 7729
without limitation, performing any of the activities described in 7730
division (A)(1) or (2) of section 5713.30 of the Revised Code or 7731
entering into contracts to lease or rent the real property so 7732
acquired to persons or governmental entities that will use the 7733
land predominantly in agriculture. 7734

(D)(1) When the director considers it to be necessary or 7735
appropriate, the director may sell real property acquired in fee, 7736
and stationary personal property or equipment acquired by gift, 7737
devise, bequest, or purchase, under division (B) of this section 7738

on such terms as the director considers to be advantageous to this state. 7739
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(2) An agricultural easement acquired under division (B) of this section may be extinguished under the circumstances prescribed, and in accordance with the terms and conditions set forth, in the instrument conveying the agricultural easement. 7741
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(E) There is hereby created in the state treasury the agricultural easement purchase fund. The fund shall consist of the proceeds received from the sale of real and personal property under division (D) of this section; moneys received due to the extinguishment of agricultural easements acquired by the director under division (B) of this section or section 5301.691 of the Revised Code; moneys received due to the extinguishment of agricultural easements purchased with the assistance of matching grants made under section 901.22 of the Revised Code; gifts, bequests, devises, and contributions received by the director for the purpose of acquiring agricultural easements; and grants received from public or private sources for the purpose of purchasing agricultural easements. The fund shall be administered by the director, and moneys in the fund shall be used by the director exclusively to purchase agricultural easements under division (A) of section 5301.691 of the Revised Code and provide matching grants under section 901.22 of the Revised Code to municipal corporations, counties, townships, and charitable organizations for the purchase of agricultural easements. Money in the fund shall be used only to purchase agricultural easements on land that is valued for purposes of real property taxation at its current value for agricultural use under section 5713.31 of the Revised Code or that constitutes a homestead when the easement is purchased. 7745
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(F) There is hereby created in the state treasury the clean Ohio agricultural easement fund. Twelve and one-half per cent of 7769
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net proceeds of obligations issued and sold pursuant to sections 7771
151.01 and 151.09 of the Revised Code shall be deposited into the 7772
fund. The fund shall be used by the director for the purposes of 7773
sections 901.21 and 901.22 and the provisions of sections 5301.67 7774
to 5301.70 of the Revised Code governing agricultural easements. 7775
Investment earnings of the fund shall be credited to the fund. ~~For~~ 7776
~~two years after the effective date of this amendment, investment~~ 7777
~~earnings credited to the fund~~ and may be used to pay costs 7778
incurred by the director in administering those sections and 7779
provisions. 7780

(G) The term of an agricultural easement purchased wholly or 7781
in part with money from the clean Ohio agricultural easement fund 7782
or the agricultural easement purchase fund shall be perpetual and 7783
shall run with the land. 7784

Sec. 921.151. The pesticide program fund is hereby created in 7785
the state treasury. ~~All~~ The portion of the money in the fund that 7786
is collected under this chapter shall be used to carry out the 7787
purposes of this chapter. The portion of the money in the fund 7788
that is collected under section 927.53 of the Revised Code shall 7789
be used to carry out the purposes specified in that section, the 7790
portion of the money in the fund that is collected under section 7791
927.69 of the Revised Code shall be used to carry out the purposes 7792
specified in that section, and the portion of the money in the 7793
fund that is collected under section 927.701 of the Revised Code 7794
shall be used to carry out the purposes of that section. The fund 7795
shall consist of fees collected under sections 921.01 to 921.15 7796
and section 927.69 of the Revised Code, money collected under 7797
section 927.701 of the Revised Code, and all fines, penalties, 7798
costs, and damages, except court costs, ~~which~~ that are collected 7799
by either the director of agriculture or the attorney general in 7800
consequence of any violation of sections 921.01 to 921.29 of the 7801
Revised Code. Not later than the thirtieth day of June of each 7802

year, the director of budget and management shall determine 7803
whether the amount credited to the pesticide program fund under 7804
this chapter is in excess of the amount necessary to meet the 7805
expenses of the director of agriculture in administering this 7806
chapter and shall transfer any such excess from the pesticide 7807
program fund to the general revenue fund. 7808

Sec. 927.53. (A) Each collector or dealer who sells, offers, 7809
or exposes for sale, or distributes nursery stock within this 7810
state, or ships nursery stock to other states, shall pay an annual 7811
license fee of fifty dollars to the director of agriculture for 7812
each place of business ~~he~~ the collector or dealer operates. 7813

(B)(1) Each dealer shall furnish the director, annually, an 7814
affidavit that ~~he~~ the dealer will buy and sell only nursery stock 7815
which has been inspected and certified by an official state or 7816
federal inspector. 7817

(2) Each dealer's license expires on the thirty-first day of 7818
December of each year. Each licensed dealer shall apply for 7819
renewal of ~~his~~ the dealer's license prior to the first day of 7820
January of each year and in accordance with the standard renewal 7821
procedure of sections 4745.01 to 4745.03 of the Revised Code. 7822

(C) Each licensed ~~nurseryman~~ nurseryperson shall post 7823
conspicuously in ~~his~~ the nurseryperson's principal place of 7824
business, the certificate which is issued to ~~him~~ the nurseryperson 7825
in accordance with section 927.61 of the Revised Code. 7826

(D) Each licensed ~~nurseryman~~ nurseryperson, or dealer, shall 7827
post conspicuously in each place of business, each certificate or 7828
license which is issued to ~~him~~ the nurseryperson or dealer in 7829
compliance with this section or section 927.61 of the Revised 7830
Code. 7831

(E)(1) Each ~~nurseryman~~ nurseryperson who produces, sells, 7832

offers for sale, or distributes woody nursery stock within the 7833
state, or ships woody nursery stock to other states, shall pay to 7834
the director an annual inspection fee of fifty dollars plus four 7835
dollars per acre, or fraction thereof, of growing nursery stock in 7836
intensive production areas and two dollars per acre, or fraction 7837
thereof, of growing nursery stock in nonintensive production 7838
areas, as applicable. 7839

(2) Each ~~nurseryman~~ nurseryperson who limits ~~his~~ production 7840
and sales of nursery stock to brambles, herbaceous, perennial, and 7841
other nonwoody plants, shall pay to the director an inspection fee 7842
of thirty dollars, plus four dollars per acre, or fraction 7843
thereof, of growing nursery stock in intensive and nonintensive 7844
production areas. 7845

(F) On and after the effective date of this amendment, the 7846
following additional fees shall be assessed: 7847

(1) Each collector or dealer who pays a fee under division 7848
(A) of this section shall pay an additional fee of twenty-five 7849
dollars. 7850

(2) Each nurseryperson who pays fees under division (E)(1) of 7851
this section shall pay additional fees as follows: 7852

(a) Fifteen dollars for the inspection fee; 7853

(b) Fifty cents per acre, or fraction thereof, of growing 7854
nursery stock in intensive production areas; 7855

(c) One dollar and fifty cents per acre, or fraction thereof, 7856
of growing nursery stock in nonintensive production areas. 7857

(3) Each nursery person who pays fees under division (E)(2) 7858
of this section shall pay additional fees as follows: 7859

(a) Thirty-five dollars for the inspection fee; 7860

(b) Fifty cents per acre, or fraction thereof, of growing 7861
stock in intensive and nonintensive production areas. 7862

The fees collected under division (F) of this section shall 7863
be deposited into the state treasury to the credit of the 7864
pesticide program fund created in Chapter 921. of the Revised 7865
Code. Moneys so credited to the fund shall be used to pay the 7866
costs incurred by the department of agriculture in employing a 7867
minimum of two additional inspectors. 7868

Sec. 927.69. To effect the purpose of sections 927.51 to 7869
927.74, ~~inclusive,~~ of the Revised Code, the director of 7870
agriculture, ~~or his~~ the director's authorized representative, may: 7871

(A) Make reasonable inspection of any premises in this state 7872
and any property therein or thereon; 7873

(B) Stop and inspect in a reasonable manner, any means of 7874
conveyance moving within this state upon probable cause to believe 7875
it contains or carries any pest, host, commodity, or other article 7876
~~which that~~ is subject to sections 927.51 to 927.72, ~~inclusive,~~ of 7877
the Revised Code; 7878

(C) Conduct inspections of agricultural products that are 7879
required by other states, the United States department of 7880
agriculture, other federal agencies, or foreign countries to 7881
determine whether the products are infested. If, upon making such 7882
an inspection, the director or the director's authorized 7883
representative determines that an agricultural product is not 7884
infested, the director or the director's authorized representative 7885
may issue a certificate, as required by other states, the United 7886
States department of agriculture, other federal agencies, or 7887
foreign countries, indicating that the product is not infested. 7888

If the director charges fees for any of the certificates, 7889
agreements, or inspections specified in this division, the fees 7890
shall be as follows: 7891

(1) Phyto sanitary certificates, twenty-five dollars; 7892

(2) Compliance agreements, twenty dollars; 7893

(3) Solid wood packing certificates, twenty dollars; 7894

(4) Vegetable, fruit, and field crop inspections, sixty-five 7895
dollars. 7896

The director may adopt rules under section 927.52 of the 7897
Revised Code that define the certificates, agreements, and 7898
inspections. 7899

The fees shall be deposited into the state treasury to the 7900
credit of the pesticide program fund created in Chapter 921. of 7901
the Revised Code. Money credited to the fund shall be used to pay 7902
the costs incurred by the department of agriculture in employing a 7903
minimum of two additional inspectors. 7904

Sec. 927.701. (A) As used in this section, "gypsy moth" means 7905
the live insect, Lymantria dispar, in any stage of development. 7906
7907

(B) The director of agriculture may establish a voluntary 7908
gypsy moth suppression program under which a landowner may request 7909
that the department of agriculture have the landowner's property 7910
aerially sprayed to suppress the presence of gypsy moths in 7911
exchange for payment from the landowner of a portion of the cost 7912
of the spraying. To determine the amount of payment that is due 7913
from a landowner, the department first shall determine the 7914
projected cost per acre to the department of gypsy moth 7915
suppression activities for the year in which the landowner's 7916
request is made. The cost shall be calculated by determining the 7917
total expense of aerial spraying for gypsy moths to be incurred by 7918
the department in that year divided by the total number of acres 7919
proposed to be sprayed in that year. With respect to a landowner, 7920
the department shall multiply the cost per acre by the number of 7921
acres that the landowner requests to be sprayed. The department 7922

shall add to that amount any administrative costs that it incurs 7923
in billing the landowner and collecting payment. The amount that 7924
the landowner shall pay to the department shall not exceed fifty 7925
per cent of the resulting amount. 7926

(C) The director shall adopt rules under Chapter 119. of the 7927
Revised Code to establish procedures under which a landowner may 7928
make a request under division (B) of this section and to establish 7929
provisions governing agreements between the department and 7930
landowners concerning gypsy moth suppression together with any 7931
other provisions that the director considers appropriate to 7932
administer this section. 7933

(D) The director shall deposit all money collected under this 7934
section into the state treasury to the credit of the pesticide 7935
program fund created in Chapter 921. of the Revised Code. Money 7936
credited to the fund under this section shall be used for the 7937
suppression of gypsy moths in accordance with this section. 7938

Sec. 1309.109. (A) Except as otherwise provided in divisions 7939
(C) and (D) of this section, this chapter applies to the 7940
following: 7941

(1) A transaction, regardless of its form, that creates a 7942
security interest in personal property or fixtures by contract; 7943

(2) An agricultural lien; 7944

(3) A sale of accounts, chattel paper, payment intangibles, 7945
or promissory notes; 7946

(4) A consignment; 7947

(5) A security interest arising under section 1302.42 or 7948
1302.49, division (C) of section 1302.85, or division (E) of 7949
section 1310.54 of the Revised Code, as provided in section 7950
1309.110 of the Revised Code; and 7951

(6) A security interest arising under section 1304.20 or 7952

1305.18 of the Revised Code.	7953
(B) The application of this chapter to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this chapter does not apply.	7954 7955 7956 7957
(C) This chapter does not apply to the extent that:	7958
(1) A statute, regulation, or treaty of the United States preempts this chapter; or	7959 7960
(2) The rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under section 1305.13 of the Revised Code.	7961 7962 7963
(D) This chapter does not apply to <u>the following</u> :	7964
(1) A landlord's lien, other than an agricultural lien;	7965
(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;	7966 7967 7968 7969 7970 7971
(b) Notwithstanding division (D)(2)(a) of this section, section 1309.333 of the Revised Code applies with respect to priority of the lien.	7972 7973 7974
(3) An assignment of a claim for wages, salary, or other compensation of an employee;	7975 7976
(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;	7977 7978 7979
(5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes that is for the purpose of collection only;	7980 7981 7982

(6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;	7983 7984
(7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;	7985 7986 7987
(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;	7988 7989 7990 7991 7992 7993
(9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;	7994 7995
(10) A right of recoupment or set-off, but:	7996
(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	7997 7998 7999
(b) Section 1309.404 of the Revised Code applies with respect to defenses or claims of an account debtor.	8000 8001
(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:	8002 8003 8004
(a) Liens on real property in sections 1309.203 and 1309.308 of the Revised Code;	8005 8006
(b) Fixtures in section 1309.334 of the Revised Code;	8007
(c) Fixture filings in sections 1309.501, 1309.502, 1309.512, 1309.516, and 1309.519 of the Revised Code; and	8008 8009
(d) Security agreements covering personal and real property in section 1309.604 of the Revised Code.	8010 8011

(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;

(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

(14) A transfer by a government, state, or governmental unit.

(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 Revised Code. The sale, assignment, or other redirection of a lottery prize award for consideration is subject to the provisions of division ~~(A)(4)~~(D) of section 3770.07 and sections 3770.10 to 3770.14 of the Revised Code.

Sec. 1321.21. All fees, charges, penalties, and forfeitures collected under Chapters 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ sections 1315.35 to 1315.44, and sections 1349.25 to 1349.37 of the Revised Code shall be paid to the superintendent of financial institutions and shall be deposited by the superintendent into the state treasury to the credit of the consumer finance fund, which is hereby created. The fund may be expended or obligated by the superintendent for the defrayment of the costs of administration of Chapters 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ sections 1315.35 to 1315.44, and sections 1349.25 to 1349.37 of the Revised Code by the division of financial institutions. All actual and necessary expenses incurred by the superintendent, including any services rendered by the department of commerce for the division's administration of Chapters 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ sections

1315.35 to 1315.44, and sections 1349.25 to 1349.37 of the Revised Code, shall be paid from the fund. The fund shall be assessed a proportionate share of the administrative costs of the department and the division. The proportionate share of the administrative costs of the division of financial institutions shall be determined in accordance with procedures prescribed by the superintendent and approved by the director of budget and management. Such assessment shall be paid from the consumer finance fund to the division of administration fund or the financial institutions fund.

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 1333.04 of the Revised Code is guilty of a minor misdemeanor.

(B) Whoever violates section 1333.12 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(C) Whoever violates section 1333.36 of the Revised Code is guilty of a misdemeanor of the third degree.

(D) A prosecuting attorney may file an action to restrain any person found in violation of section 1333.36 of the Revised Code. Upon the filing of such an action, the common pleas court may receive evidence of such violation and forthwith grant a temporary restraining order as may be prayed for, pending a hearing on the merits of said cause.

(E) Whoever violates division (A)(1) of section 1333.52 or section 1333.81 of the Revised Code is guilty of a misdemeanor of the first degree.

(F) Whoever violates division (A)(2) or (B) of section 1333.52 ~~or division (F) or (H) of section 1333.96~~ of the Revised Code is guilty of a misdemeanor of the second degree.

(G) Except as otherwise provided in this division, whoever violates section 1333.92 of the Revised Code is guilty of a

misdemeanor of the first degree. If the value of the compensation 8073
is five hundred dollars or more and less than five thousand 8074
dollars, whoever violates section 1333.92 of the Revised Code is 8075
guilty of a felony of the fifth degree. If the value of the 8076
compensation is five thousand dollars or more and less than one 8077
hundred thousand dollars, whoever violates section 1333.92 of the 8078
Revised Code is guilty of a felony of the fourth degree. If the 8079
value of the compensation is one hundred thousand dollars or more, 8080
whoever violates section 1333.92 of the Revised Code is guilty of 8081
a felony of the third degree. 8082

~~(H) Whoever violates division (B), (C), or (I) of section 8083
1333.96 of the Revised Code is guilty of a misdemeanor of the 8084
third degree. 8085~~

~~(I) Any person not registered as a travel agency or tour 8086
promoter as provided in divisions (B) and (C) of section 1333.96 8087
of the Revised Code who states that the person is so registered is 8088
guilty of a misdemeanor of the first degree. 8089~~

Sec. 1501.04. There is hereby created in the department of 8090
natural resources a recreation and resources commission composed 8091
of the ~~chairman~~ chairperson of the wildlife council created under 8092
section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of 8093
the parks and recreation council created under section 1541.40 of 8094
the Revised Code, the ~~chairman~~ chairperson of the waterways safety 8095
council created under section 1547.73 of the Revised Code, the 8096
~~chairman~~ chairperson of the technical advisory council on oil and 8097
gas created under section 1509.38 of the Revised Code, the 8098
chairman of the forestry advisory council created under section 8099
1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 8100
soil and water conservation commission created under section 8101
1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 8102
natural areas council created under section 1517.03 of the Revised 8103

Code, the ~~chairman~~ chairperson of the Ohio water advisory council 8104
created under section 1521.031 of the Revised Code, the 8105
chairperson of the recycling and litter prevention advisory 8106
council created under section 1502.04 of the Revised Code, ~~the~~ 8107
~~chairperson of the civilian conservation advisory council created~~ 8108
~~under section 1553.10 of the Revised Code,~~ the ~~chairman~~ 8109
chairperson of the Ohio geology advisory council created under 8110
section 1505.11 of the Revised Code, and five members appointed by 8111
the governor with the advice and consent of the senate, not more 8112
than three of whom shall belong to the same political party. The 8113
director of natural resources shall be an ex officio member of the 8114
commission, with a voice in its deliberations, but without the 8115
power to vote. 8116

Terms of office of members of the commission appointed by the 8117
governor shall be for five years, commencing on the second day of 8118
February and ending on the first day of February. Each member 8119
shall hold office from the date of ~~his~~ appointment until the end 8120
of the term for which ~~he~~ the member was appointed. 8121

In the event of the death, removal, resignation, or 8122
incapacity of a member of the commission, the governor, with the 8123
advice and consent of the senate, shall appoint a successor who 8124
shall hold office for the remainder of the term for which ~~his~~ the 8125
member's predecessor was appointed. Any member shall continue in 8126
office subsequent to the expiration date of ~~his~~ the member's term 8127
until ~~his~~ the member's successor takes office, or until a period 8128
of sixty days has elapsed, whichever occurs first. 8129

The governor may remove any appointed member of the 8130
commission for misfeasance, nonfeasance, or malfeasance in office. 8131

The commission shall exercise no administrative function, but 8132
may: 8133

(A) Advise with and recommend to the director ~~of natural~~ 8134

~~resources~~ as to plans and programs for the management, 8135
development, utilization, and conservation of the natural 8136
resources of the state; 8137

(B) Advise with and recommend to the director as to methods 8138
of coordinating the work of the divisions of the department; 8139

(C) Consider and make recommendations upon any matter ~~which~~ 8140
that the director may submit to it; 8141

(D) Submit to the governor biennially recommendations for 8142
amendments to the conservation laws of the state. 8143

~~Before~~ Each member of the commission, before entering upon 8144
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 8145
~~commission~~ shall take and subscribe to an oath of office, which 8146
oath, in writing, shall be filed in the office of the secretary of 8147
state. 8148

The members of the commission shall serve without 8149
compensation, but shall be entitled to receive their actual and 8150
necessary expenses incurred in the performance of their official 8151
duties. 8152

The commission, by a majority vote of all its members, shall 8153
adopt and amend bylaws. 8154

To be eligible for appointment, a person shall be a citizen 8155
of the United States and an elector of the state and shall possess 8156
a knowledge of and have an interest in the natural resources of 8157
this state. 8158

The commission shall hold at least four regular quarterly 8159
meetings each year. Special meetings shall be held at such times 8160
as the bylaws of the commission provide. Notices of all meetings 8161
shall be given in such manner as the bylaws provide. The 8162
commission shall choose annually from among its members a ~~chairman~~ 8163
chairperson to preside over its meetings and a secretary to keep a 8164

record of its proceedings. A majority of the members of the 8165
commission constitutes a quorum. No advice shall be given or 8166
recommendation made without a majority of the members of the 8167
commission concurring therein. 8168

Sec. 1503.05. (A) The chief of the division of forestry may 8169
sell timber and other forest products from the state forest and 8170
state forest nurseries whenever the chief considers such a sale 8171
desirable and, with the approval of the attorney general and the 8172
director of natural resources, may sell portions of the state 8173
forest lands when such a sale is advantageous to the state. 8174

(B) Except as otherwise provided in this section, a timber 8175
sale agreement shall not be executed unless the person or 8176
governmental entity bidding on the sale executes and files a 8177
surety bond conditioned on completion of the timber sale in 8178
accordance with the terms of the agreement in an amount equal to 8179
twenty-five per cent of the highest value cutting section. All 8180
bonds shall be given in a form prescribed by the chief and shall 8181
run to the state as obligee. 8182

The chief shall not approve any bond until it is personally 8183
signed and acknowledged by both principal and surety, or as to 8184
either by the attorney in fact thereof, with a certified copy of 8185
the power of attorney attached. The chief shall not approve the 8186
bond unless there is attached a certificate of the superintendent 8187
of insurance that the company is authorized to transact a fidelity 8188
and surety business in this state. 8189

In lieu of a bond, the bidder may deposit any of the 8190
following: 8191

(1) Cash in an amount equal to the amount of the bond; 8192

(2) United States government securities having a par value 8193
equal to or greater than the amount of the bond; 8194

(3) Negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond.

The cash or securities shall be deposited on the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate or certificates of deposit.

Immediately upon a deposit of cash, securities, certificates of deposit, or letters of credit, the chief shall deliver them to the treasurer of state, who shall hold them in trust for the purposes for which they have been deposited. The treasurer of state is responsible for the safekeeping of the deposits. A bidder making a deposit of cash, securities, certificates of deposit, or letters of credit may withdraw and receive from the treasurer of state, on the written order of the chief, all or any portion of the cash, securities, certificates of deposit, or letters of credit upon depositing with the treasurer of state cash, other United States government securities, or other negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state, equal in par value to the par value of the cash, securities, certificates of deposit, or letters of credit withdrawn.

A bidder may demand and receive from the treasurer of state all interest or other income from any such securities or certificates as it becomes due. If securities so deposited with

and in the possession of the treasurer of state mature or are 8227
called for payment by their issuer, the treasurer of state, at the 8228
request of the bidder who deposited them, shall convert the 8229
proceeds of the redemption or payment of the securities into other 8230
United States government securities, negotiable certificates of 8231
deposit, or cash as the bidder designates. 8232

When the chief finds that a person or governmental agency has 8233
failed to comply with the conditions of the person's or 8234
governmental agency's bond, the chief shall make a finding of that 8235
fact and declare the bond, cash, securities, certificates, or 8236
letters of credit forfeited. The chief thereupon shall certify the 8237
total forfeiture to the attorney general, who shall proceed to 8238
collect the amount of the bond, cash, securities, certificates, or 8239
letters of credit. 8240

In lieu of total forfeiture, the surety, at its option, may 8241
cause the timber sale to be completed or pay to the treasurer of 8242
state the cost thereof. 8243

All moneys collected as a result of forfeitures of bonds, 8244
cash, securities, certificates, and letters of credit under this 8245
section shall be credited to the state forest fund created in this 8246
section. 8247

(C) The chief may grant easements and leases on portions of 8248
the state forest lands and state forest nurseries under terms that 8249
are advantageous to the state, and the chief may grant mineral 8250
rights on a royalty basis on those lands and nurseries, with the 8251
approval of the attorney general and the director. 8252

(D) All moneys received from the sale of state forest lands, 8253
or in payment for easements or leases on or as rents from those 8254
lands or from state forest nurseries, shall be paid into the state 8255
treasury to the credit of the state forest fund, which is hereby 8256
created. All moneys received from the sale of standing timber 8257

taken from the state forest lands shall be deposited into the 8258
state treasury. Twenty per cent of the moneys so deposited shall 8259
be credited to the state forest fund. Eighty per cent of the 8260
moneys so deposited shall be credited to the general revenue fund. 8261
All moneys received from the sale of forest products, other than 8262
standing timber, and minerals taken from the state forest lands 8263
and state forest nurseries, together with royalties from mineral 8264
rights, shall be paid into the state treasury to the credit of the 8265
state forest fund. 8266

At the time of making such a ~~payment or~~ deposit into the 8267
state treasury to the credit of the general revenue fund, the 8268
chief shall determine the amount and gross value of all such 8269
~~products standing timber~~ sold ~~or royalties received~~ from lands and 8270
nurseries in each county, in each township within the county, and 8271
in each school district within the county. Afterward the chief 8272
shall send to each county treasurer a copy of the determination 8273
and shall provide for payment to the county treasurer, for the use 8274
of the general fund of that county from the amount so received as 8275
provided in this division, an amount equal to ~~eighty~~ seventy per 8276
cent of the gross value of the ~~products standing timber~~ sold ~~or~~ 8277
~~royalties received~~ from lands and nurseries located in that 8278
county. The county auditor shall do all of the following: 8279

(1) Retain for the use of the general fund of the county 8280
one-fourth of the amount received by the county under division (D) 8281
of this section; 8282

(2) Pay into the general fund of any township located within 8283
the county and containing such lands and nurseries one-fourth of 8284
the amount received by the county from ~~products standing timber~~ 8285
sold ~~or royalties received~~ from lands and nurseries located in the 8286
township; 8287

(3) Request the board of education of any school district 8288
located within the county and containing such lands and nurseries 8289

to identify which fund or funds of the district should receive the 8290
moneys available to the school district under division (D)(3) of 8291
this section. After receiving notice from the board, the county 8292
auditor shall pay into the fund or funds so identified one-half of 8293
the amount received by the county from ~~products~~ standing timber 8294
~~sold or royalties received~~ from lands and nurseries located in the 8295
school district, distributed proportionately as identified by the 8296
board. 8297

The division of forestry shall not supply logs, lumber, or 8298
other forest products or minerals, taken from the state forest 8299
lands or state forest nurseries, to any other agency or 8300
subdivision of the state unless payment is made therefor in the 8301
amount of the actual prevailing value thereof. This section is 8302
applicable to the moneys so received. All moneys received from the 8303
sale of reforestation tree stock or other revenues derived from 8304
the operation of the state forests, facilities, or equipment shall 8305
be paid into the state forest fund. 8306

The fund shall not be expended for any purpose other than the 8307
administration, operation, maintenance, development, or 8308
utilization of the state forests, forest nurseries, and forest 8309
programs, for facilities or equipment incident to them, or for the 8310
further purchase of lands for state forest or forest nursery 8311
purposes. 8312

Sec. 1513.05. There is hereby created a reclamation 8313
commission consisting of seven members appointed by the governor 8314
with the advice and consent of the senate. For the purposes of 8315
hearing appeals under section 1513.13 of the Revised Code that 8316
involve mine safety issues, the reclamation commission shall 8317
consist of two additional members appointed specifically for that 8318
function by the governor with the advice and consent of the 8319
senate. All terms of office shall be for five years, commencing on 8320

the twenty-ninth day of June and ending on the twenty-eighth day 8321
of June. Each member shall hold office from the date of 8322
appointment until the end of the term for which the appointment 8323
was made. Each vacancy occurring on the commission shall be filled 8324
by appointment within sixty days after the vacancy occurs. Any 8325
member appointed to fill a vacancy occurring prior to the 8326
expiration of the term for which the member's predecessor was 8327
appointed shall hold office for the remainder of such term. Any 8328
member shall continue in office subsequent to the expiration date 8329
of the member's term until the member's successor takes office, or 8330
until a period of sixty days has elapsed, whichever occurs first. 8331

Two of the appointees to the commission shall be persons who, 8332
at the time of their appointment, own and operate a farm or are 8333
retired farmers. Notwithstanding section 1513.04 of the Revised 8334
Code, one of the appointees to the commission shall be a person 8335
who, at the time of appointment, is the representative of an 8336
operator of a coal mine. One of the appointees to the commission 8337
shall be a person who, by reason of the person's previous 8338
vocation, employment, or affiliations, can be classed as a 8339
representative of the public. One of the appointees to the 8340
commission shall be a person who, by reason of previous training 8341
and experience, can be classed as one learned and experienced in 8342
modern forestry practices. One of the appointees to the commission 8343
shall be a person who, by reason of previous training and 8344
experience, can be classed as one learned and experienced in 8345
agronomy. One of the appointees to the commission shall be either 8346
a person who, by reason of previous training and experience, can 8347
be classed as one capable and experienced in earth-grading 8348
problems, or a civil engineer. Beginning not later than five years 8349
after the effective date of this amendment, at least one of the 8350
seven appointees to the commission shall be an attorney at law who 8351
is admitted to practice in this state and is familiar with mining 8352
issues. Not more than four members shall be members of the same 8353

political party. 8354

The two additional members of the commission who are 8355
appointed specifically to hear appeals that involve mine safety 8356
issues shall be individuals who, because of previous vocation, 8357
employment, or affiliation, can be classified as representatives 8358
of employees currently engaged in mining operations. One shall be 8359
a representative of coal miners, and one shall be a representative 8360
of aggregates miners. Prior to making the appointment, the 8361
governor shall request the highest ranking officer in the major 8362
employee organization representing coal miners in this state to 8363
submit to the governor the names and qualifications of three 8364
nominees and shall request the highest ranking officer in the 8365
major employee organization representing aggregates miners in this 8366
state to do the same. The governor shall appoint one person 8367
nominated by each organization to the commission. The nominees 8368
shall have not less than five years of practical experience in 8369
dealing with mine health and safety issues and at the time of the 8370
nomination shall be employed in positions that involve the 8371
protection of the health and safety of miners. The major employee 8372
organization representing coal miners and the major employee 8373
organization representing aggregates miners shall represent a 8374
membership consisting of the largest number of coal miners and 8375
aggregates miners, respectively, in this state compared to other 8376
employee organizations in the year prior to the year in which the 8377
appointments are made. 8378

When the commission hears an appeal that involves a coal 8379
mining safety issue, one of the commission members who owns and 8380
operates a farm or is a retired farmer shall be replaced by the 8381
additional member who is a representative of coal miners. When the 8382
commission hears an appeal that involves an aggregates mining 8383
safety issue, one of the commission members who owns and operates 8384
a farm or is a retired farmer shall be replaced by the additional 8385

member who is a representative of aggregates miners. Neither of 8386
the additional members who are appointed specifically to hear 8387
appeals that involve mine safety issues shall be considered to be 8388
members of the commission for any other purpose, and they shall 8389
not participate in any other matters that come before the 8390
commission. 8391

The commission may appoint a secretary to hold office at its 8392
pleasure. A commission member may serve as secretary. The 8393
secretary shall perform such duties as the commission prescribes, 8394
and shall receive such compensation as the commission fixes in 8395
accordance with such schedules as are provided by law for the 8396
compensation of state employees. 8397

The commission shall appoint one or more hearing officers who 8398
shall be attorneys at law admitted to practice in this state to 8399
conduct hearings under this chapter. 8400

Four members constitute a quorum, and no action of the 8401
commission shall be valid unless it has the concurrence of at 8402
least four members. The commission shall keep a record of its 8403
proceedings. 8404

Each member shall be paid as compensation for work as a 8405
member one hundred fifty dollars per day when actually engaged in 8406
the performance of work as a member and when engaged in travel 8407
necessary in connection with such work. In addition to such 8408
compensation each member shall be reimbursed for all traveling, 8409
hotel, and other expenses, in accordance with the current travel 8410
rules of the office of budget and management, necessarily incurred 8411
in the performance of the member's work as a member. 8412

Annually one member shall be elected as chairperson and 8413
another member shall be elected as vice-chairperson for terms of 8414
one year. 8415

The governor may remove any member of the commission from 8416

office for inefficiency, neglect of duty, malfeasance, 8417
misfeasance, or nonfeasance, after delivering to the member the 8418
charges against the member in writing with at least ten days' 8419
written notice of the time and place at which the governor will 8420
publicly hear the member, either in person or by counsel, in 8421
defense of the charges against the member. If the member is 8422
removed from office, the governor shall file in the office of the 8423
secretary of state a complete statement of the charges made 8424
against the member and a complete report of the proceedings. The 8425
action of the governor removing a member from office is final. 8426

The commission shall adopt rules governing procedure of 8427
appeals under section 1513.13 of the Revised Code and may, for its 8428
own internal management, adopt rules that do not affect private 8429
rights. 8430

Sec. 1519.05. (A) As used in this section, "local political 8431
subdivision" and "nonprofit organization" have the same meanings 8432
as in section 164.20 of the Revised Code. 8433

(B) There is hereby created in the state treasury the clean 8434
Ohio trail fund. Twelve and one-half per cent of the net proceeds 8435
of obligations issued and sold pursuant to sections 151.01 and 8436
151.09 of the Revised Code shall be deposited into the fund. 8437

Investment earnings of the fund shall be credited to the 8438
fund. ~~For two years after the effective date of this section,~~ 8439
~~investment earnings credited to the fund~~ and may be used to pay 8440
costs incurred by the director of natural resources in 8441
administering this section. 8442

Money in the clean Ohio trail fund shall not be used for the 8443
appropriation of land, rights, rights-of-way, franchises, 8444
easements, or other property through the exercise of the right of 8445
eminent domain. 8446

The director shall use moneys in the fund exclusively to 8447
provide matching grants to nonprofit organizations and to local 8448
political subdivisions for the purposes of purchasing land or 8449
interests in land for recreational trails and for the construction 8450
of such trails. A matching grant may provide up to seventy-five 8451
per cent of the cost of a recreational trail project, and the 8452
recipient of the matching grant shall provide not less than 8453
twenty-five per cent of that cost. 8454

(C) The director shall establish policies for the purposes of 8455
this section. The policies shall establish all of the following: 8456

(1) Procedures for providing matching grants to nonprofit 8457
organizations and local political subdivisions for the purposes of 8458
purchasing land or interests in land for recreational trails and 8459
for the construction of such trails, including, without 8460
limitation, procedures for both of the following: 8461

(a) Developing a grant application form and soliciting, 8462
accepting, and approving grant applications; 8463

(b) Participation by nonprofit organizations and local 8464
political subdivisions in the application process. 8465

(2) A requirement that an application for a matching grant 8466
for a recreational trail project include a copy of a resolution 8467
supporting the project from each county in which the proposed 8468
project is to be conducted and whichever of the following is 8469
applicable: 8470

(a) If the proposed project is to be conducted wholly within 8471
the geographical boundaries of one township, a copy of a 8472
resolution supporting the project from the township; 8473

(b) If the proposed project is to be conducted wholly within 8474
the geographical boundaries of one municipal corporation, a copy 8475
of a resolution supporting the project from the municipal 8476

corporation;	8477
(c) If the proposed project is to be conducted in more than	8478
one, but fewer than five townships or municipal corporations, a	8479
copy of a resolution supporting the project from at least one-half	8480
of the total number of townships and municipal corporations in	8481
which the proposed project is to be conducted;	8482
(d) If the proposed project is to be conducted in five or	8483
more municipal corporations, a copy of a resolution supporting the	8484
project from at least three-fifths of the total number of	8485
townships and municipal corporations in which the proposed project	8486
is to be conducted.	8487
(3) Eligibility criteria that must be satisfied by an	8488
applicant in order to receive a matching grant and that emphasize	8489
the following:	8490
(a) Synchronization with the statewide trail plan;	8491
(b) Complete regional systems and links to the statewide	8492
trail system;	8493
(c) A combination of funds from various state agencies;	8494
(d) The provision of links in urban areas that support	8495
commuter access and show economic impact on local communities;	8496
(e) The linkage of population centers with public outdoor	8497
recreation areas and facilities;	8498
(f) The purchase of rail lines that are linked to the	8499
statewide trail plan;	8500
(g) The preservation of natural corridors.	8501
(4) Items of value, such as in-kind contributions of land,	8502
easements or other interests in land, labor, or materials, that	8503
may be considered as contributing toward the percentage of the	8504
cost of a recreational trails project that must be provided by a	8505
matching grant recipient.	8506

Sec. 1521.06. (A) No dam may be constructed for the purpose 8507
of storing, conserving, or retarding water, or for any other 8508
purpose, nor shall any dike or levee be constructed for the 8509
purpose of diverting or retaining flood water, unless the person 8510
or governmental agency desiring the construction has a 8511
construction permit for the dam, dike, or levee issued by the 8512
chief of the division of water. 8513

A construction permit is not required under this section for: 8514

(1) A dam ~~which~~ that is or will be less than ten feet in 8515
height and ~~which~~ that has or will have a storage capacity of not 8516
more than fifty acre-feet at the elevation of the top of the dam, 8517
as determined by the chief. For the purposes of this section, the 8518
height of a dam shall be measured from the natural stream bed or 8519
lowest ground elevation at the downstream or outside limit of the 8520
dam to the elevation of the top of the dam. 8521

(2) A dam, regardless of height, ~~which~~ that has or will have 8522
a storage capacity of not more than fifteen acre-feet at the 8523
elevation of the top of the dam, as determined by the chief; 8524

(3) A dam, regardless of storage capacity, ~~which~~ that is or 8525
will be six feet or less in height, as determined by the chief; 8526

(4) A dam, dike, or levee ~~which~~ that belongs to a class 8527
exempted by the chief; 8528

(5) The repair, maintenance, improvement, alteration, or 8529
removal of a dam, dike, or levee ~~which~~ that is subject to section 8530
1521.062 of the Revised Code, unless the construction constitutes 8531
an enlargement of the structure as determined by the chief; 8532

(6) A dam or impoundment constructed under Chapter 1513. of 8533
the Revised Code. 8534

(B) Before a construction permit may be issued, three copies 8535
of the plans and specifications, including a detailed cost 8536

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 8568
the Revised Code. 8569

(C) The chief shall, within thirty days from the date of the 8570
receipt of the application, fee, and bond or other security, issue 8571
or deny a construction permit for the construction or may issue a 8572
construction permit conditioned upon the making of such changes in 8573
the plans and specifications for the construction as ~~he~~ the chief 8574
considers advisable if ~~he~~ the chief determines that the 8575
construction of the proposed dam, dike, or levee, in accordance 8576
with the plans and specifications filed, would endanger life, 8577
health, or property. 8578

(D) The chief may deny a construction permit ~~if he finds~~ 8579
after finding that a dam, dike, or levee built in accordance with 8580
the plans and specifications would endanger life, health, or 8581
property, because of improper or inadequate design, or for such 8582
other reasons as the chief may determine. 8583

In the event the chief denies a permit for the construction 8584
of the dam, dike, or levee, or issues a permit conditioned upon a 8585
making of changes in the plans or specifications for the 8586
construction, ~~he~~ the chief shall state ~~his~~ the reasons therefor 8587
and so notify, in writing, the person or governmental agency 8588
making the application for a permit. If the permit is denied, the 8589
chief shall return the bond or other security to the person or 8590
governmental agency making application for the permit. 8591

The decision of the chief conditioning or denying a 8592
construction permit is subject to appeal as provided in Chapter 8593
119. of the Revised Code. A dam, dike, or levee built 8594
substantially at variance from the plans and specifications upon 8595
which a construction permit was issued is in violation of this 8596
section. The chief may at any time inspect any dam, dike, or 8597
levee, or site upon which any dam, dike, or levee is to be 8598
constructed, in order to determine whether it complies with this 8599

section. 8600

(E) A registered professional engineer shall inspect the 8601
construction for which the permit was issued during all phases of 8602
construction and shall furnish to the chief such regular reports 8603
of ~~his~~ the engineer's inspections as the chief may require. When 8604
the chief finds that construction has been fully completed in 8605
accordance with the terms of the permit and the plans and 8606
specifications approved by ~~him~~ the chief, ~~he~~ the chief shall 8607
approve the construction. When one year has elapsed after approval 8608
of the completed construction, and the chief finds that within 8609
this period no fact has become apparent to indicate that the 8610
construction was not performed in accordance with the terms of the 8611
permit and the plans and specifications approved by the chief, or 8612
that the construction as performed would endanger life, health, or 8613
property, ~~he~~ the chief shall release the bond or other security. 8614
No bond or other security shall be released until one year after 8615
final approval by the chief, unless the dam, dike, or levee has 8616
been modified so that it will not retain water and has been 8617
approved as nonhazardous after determination by the chief that the 8618
dam, dike, or levee as modified will not endanger life, health, or 8619
property. 8620

(F) When inspections required by this section are not being 8621
performed, the chief shall notify the person or governmental 8622
agency to which the permit has been issued that inspections are 8623
not being performed by the registered professional engineer and 8624
that the chief will inspect the remainder of the construction. 8625
Thereafter, the chief shall inspect the construction and the cost 8626
of inspection shall be charged against the owner. Failure of the 8627
registered professional engineer to submit required inspection 8628
reports shall be deemed notice that ~~his~~ the engineer's inspections 8629
are not being performed. 8630

(G) The chief may order construction to cease on any dam, 8631

dike, or levee ~~which~~ that is being built in violation of ~~the~~ 8632
~~provisions of~~ this section, and may prohibit the retention of 8633
water behind any dam, dike, or levee ~~which~~ that has been built in 8634
violation of ~~the provisions of~~ this section. The attorney general, 8635
upon written request of the chief, may bring an action for an 8636
injunction against any person who violates this section or to 8637
enforce an order or prohibition of the chief made pursuant to this 8638
section. 8639

(H) The chief may adopt rules in accordance with Chapter 119. 8640
of the Revised Code, for the design and construction of dams, 8641
dikes, and levees for which a construction permit is required by 8642
this section or for which periodic inspection is required by 8643
section 1521.062 of the Revised Code, for establishing a filing 8644
fee schedule in lieu of the schedule established under division 8645
(B) of this section, for deposit and forfeiture of bonds and other 8646
securities required by section 1521.061 of the Revised Code, for 8647
the periodic inspection, operation, repair, improvement, 8648
alteration, or removal of all dams, dikes, and levees, as 8649
specified in section 1521.062 of the Revised Code, and for 8650
establishing classes of dams, dikes, or levees ~~which~~ that are 8651
exempt from the requirements of sections 1521.06 and 1521.062 of 8652
the Revised Code as being of a size, purpose, or situation ~~which~~ 8653
that does not present a substantial hazard to life, health, or 8654
property. The chief may, by rule, limit the period during which a 8655
construction permit issued under this section is valid. If a 8656
construction permit expires before construction is completed, the 8657
person or agency shall apply for a new permit, and shall not 8658
continue construction until the new permit is issued. 8659

~~(I) As used in this section and section 1521.063 of the~~ 8660
~~Revised Code, "political subdivision" includes townships,~~ 8661
~~municipal corporations, counties, school districts, municipal~~ 8662
~~universities, park districts, sanitary districts, and conservancy~~ 8663

~~districts and subdivisions thereof.~~ 8664

Sec. 1521.063. (A) Except for ~~a political subdivision~~ the 8665
federal government, the owner of any dam subject to section 8666
1521.062 of the Revised Code shall pay an annual fee, based upon 8667
the height of the dam, to the division of water on or before June 8668
30, 1988, and on or before the thirtieth day of June of each 8669
succeeding year. The annual fee shall be as follows until 8670
otherwise provided by rules adopted under this section: 8671

(1) For any dam classified as a class I dam under rules 8672
adopted by the chief of the division of water under section 8673
1521.06 of the Revised Code, thirty dollars plus ~~three~~ ten dollars 8674
per foot of height of dam; 8675

(2) For any dam classified as a class II dam under those 8676
rules, thirty dollars plus one dollar per foot of height of dam; 8677

(3) For any dam classified as a class III dam under those 8678
rules, thirty dollars. 8679

For purposes of this section, the height of a dam is the 8680
vertical height, to the nearest foot, as determined by the 8681
division under section 1521.062 of the Revised Code. All fees 8682
collected under this section shall be deposited in the dam safety 8683
fund created in section 1521.06 of the Revised Code. Any owner who 8684
fails to pay any annual fee required by this section within sixty 8685
days after the due date shall be assessed a penalty of ten per 8686
cent of the annual fee plus interest at the rate of one-half per 8687
cent per month from the due date until the date of payment. 8688

(B) The chief shall, in accordance with Chapter 119. of the 8689
Revised Code, adopt, and may amend or rescind, rules for the 8690
collection of fees and the administration, implementation, and 8691
enforcement of this section and for the establishment of an annual 8692
fee schedule in lieu of the schedule established under division 8693

(A) of this section. 8694

(C)(1) No person, political subdivision, or state 8695
governmental agency shall violate or fail to comply with this 8696
section or any rule or order adopted or issued under it. 8697

(2) The attorney general, upon written request of the chief, 8698
may commence an action against any such violator. Any action under 8699
division (C)(2) of this section is a civil action. 8700

(D) As used in this section, "political subdivision" includes 8701
townships, municipal corporations, counties, school districts, 8702
municipal universities, park districts, sanitary districts, and 8703
conservancy districts and subdivisions thereof. 8704

Sec. 1531.26. There is hereby created in the state treasury 8705
the nongame and endangered wildlife fund, which shall consist of 8706
moneys paid into it by the tax commissioner under section 5747.113 8707
of the Revised Code, moneys deposited in the fund from the 8708
issuance of wildlife conservation license plates under section 8709
4503.57 of the Revised Code, moneys deposited in the fund from the 8710
issuance of bald eagle license plates under section 4503.572 of 8711
the Revised Code, moneys credited to the fund under section 8712
1533.151 of the Revised Code, and ~~of~~ contributions made directly 8713
to it. Any person may contribute directly to the fund in addition 8714
to or independently of the income tax refund contribution system 8715
established in section 5747.113 of the Revised Code. Moneys in the 8716
fund shall be disbursed pursuant to vouchers approved by the 8717
director of natural resources for use by the division of wildlife 8718
solely for the purchase, management, preservation, propagation, 8719
protection, and stocking of wild animals that are not commonly 8720
taken for sport or commercial purposes, including the acquisition 8721
of title and easements to lands, biological investigations, law 8722
enforcement, production of educational materials, sociological 8723
surveys, habitat development, and personnel and equipment costs; 8724

and for carrying out section 1531.25 of the Revised Code. Moneys 8725
in the fund also may be used to promote and develop nonconsumptive 8726
wildlife recreational opportunities involving wild animals. Moneys 8727
in the fund from the issuance of bald eagle license plates under 8728
section 4503.572 of the Revised Code shall be expended by the 8729
division only to pay the costs of acquiring, developing, and 8730
restoring habitat for bald eagles within this state. Moneys in the 8731
fund from any other source also may be used to pay the costs of 8732
acquiring, developing, and restoring habitat for bald eagles 8733
within this state. 8734

All investment earnings of the fund shall be credited to the 8735
fund. Subject to the approval of the director, the chief of the 8736
division of wildlife may enter into agreements that the chief 8737
considers appropriate to obtain additional moneys for the 8738
protection of nongame native wildlife under the "Endangered 8739
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1541-1543, as 8740
amended, and the "Fish and Wildlife Conservation Act of 1980," 94 8741
Stat. 1322, 16 U.S.C.A. 2901-2911, as amended. Moneys appropriated 8742
from the fund are not intended to replace other moneys 8743
appropriated for these purposes. 8744

Sec. 1533.08. Except as otherwise provided by division rule, 8745
any person desiring to collect wild animals that are protected by 8746
law or their nests or eggs for scientific study, school 8747
instruction, other educational uses, or rehabilitation shall make 8748
application to the chief of the division of wildlife for a wild 8749
animal collecting permit on a form furnished by the chief. Each 8750
applicant for a wild animal collecting permit, other than an 8751
applicant desiring to rehabilitate wild animals, shall pay an 8752
annual fee of ~~ten~~ twenty-five dollars for each permit. No fee 8753
shall be charged to an applicant desiring to rehabilitate wild 8754
animals. When it appears that the application is made in good 8755
faith, the chief shall issue to the applicant a permit to take, 8756

possess, and transport at any time and in any manner specimens of 8757
wild animals protected by law or their nests and eggs for 8758
scientific study, school instruction, other educational uses, or 8759
rehabilitation and under any additional rules recommended by the 8760
wildlife council. Upon the receipt of a permit, the holder may 8761
take, possess, and transport those wild animals in accordance with 8762
the permit. 8763

Each holder of a permit engaged in collecting such wild 8764
animals shall carry the permit at all times and shall exhibit it 8765
upon demand to any wildlife officer, constable, sheriff, deputy 8766
sheriff, or police officer, to the owner or person in lawful 8767
control of the land upon which the permit holder is collecting, or 8768
to any other person. Failure to so carry or exhibit the permit 8769
constitutes an offense under this section. 8770

Each permit holder shall keep a daily record of all specimens 8771
collected under the permit and the disposition of the specimens 8772
and shall exhibit the daily record to any official of the division 8773
upon demand. 8774

Each permit shall remain in effect for one year from the date 8775
of issuance unless it is revoked sooner by the chief. 8776

All moneys received as fees for the issuance of a wild animal 8777
collecting permit shall be transmitted to the director of natural 8778
resources to be paid into the state treasury to the credit of the 8779
fund created by section 1533.15 of the Revised Code. 8780

Sec. 1533.10. Except as provided in this section or division 8781
(A) of section 1533.12 of the Revised Code, no person shall hunt 8782
any wild bird or wild quadruped without a hunting license. Each 8783
day that any person hunts within the state without procuring such 8784
a license constitutes a separate offense. Every Except as 8785
otherwise provided in this section, every applicant for a hunting 8786
license who is a resident of the state and sixteen years of age or 8787

more shall procure a resident hunting license, the fee for which 8788
shall be ~~fourteen~~ eighteen dollars, unless the rules adopted under 8789
division (B) of section 1533.12 of the Revised Code provide for 8790
issuance of a resident hunting license to the applicant free of 8791
charge. Except as provided in rules adopted under division (B)(2) 8792
of that section, each applicant who is a resident of this state 8793
and who at the time of application is sixty-six years of age or 8794
older shall procure a special senior hunting license, the fee for 8795
which shall be one-half of the regular hunting license fee. Every 8796
applicant who is a resident of the state and under the age of 8797
sixteen years shall procure a special youth hunting license, the 8798
fee for which shall be one-half of the regular hunting license 8799
fee. The owner of lands in the state and the owner's children of 8800
any age and grandchildren under eighteen years of age may hunt on 8801
the lands without a hunting license. The tenant ~~or manager~~ and 8802
children of the tenant ~~or manager~~, residing on lands in the state, 8803
may hunt on them without a hunting license. Every applicant for a 8804
hunting license who is a nonresident of the state shall procure a 8805
nonresident hunting license, the fee for which shall be ~~ninety one~~ 8806
hundred twenty-four dollars, unless the applicant is a resident of 8807
a state that is a party to an agreement under section 1533.91 of 8808
the Revised Code, in which case the fee shall be ~~fourteen~~ eighteen 8809
dollars. 8810

The chief of the division of wildlife may issue a ~~tourist's~~ 8811
small game hunting license expiring three days from the effective 8812
date of the license to a nonresident of the state, the fee for 8813
which shall be ~~twenty-four~~ thirty-nine dollars. No person shall 8814
take or possess deer, wild turkeys, fur-bearing animals, ducks, 8815
geese, brant, or any nongame animal while possessing only a 8816
~~tourist's~~ small game hunting license. A ~~tourist's~~ small game 8817
hunting license does not authorize the taking or possessing of 8818
ducks, geese, or brant without having obtained, in addition to the 8819
~~tourist's~~ small game hunting license, a wetlands habitat stamp as 8820

provided in section 1533.112 of the Revised Code. A ~~tourist's~~ 8821
small game hunting license does not authorize the taking or 8822
possessing of deer, wild turkeys, or fur-bearing animals. A 8823
nonresident of the state who wishes to take or possess deer, wild 8824
turkeys, or fur-bearing animals in this state shall procure, 8825
respectively, a special deer or wild turkey permit as provided in 8826
section 1533.11 of the Revised Code or a fur taker permit as 8827
provided in section 1533.111 of the Revised Code in addition to a 8828
nonresident hunting license as provided in this section. 8829

No person shall procure or attempt to procure a hunting 8830
license by fraud, deceit, misrepresentation, or any false 8831
statement. 8832

This section does not authorize the taking and possessing of 8833
deer or wild turkeys without first having obtained, in addition to 8834
the hunting license required by this section, a special deer or 8835
wild turkey permit as provided in section 1533.11 of the Revised 8836
Code or the taking and possessing of ducks, geese, or brant 8837
without first having obtained, in addition to the hunting license 8838
required by this section, a wetlands habitat stamp as provided in 8839
section 1533.112 of the Revised Code. 8840

This section does not authorize the hunting or trapping of 8841
fur-bearing animals without first having obtained, in addition to 8842
a hunting license required by this section, a fur taker permit as 8843
provided in section 1533.111 of the Revised Code. 8844

No hunting license shall be issued unless it is accompanied 8845
by a written explanation of the law in section 1533.17 of the 8846
Revised Code and the penalty for its violation, including a 8847
description of terms of imprisonment and fines that may be 8848
imposed. 8849

No hunting license shall be issued unless the applicant 8850
presents to the agent authorized to issue the license a previously 8851

held hunting license or evidence of having held such a license in 8852
content and manner approved by the chief, a certificate of 8853
completion issued upon completion of a hunter education and 8854
conservation course approved by the chief, or evidence of 8855
equivalent training in content and manner approved by the chief. 8856

No person shall issue a hunting license to any person who 8857
fails to present the evidence required by this section. No person 8858
shall purchase or obtain a hunting license without presenting to 8859
the issuing agent the evidence required by this section. Issuance 8860
of a hunting license in violation of the requirements of this 8861
section is an offense by both the purchaser of the illegally 8862
obtained hunting license and the clerk or agent who issued the 8863
hunting license. Any hunting license issued in violation of this 8864
section is void. 8865

The chief, with approval of the wildlife council, shall adopt 8866
rules prescribing a hunter education and conservation course for 8867
first-time hunting license buyers and for volunteer instructors. 8868
The course shall consist of subjects including, but not limited 8869
to, hunter safety and health, use of hunting implements, hunting 8870
tradition and ethics, the hunter and conservation, the law in 8871
section 1533.17 of the Revised Code along with the penalty for its 8872
violation, including a description of terms of imprisonment and 8873
fines that may be imposed, and other law relating to hunting. 8874
Authorized personnel of the division or volunteer instructors 8875
approved by the chief shall conduct such courses with such 8876
frequency and at such locations throughout the state as to 8877
reasonably meet the needs of license applicants. The chief shall 8878
issue a certificate of completion to each person who successfully 8879
completes the course and passes an examination prescribed by the 8880
chief. 8881

Sec. 1533.101. Any person who has been issued a hunting or 8882

fishing license, a wetlands habitat stamp, a deer or wild turkey 8883
permit, or a fur taker permit for the current license, stamp, or 8884
permit year or for the license, stamp, or permit year next 8885
preceding the current such year pursuant to this chapter, and if 8886
the license, stamp, or permit has been lost, destroyed, or stolen, 8887
may be issued a reissued hunting or fishing license, wetlands 8888
habitat stamp, deer or wild turkey permit, or fur taker permit. 8889
The person shall file with the clerk of the court of common pleas 8890
an application in affidavit form or, if the chief of the division 8891
of wildlife authorizes it, apply for a reissued license, stamp, or 8892
permit to an authorized agent designated by the chief, and pay a 8893
fee for each license, stamp, or permit of ~~two~~ four dollars plus 8894
one dollar to the clerk or agent, who shall issue a reissued 8895
license, stamp, or permit that shall allow the applicant to hunt, 8896
fish, or trap, as the case may be. The clerk or agent shall 8897
administer the oath to the applicant and shall send a copy of the 8898
reissued license, stamp, or permit to the division of wildlife. 8899

All moneys received as fees for the issuance of reissued 8900
licenses, stamps, or permits shall be transmitted to the director 8901
of natural resources to be paid into the state treasury to the 8902
credit of the funds to which the fees for the original licenses, 8903
stamps, and permits were credited. 8904

No person shall knowingly or willfully secure, attempt to 8905
secure, or use a reissued hunting or fishing license, wetlands 8906
habitat stamp, deer or wild turkey permit, or fur taker permit to 8907
which the person is not entitled. No person shall knowingly or 8908
willfully issue a reissued hunting or fishing license, wetlands 8909
habitat stamp, deer or wild turkey permit, or fur taker permit 8910
under this section to any person who is not entitled to receive 8911
and use such a reissued license, stamp, or permit. 8912

Sec. 1533.11. (A) Except as provided in this section, no 8913

person shall hunt deer on lands of another without first obtaining 8914
an annual special deer permit. Except as provided in this section, 8915
no person shall hunt wild turkeys on lands of another without 8916
first obtaining an annual special wild turkey permit. Each 8917
applicant for a special deer or wild turkey permit shall pay an 8918
annual fee of ~~nineteen~~ twenty-three dollars for each permit, 8919
together with the one-dollar ~~as a~~ fee to the clerk or other 8920
issuing agent established in section 1533.13 of the Revised Code, 8921
for the permit unless the rules adopted under division (B) of 8922
section 1533.12 of the Revised Code provide for issuance of a deer 8923
or wild turkey permit to the applicant free of charge. Except as 8924
provided in division (A) of section 1533.12 of the Revised Code, a 8925
deer or wild turkey permit shall run concurrently with the hunting 8926
license. The money received, other than the ~~one-dollar~~ issuing 8927
agent's fee ~~provided for above~~, shall be paid into the state 8928
treasury to the credit of the wildlife fund, created in section 8929
1531.17 of the Revised Code, exclusively for the use of the 8930
division of wildlife in the acquisition and development of land 8931
for deer or wild turkey management, for investigating deer or wild 8932
turkey problems, and for the stocking, management, and protection 8933
of deer or wild turkey. Every person, while hunting deer or wild 8934
turkey on lands of another, shall carry the person's special deer 8935
or wild turkey permit and exhibit it to any enforcement officer so 8936
requesting. Failure to so carry and exhibit such a permit 8937
constitutes an offense under this section. The chief of the 8938
division of wildlife shall adopt any additional rules the chief 8939
considers necessary to carry out this section and section 1533.10 8940
of the Revised Code. 8941

The owner and the children of the owner of lands in this 8942
state may hunt deer or wild turkey thereon without a special deer 8943
or wild turkey permit. The tenant ~~or manager~~ and children of the 8944
tenant ~~or manager~~ may hunt deer or wild turkey on lands where they 8945
reside without a special deer or wild turkey permit. 8946

(B) A special deer or wild turkey permit is not transferable. 8947
No person shall carry a special deer or wild turkey permit issued 8948
in the name of another person. 8949

(C) The wildlife refunds fund is hereby created in the state 8950
treasury. The fund shall consist of money received from 8951
application fees for special deer permits that are not issued. 8952
Money in the fund shall be used to make refunds of such 8953
application fees. 8954

Sec. 1533.111. Except as provided in this section or division 8955
(A) of section 1533.12 of the Revised Code, no person shall hunt 8956
or trap fur-bearing animals on land of another without first 8957
obtaining an annual fur taker permit. Each applicant for a fur 8958
taker permit shall pay an annual fee of ~~ten~~ fourteen dollars, 8959
together with one dollar as a fee to the clerk or other issuing 8960
agent, for the permit, except as otherwise provided in this 8961
section or unless the rules adopted under division (B) of section 8962
1533.12 of the Revised Code provide for issuance of a fur taker 8963
permit to the applicant free of charge. Except as provided in 8964
rules adopted under division (B)(2) of that section, each 8965
applicant who is a resident of this state and who at the time of 8966
application is sixty-six years of age or older shall procure a 8967
special senior fur taker permit, the fee for which shall be 8968
one-half of the regular fur taker permit fee and which shall be 8969
paid together with the one-dollar fee to the clerk or other 8970
issuing agent established in section 1533.13 of the Revised Code. 8971
Each applicant who is a resident of the state and under the age of 8972
sixteen years shall procure a special youth fur taker permit, the 8973
fee for which shall be one-half of the regular fur taker permit 8974
fee and which shall be paid together with the one-dollar ~~as a~~ fee 8975
to the clerk or other issuing agent established in section 1533.13 8976
of the Revised Code. The fur taker permit shall run concurrently 8977

with the hunting license. The money received, other than the ~~one-~~ 8978
~~dollar~~ issuing agent's fee ~~provided for in this section~~, shall be 8979
paid into the state treasury to the credit of the fund established 8980
in section 1533.15 of the Revised Code. 8981

No fur taker permit shall be issued unless it is accompanied 8982
by a written explanation of the law in section 1533.17 of the 8983
Revised Code and the penalty for its violation, including a 8984
description of terms of imprisonment and fines that may be 8985
imposed. 8986

No fur taker permit shall be issued unless the applicant 8987
presents to the agent authorized to issue a fur taker permit a 8988
previously held hunting license or trapping or fur taker permit or 8989
evidence of having held such a license or permit in content and 8990
manner approved by the chief of the division of wildlife, a 8991
certificate of completion issued upon completion of a trapper 8992
education course approved by the chief, or evidence of equivalent 8993
training in content and manner approved by the chief. 8994

No person shall issue a fur taker permit to any person who 8995
fails to present the evidence required by this section. No person 8996
shall purchase or obtain a fur taker permit without presenting to 8997
the issuing agent the evidence required by this section. Issuance 8998
of a fur taker permit in violation of the requirements of this 8999
section is an offense by both the purchaser of the illegally 9000
obtained permit and the clerk or agent who issued the permit. Any 9001
fur taker permit issued in violation of this section is void. 9002

The chief, with approval of the wildlife council, shall adopt 9003
rules prescribing a trapper education course for first-time fur 9004
taker permit buyers and for volunteer instructors. The course 9005
shall consist of subjects that include, but are not limited to, 9006
trapping techniques, animal habits and identification, trapping 9007
tradition and ethics, the trapper and conservation, the law in 9008
section 1533.17 of the Revised Code along with the penalty for its 9009

violation, including a description of terms of imprisonment and 9010
fines that may be imposed, and other law relating to trapping. 9011
Authorized personnel of the division of wildlife or volunteer 9012
instructors approved by the chief shall conduct the courses with 9013
such frequency and at such locations throughout the state as to 9014
reasonably meet the needs of permit applicants. The chief shall 9015
issue a certificate of completion to each person who successfully 9016
completes the course and passes an examination prescribed by the 9017
chief. 9018

Every person, while hunting or trapping fur-bearing animals 9019
on lands of another, shall carry the person's fur taker permit 9020
affixed to the person's hunting license with the person's 9021
signature written across the face of the permit. Failure to carry 9022
such a signed permit constitutes an offense under this section. 9023
The chief shall adopt any additional rules the chief considers 9024
necessary to carry out this section. 9025

The owner and the children of the owner of lands in this 9026
state may hunt or trap fur-bearing animals thereon without a fur 9027
taker permit. The tenant ~~or manager~~ and children of the tenant ~~or~~ 9028
~~manager~~ may hunt or trap fur-bearing animals on lands where they 9029
reside without a fur taker permit. 9030

A fur taker permit is not transferable. No person shall carry 9031
a fur taker permit issued in the name of another person. 9032

A fur taker permit entitles a nonresident to take from this 9033
state fur-bearing animals taken and possessed by the nonresident 9034
as provided by law or division rule. 9035

Sec. 1533.112. Except as provided in this section or unless 9036
otherwise provided by division rule, no person shall hunt ducks, 9037
geese, or brant on the lands of another without first obtaining an 9038
annual wetlands habitat stamp. The annual fee for the wetlands 9039
habitat stamp shall be ~~ten~~ fourteen dollars for each stamp, 9040

together with the one-dollar ~~as a~~ fee to the clerk or other 9041
issuing agent established in section 1533.13 of the Revised Code, 9042
unless the rules adopted under division (B) of section 1533.12 9043
provide for issuance of a wetlands habitat stamp to the applicant 9044
free of charge. 9045

Moneys received from the stamp fee, other than the ~~one-~~ 9046
~~dollar clerk's~~ issuing agent's fee, shall be paid into the state 9047
treasury to the credit of the wetlands habitat fund, which is 9048
hereby established. Moneys shall be paid from the fund on the 9049
order of the director of natural resources for the following 9050
purposes: 9051

(A) Sixty per cent for projects that the division approves 9052
for the acquisition, development, management, or preservation of 9053
waterfowl areas within the state; 9054

(B) Forty per cent for contribution by the division to an 9055
appropriate nonprofit organization for the acquisition, 9056
development, management, or preservation of lands and waters 9057
within the United States or Canada that provide or will provide 9058
habitat for waterfowl with migration routes that cross this state. 9059

No moneys derived from the issuance of wetlands habitat 9060
stamps shall be spent for purposes other than those specified by 9061
this section. All investment earnings of the fund shall be 9062
credited to the fund. 9063

Wetlands habitat stamps shall be furnished by and in a form 9064
prescribed by the chief of the division of wildlife and issued by 9065
clerks and other agents authorized to issue licenses and permits 9066
under section 1533.13 of the Revised Code. The record of stamps 9067
kept by the clerks and other agents shall be uniform throughout 9068
the state, in such form or manner as the director prescribes, and 9069
open at all reasonable hours to the inspection of any person. 9070
Unless otherwise provided by rule, each stamp shall remain in 9071

force until midnight of the thirty-first day of August next 9072
ensuing. Wetlands habitat stamps may be issued in any manner to 9073
any person on any date, whether or not that date is within the 9074
period in which they are effective. 9075

Every person to whom this section applies, while hunting 9076
ducks, geese, or brant, shall carry an unexpired wetlands habitat 9077
stamp that is validated by the person's signature written on the 9078
stamp in ink and shall exhibit the stamp to any enforcement 9079
officer so requesting. No person shall fail to carry and exhibit 9080
the person's stamp. 9081

A wetlands habitat stamp is not transferable. 9082

The chief shall establish a procedure to obtain subject 9083
matter to be printed on the wetlands habitat stamp and shall use, 9084
dispose of, or distribute the subject matter as the chief 9085
considers necessary. The chief also shall adopt rules necessary to 9086
administer this section. 9087

This section does not apply to persons under sixteen years of 9088
age nor to persons exempted from procuring a hunting license under 9089
section 1533.10 or division (A) of section 1533.12 of the Revised 9090
Code. 9091

Sec. 1533.12. (A) Every person on active duty in the armed 9092
forces of the United States, while on leave or furlough, may take 9093
or catch fish of the kind lawfully permitted to be taken or caught 9094
within the state, may hunt any wild bird or wild quadruped 9095
lawfully permitted to be hunted within the state, and may trap 9096
fur-bearing animals lawfully permitted to be trapped within the 9097
state, without procuring a fishing license, a hunting license, a 9098
fur taker permit, or a wetlands habitat stamp required by this 9099
chapter, provided that the person shall carry on ~~self~~ the person 9100
when fishing, hunting, or trapping, a card or other evidence 9101
identifying the person as being on active duty in the armed forces 9102

of the United States, and provided that the person is not 9103
otherwise violating any of the hunting, fishing, and trapping laws 9104
of this state. 9105

In order to hunt deer or wild turkey, any such person shall 9106
obtain a special deer or wild turkey permit, as applicable, under 9107
section 1533.11 of the Revised Code. However, the person need not 9108
obtain a hunting license in order to obtain such a permit. 9109

(B) The chief of the division of wildlife shall provide by 9110
rule adopted under section 1531.10 of the Revised Code all of the 9111
following: 9112

(1) Every resident of this state with a disability that has 9113
been determined by the veterans administration to be permanently 9114
and totally disabling, who receives a pension or compensation from 9115
the veterans administration, and who received an honorable 9116
discharge from the armed forces of the United States, and every 9117
veteran to whom the registrar of motor vehicles has issued a set 9118
of license plates under section 4503.41 of the Revised Code, shall 9119
be issued an annual fishing license, hunting license, fur taker 9120
permit, deer or wild turkey permit, or wetlands habitat stamp, or 9121
any combination of those licenses, permits, and stamp, free of 9122
charge when application is made to the chief in the manner 9123
prescribed by and on forms provided by the chief. 9124

(2) Every resident of the state who ~~is sixty six years of age~~ 9125
~~or older~~ was born on or before December 31, 1937, shall be issued 9126
an annual fishing license, hunting license, fur taker permit, deer 9127
or wild turkey permit, or wetlands habitat stamp, or any 9128
combination of those licenses, permits, and stamp, free of charge 9129
when application is made to the chief in the manner prescribed by 9130
and on forms provided by the chief. 9131

(3) Every resident of state or county institutions, 9132
charitable institutions, and military homes in this state shall be 9133

issued an annual fishing license free of charge when application 9134
is made to the chief in the manner prescribed by and on forms 9135
provided by the chief. 9136

(4) Any mobility impaired or blind person, as defined in 9137
section 955.011 of the Revised Code, who is a resident of this 9138
state and who is unable to engage in fishing without the 9139
assistance of another person shall be issued an annual fishing 9140
license free of charge when application is made to the chief in 9141
the manner prescribed by and on forms provided by the chief. The 9142
person who is assisting the mobility impaired or blind person may 9143
assist in taking or catching fish of the kind permitted to be 9144
taken or caught without procuring the license required under 9145
section 1533.32 of the Revised Code, provided that only one line 9146
is used by both persons. 9147

(5) As used in division (B)(5) of this section, "prisoner of 9148
war" means any regularly appointed, enrolled, enlisted, or 9149
inducted member of the military forces of the United States who 9150
was captured, separated, and incarcerated by an enemy of the 9151
United States. 9152

Any person who has been a prisoner of war, was honorably 9153
discharged from the military forces, and is a resident of this 9154
state shall be issued an annual fishing license, hunting license, 9155
fur taker permit, or wetlands habitat stamp, or any combination of 9156
those licenses, permits, and stamp, free of charge when 9157
application is made to the chief in the manner prescribed by and 9158
on forms provided by the chief. 9159

(C) The chief shall adopt rules pursuant to section 1531.08 9160
of the Revised Code designating not more than two days, which need 9161
not be consecutive, in each year as "free sport fishing days" on 9162
which any resident may exercise the privileges accorded the holder 9163
of a fishing license issued under section 1533.32 of the Revised 9164
Code without procuring such a license, provided that the person is 9165

not otherwise violating any of the fishing laws of this state. 9166

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat 9167
stamps, deer and wild turkey permits, and fur taker permits shall 9168
be issued by the clerk of the court of common pleas, village and 9169
township clerks, and other authorized agents designated by the 9170
chief of the division of wildlife. When required by the chief, a 9171
clerk or agent shall give bond in the manner provided by the 9172
chief. All bonds, reports, except records prescribed by the 9173
auditor of state, and moneys received by those persons shall be 9174
handled under rules adopted by the director of natural resources. 9175

The premium of any bond prescribed by the chief under this 9176
section may be paid by the chief. Any person who is designated and 9177
authorized by the chief to issue licenses, stamps, and permits as 9178
provided in this section, except the clerk of the court of common 9179
pleas and the village and township clerks, shall pay to the chief 9180
a premium in an amount that represents the person's portion of the 9181
premium paid by the chief under this section, which amount shall 9182
be established by the chief and approved by the wildlife council 9183
created under section 1531.03 of the Revised Code. The chief shall 9184
pay all moneys that the chief receives as premiums under this 9185
section into the state treasury to the credit of the wildlife fund 9186
created under section 1531.17 of the Revised Code. 9187

Every authorized agent, for the purpose of issuing hunting 9188
and fishing licenses, deer and wild turkey permits, and fur taker 9189
permits, may administer oaths to and take affidavits from 9190
applicants for the licenses or permits when required. An 9191
authorized agent may appoint deputies to perform any acts that the 9192
agent is authorized to perform, consistent with division rules. 9193

Every applicant for a hunting or fishing license, deer or 9194
wild turkey permit, or fur taker permit, unless otherwise provided 9195
by division rule, shall make and subscribe an affidavit setting 9196

forth the applicant's name, age, weight, height, occupation, place of residence, personal description, and citizenship. The clerk or other agent authorized to issue licenses, stamps, and permits shall charge each applicant a fee of one dollar for taking the affidavit and issuing the license, stamp, or permit unless a different fee for the issuance of a fishing license is established in division rule as authorized by section 1533.32 of the Revised Code. The application, license, permit, and other blanks required by this section shall be prepared and furnished by the chief, in such form as the chief provides, to the clerk or other agent authorized to issue them. The licenses and permits shall be issued to applicants by the clerk or other agent. The record of licenses and permits kept by the clerk and other authorized agents shall be uniform throughout the state and in such form or manner as the auditor of state prescribes and shall be open at all reasonable hours to the inspection of any person. Unless otherwise provided by division rule, each hunting license, deer or wild turkey permit, and fur taker permit issued shall remain in force until midnight of the thirty-first day of August next ensuing. Application for any such license or permit may be made and a license or permit issued prior to the date upon which it becomes effective.

The chief may require an applicant who wishes to purchase a license, stamp, or permit by mail or telephone to pay a nominal fee for postage and handling.

The court before whom a violator of any laws or division rules for the protection of wild animals is tried, as a part of the punishment, shall revoke the license, stamp, or permit of any person convicted. The license, stamp, or permit fee paid by that person shall not be returned to the person. The person shall not procure or use any other license, stamp, or permit or engage in hunting wild animals or trapping fur-bearing animals during the

period of revocation as ordered by the court. 9229

No person under sixteen years of age shall engage in hunting 9230
unless accompanied by the person's parent or another adult person. 9231

Sec. 1533.151. The chief of the division of wildlife, with 9232
the approval of the director of natural resources, ~~is hereby~~ 9233
~~authorized to~~ may print and issue stamps portraying wild animals 9234
of the state. This stamp shall be identified as a wildlife 9235
conservation stamp ~~and the~~. The fee for each stamp shall be five 9236
dollars not more than the fee for a wetlands habitat stamp issued 9237
under section 1533.112 of the Revised Code together with the 9238
one-dollar fee to the issuing agent established in section 1533.13 9239
of the Revised Code unless otherwise provided by division rule. 9240

The purchase of wildlife conservation stamps shall provide no 9241
privileges to the purchaser, but merely recognizes ~~such~~ the person 9242
as voluntarily contributing to the management, protection, and the 9243
perpetuation of the wildlife resources of the state. All moneys 9244
received from the sale of wildlife conservation stamps shall be 9245
paid into the state treasury to the credit of the nongame and 9246
endangered wildlife fund to be used exclusively by the division of 9247
wildlife for the purposes outlined in section ~~1533.15~~ 1531.26 of 9248
the Revised Code ~~and for the management of all forms of wildlife~~ 9249
~~for its ecological and non-consumptive recreational value.~~ 9250

Sec. 1533.19. Except as otherwise provided by division rule, 9251
recognized field trial clubs may shoot domestically raised quails, 9252
chukar partridges, ducks, pheasants, or other game birds and 9253
common pigeons at any time during the daylight hours from the 9254
first day of September to the thirtieth day of April of the 9255
following year, both dates inclusive. Such domestically raised 9256
quails, chukar partridges, ducks, pheasants, and other game birds 9257
shall be banded prior to release and approved by the division of 9258

wildlife for field trial use, provided that permission for the 9259
holding of such a trial shall be obtained from the division. 9260
Permission shall be requested in writing at least thirty days in 9261
advance of the trial. The request shall contain the name of the 9262
recognized field trial club and the names of its officers, the 9263
date and location of the trial, and the name of the licensed 9264
breeders from whom the quails, chukar partridges, ducks, 9265
pheasants, or other game birds will be obtained. The division may 9266
grant a written permit when it is satisfied that the trial is a 9267
bona fide one conducted by a bona fide club under this section. 9268
When an application is approved, a permit shall be issued after 9269
the payment of a fee of ~~twenty-five~~ fifty dollars for each day 9270
upon which the trials are conducted. Participants in such trials 9271
need not possess a hunter's license while participating in the 9272
trials. The division shall supervise all such trials and shall 9273
enforce all laws and division rules governing them. If unbanded 9274
quails, chukar partridges, ducks, pheasants, or other game birds 9275
are accidentally shot during such trials, they immediately shall 9276
be replaced by the club by the releasing of an equal number of 9277
live quails, chukar partridges, ducks, pheasants, or other game 9278
birds under the supervision of the division. 9279

Sec. 1533.23. No person shall deal in or buy green or dried 9280
furs, skins, or parts thereof, taken from fur-bearing animals of 9281
the state, except domesticated rabbits, without a fur dealer's 9282
permit. Every applicant for a fur dealer's permit shall make and 9283
subscribe a statement setting forth ~~his~~ the applicant's name, 9284
place of residence, and whom ~~he~~ the applicant represents. Every 9285
applicant for a dealer's permit who is a nonresident of the state, 9286
or who is a resident of the state and is an agent or 9287
representative of a nonresident person, firm, or corporation, 9288
shall pay an annual fee of two hundred dollars to the chief of the 9289
division of wildlife issuing such permit, and every applicant for 9290

a dealer's permit who is a resident of the state shall pay an 9291
annual fee of ~~fifty~~ seventy-five dollars to the chief ~~of the~~ 9292
~~division of wildlife~~ issuing such permit, ~~and every.~~ Every fur 9293
dealer shall operate under such additional ~~regulations~~ rules as 9294
are provided by the chief ~~of the division of wildlife~~. The chief 9295
shall pay ~~such~~ the fees into the state treasury to the credit of 9296
the fund created by section 1533.15 of the Revised Code for the 9297
use of the division of wildlife in the purchase, preservation, 9298
protection, and stocking of fur-bearing animals and for the 9299
necessary clerical help and forms required by this section and 9300
section 1533.24 of the Revised Code. 9301

All permits shall be procured from the chief and the 9302
application, license, and other blanks required by this section 9303
and section 1533.24 of the Revised Code shall be in such form as 9304
the chief prescribes. Each such permit shall expire on the 9305
thirtieth day of April next after its issuance. 9306

Sec. 1533.301. Any person may apply for a permit to transport 9307
fish that are for sale, sold, or purchased. The chief of the 9308
division of wildlife shall issue an annual permit granting the 9309
applicant the privilege to transport such fish, upon filing of an 9310
application on a form prescribed by the chief and payment of a fee 9311
of ~~fifty~~ sixty-five dollars. No person shall transport any fish or 9312
part thereof that is for sale, sold, or purchased, whether 9313
acquired in or outside this state, unless the consignor has a 9314
permit ~~issued to him~~ for the calendar year in which the fish is 9315
transported, except that no such permit is required for any of the 9316
following: 9317

(A) Fish transported from a point outside this state to 9318
another point outside this state if the fish are not unloaded in 9319
this state. A fish is not to be considered unloaded for purposes 9320
of this section if it remains under the control of a common 9321

carrier. 9322

(B) Fish being transported by a person holding a valid 9323
license under section 1533.34 of the Revised Code from the place 9324
of taking to ~~his~~ the person's usual place of processing or 9325
temporary storage as designated by ~~him~~ the person in the 9326
application for the license under that section; 9327

(C) Fish being transported from a premises designated in a 9328
valid permit issued under section 1533.631 of the Revised Code to 9329
a premises where fish are to be sold at retail, sold for immediate 9330
consumption, or consumed if inspection of the designated premises 9331
as required by that section has not been denied during the 9332
preceding thirty days; 9333

(D) Any quantity of fish the total weight of which does not 9334
exceed five hundred pounds in one vehicle; 9335

(E) Minnows for which a permit is required under section 9336
1533.40 of the Revised Code. 9337

If a fish for which a permit is required under this section 9338
is transported in this state from a consignor who does not have a 9339
valid permit at the time of transportation, or if such a fish is 9340
transported in this state from a consignor who has a valid permit 9341
at the time of transportation, but the fish is part of the 9342
contents of a box, package, or receptacle that was or could be the 9343
basis for conviction of a violation of this chapter or a division 9344
rule, the fish may be seized by any law enforcement officer 9345
authorized by section 1531.13 of the Revised Code to enforce laws 9346
and division rules, and the fish shall escheat to the state unless 9347
a court of this state makes a specific finding that the consignor 9348
at the time of seizure had a valid permit under this section 9349
~~1533.301 of the Revised Code~~ and that the fish are lawful under 9350
the requirements of this chapter or a division rule relating 9351
thereto. 9352

A fish for which a permit is required under this section may 9353
be transported only if each box, package, or other receptacle 9354
bears a label showing the total weight in pounds, the species of 9355
the fish, the name of the consignor and consignee, the initial 9356
point of billing, the destination, and a statement that each 9357
species of fish by weight in the box, package, or other receptacle 9358
that are undersized under ~~the provisions of~~ section 1533.63 of the 9359
Revised Code or division rule is ten per cent or less or is in 9360
excess of ten per cent, whichever the fact may be. If fish are not 9361
boxed or packaged, each compartment of a tank or other receptacle 9362
shall be considered a separate receptacle, but in lieu of a label 9363
on the compartment or tank a written statement containing the same 9364
information required to be contained on a label, and clearly 9365
identifying the tank or receptacle concerned, may be carried in 9366
the vehicle. Species may be designated in any manner, but the 9367
label also shall bear either the common name indicated in section 9368
1533.63 of the Revised Code or the scientific name contained in 9369
section 1531.01 of the Revised Code. The consignor shall ascertain 9370
that labels are attached or statements carried as required herein 9371
and that the facts stated thereon are true. 9372

The permit required by this section may be suspended by the 9373
chief for a period not to exceed five days upon conviction of the 9374
permittee of a violation of this chapter or Chapter 1531. of the 9375
Revised Code or a division rule if the permittee has been 9376
convicted of another such violation during the preceding 9377
twelve-month period. If the permittee has had two or more such 9378
convictions during the twelve-month period preceding such a 9379
conviction, ~~his~~ the permittee's permit may be suspended as 9380
provided herein for a period not to exceed twenty days. A permit 9381
is invalid during the period of suspension, but in no case is a 9382
permit invalid until fifteen days after mailing by certified mail 9383
a notice of the rule of suspension by the chief. 9384

The chief may not suspend more than one permit of the same 9385
permittee, or suspend a permit of the same permittee more than 9386
once, for convictions resulting from violations that occur in a 9387
load in one vehicle. 9388

A driver or other person in charge of a vehicle transporting 9389
fish that are for sale, sold, or purchased, upon demand by any law 9390
enforcement officer authorized by section 1531.13 of the Revised 9391
Code to enforce laws and division rules, shall stop and open the 9392
vehicle and allow inspection of the load, and any box, package, or 9393
receptacle, and the contents thereof, for the purpose of 9394
determining whether this chapter or a division rule is being 9395
violated. 9396

The word "fish" in the English language, at least eight 9397
inches high and maintained in a clear, conspicuous, and legible 9398
condition at all times, shall appear on both sides of the vehicle 9399
body of all vehicles transporting fresh water fish in this state 9400
when the fish are for sale or sold, except those fish exempt from 9401
a transportation permit in divisions (A), (B), and (E) of this 9402
section. 9403

The chief may refuse to issue a permit to any person whose 9404
purpose in applying for the permit is to allow it to be used by 9405
another person to whom a permit has been refused or revoked. The 9406
chief also may revoke a person's permit when it is used for that 9407
purpose. 9408

No civil action may be brought in any court in the state for 9409
the value or agreed price of fish that have escheated to the state 9410
under this section. 9411

No person shall fail to comply with any provision of this 9412
section or a division rule adopted pursuant thereto. 9413

In addition to other penalties provided in the Revised Code, 9414
the permit of any person who is convicted of two violations of 9415

this section that occurred within a twelve-month period is 9416
suspended upon the second such conviction by operation of law for 9417
a period of five fishing season days immediately following that 9418
conviction. 9419

In addition to other penalties provided in the Revised Code, 9420
the permit of any person who is convicted of three or more 9421
violations of this section that occurred within a twelve-month 9422
period is suspended upon the third or subsequent conviction by 9423
operation of law for a period of twenty fishing season days 9424
immediately following that conviction. 9425

During any period of suspension, no person shall use or 9426
engage in hauling or transporting fish with equipment owned, used, 9427
or controlled at the time of conviction by the permittee whose 9428
permit has been suspended. 9429

Sec. 1533.32. Except as provided in this section or division 9430
(A) or (C) of section 1533.12 of the Revised Code, no person, 9431
including nonresidents, shall take or catch any fish by angling in 9432
any of the waters in the state or engage in fishing in those 9433
waters without a license. No person shall take or catch frogs or 9434
turtles without a valid fishing license, except as provided in 9435
this section. Persons fishing in privately owned ponds, lakes, or 9436
reservoirs to or from which fish are not accustomed to migrate are 9437
exempt from the license requirements set forth in this section. 9438
Persons fishing in privately owned ponds, lakes, or reservoirs 9439
that are open to public fishing through an agreement or lease with 9440
the division of wildlife shall comply with the license 9441
requirements set forth in this section. 9442

The fee for an annual license shall be ~~twenty-three~~ 9443
thirty-nine dollars, unless otherwise provided by division rule, 9444
for a resident of a state that is not a party to an agreement 9445
under section 1533.91 of the Revised Code. The fee for an annual 9446

license shall be ~~fourteen~~ eighteen dollars, unless otherwise 9447
provided by division rule, for a resident of a state that is a 9448
party to such an agreement. The fee for an annual license for 9449
residents of this state shall be ~~fourteen~~ eighteen dollars unless 9450
otherwise provided by division rule or unless the rules adopted 9451
under division (B) of section 1533.12 of the Revised Code provide 9452
for issuance of a resident fishing license to the applicant free 9453
of charge. 9454

Any person under the age of sixteen years may take or catch 9455
frogs and turtles and take or catch fish by angling without a 9456
license. ~~Any~~ Except as provided in rules adopted under division 9457
(B)(2) of section 1533.12 of the Revised Code, each applicant who 9458
is a resident of this state and who at the time of application is 9459
sixty-six years of age or older ~~may take or catch frogs and~~ 9460
~~turtles without~~ shall procure a special senior fishing license, 9461
the fee for which shall be one-half of the annual resident fishing 9462
license fee. 9463

The chief of the division of wildlife may issue a tourist's 9464
license expiring three days from the effective date of the license 9465
to a resident of a state that is not a party to an agreement under 9466
section 1533.91 of the Revised Code. The fee for a tourist's 9467
license shall be ~~fourteen~~ eighteen dollars unless otherwise 9468
provided by division rule. 9469

The chief shall adopt rules under section 1531.10 of the 9470
Revised Code providing for the issuance of a one-day fishing 9471
license to a resident of this state or of any other state. The fee 9472
for such a license shall be ~~forty~~ fifty-five per cent of the 9473
amount established under this section for a tourist's license, 9474
rounded up to the nearest whole dollar. A one-day fishing license 9475
shall allow the holder to take or catch fish by angling in the 9476
waters in the state, engage in fishing in those waters, or take or 9477
catch frogs or turtles in those waters for one day without 9478

obtaining an annual license or a tourist's license under this 9479
section. At the request of a holder of a one-day fishing license 9480
who wishes to obtain an annual license, a clerk or agent 9481
authorized to issue licenses under section 1533.13 of the Revised 9482
Code, not later than the last day on which the one-day license 9483
would be valid if it were an annual license, shall credit the 9484
amount of the fee paid for the one-day license toward the fee 9485
charged for the annual license if so authorized by the chief. The 9486
clerk or agent shall issue the annual license upon presentation of 9487
the one-day license and payment of a fee in an amount equal to the 9488
difference between the fee for the annual license and the fee for 9489
the one-day license. 9490

A fee of one dollar for each license issued under this 9491
section shall be paid to the issuing clerk or agent in accordance 9492
with section 1533.13 of the Revised Code unless otherwise provided 9493
by division rule. 9494

Unless otherwise provided by division rule, each annual 9495
license shall begin on the first day of March of the current year 9496
and expire on the last day of February of the following year. 9497

No person shall alter a fishing license or possess a fishing 9498
license that has been altered. 9499

No person shall procure or attempt to procure a fishing 9500
license by fraud, deceit, misrepresentation, or any false 9501
statement. 9502

Owners of land over, through, upon, or along which any water 9503
flows or stands, except where the land is in or borders on state 9504
parks or state-owned lakes, together with the members of the 9505
immediate families of such owners, may take frogs and turtles and 9506
may take or catch fish of the kind permitted to be taken or caught 9507
therefrom without procuring a license provided for in this 9508
section. This exemption extends to tenants actually residing upon 9509

such lands and to the members of the immediate families of the 9510
tenants. Residents of state or county institutions, charitable 9511
institutions, and military homes in this state may take frogs and 9512
turtles without procuring the required license, provided that a 9513
member of the institution or home has an identification card, 9514
which shall be carried on that person when fishing. 9515

Every fisher required to be licensed, while fishing or taking 9516
or attempting to take frogs or turtles, shall carry the license 9517
and exhibit it to any person. Failure to so carry and exhibit the 9518
license constitutes an offense under this section. 9519

Sec. 1533.35. (A) Commercial fishing devices shall be 9520
annually licensed as follows: 9521

(1) Trap and fyke nets, for the first twenty nets or any 9522
portion thereof, eight hundred dollars; and for each additional 9523
group of ten such nets or any portion thereof, four hundred 9524
dollars; 9525

(2) For each seine of one hundred fifty rods or less in 9526
length other than an inland fishing district seine, four hundred 9527
dollars; 9528

(3) For each seine over one hundred fifty rods in length 9529
other than an inland fishing district seine, six hundred dollars; 9530

(4) For each inland fishing district seine, one hundred 9531
dollars; 9532

(5) For each carp apron, one hundred dollars; 9533

(6) For one trotline with seventy hooks or less attached 9534
thereto, twenty dollars; 9535

(7) For each trotline, or trotlines, with a total of more 9536
than seventy hooks attached thereto, one hundred dollars; 9537

(8) For each dip net, one hundred dollars. 9538

The license fee for other commercial fishing gear not 9539
mentioned in this section, as approved by the chief of the 9540
division of wildlife, shall be set by the chief with approval of 9541
the wildlife council. 9542

Commercial fishing gear owned or used by a nonresident may be 9543
licensed in this state only if a reciprocal agreement is in effect 9544
as provided for in section 1533.352 of the Revised Code. 9545

All commercial license fees shall be paid upon application or 9546
shall be paid one-fourth upon application with the balance due and 9547
owing within ninety days of the date of application, except that 9548
those license fees of one hundred dollars or less shall be paid in 9549
full at the time of application. 9550

(B) Royalty fees are hereby established ~~as set forth~~ on the 9551
following species of fish when taken commercially: catfish, white 9552
bass, and yellow perch. 9553

The amount of the royalty fees shall be as follows: on the 9554
species taken for which an allowable catch or quota has been 9555
established by division rule, ~~two~~ five cents per pound. On the 9556
species taken for which an allowable catch or quota has not been 9557
established by division rule, ~~one-cent~~ two cents per pound ~~on that~~ 9558
~~portion taken that exceeds one half of the previous year's taking~~ 9559
~~of the species.~~ 9560

~~For the purpose of this section, the previous year's taking~~ 9561
~~shall be the amount reported for that previous year by the license~~ 9562
~~holder to the division pursuant to reporting procedures set forth~~ 9563
~~in this chapter and Chapter 1531. of the Revised Code.~~ 9564

All royalty fees established or provided for in this section 9565
shall be paid by the license holder to the division. No person may 9566
be issued a commercial fishing license until all royalty fees due 9567
from that person for the preceding fishing season have been paid 9568
in full. The chief may request the attorney general to recover any 9569

royalty fee or amount thereof that is not paid by the opening date 9570
of the next fishing season, and the attorney general shall 9571
commence appropriate legal proceedings to recover the unpaid fee 9572
or amount. 9573

All commercial fishing license moneys and all other fees 9574
collected from commercial ~~fishermen~~ fishers shall be deposited in 9575
the state treasury in accordance with section 1533.33 of the 9576
Revised Code. 9577

No person shall fail to comply with any provision of this 9578
section or a division rule adopted pursuant to it. 9579

In addition to other penalties provided in the Revised Code, 9580
the license of any person who is convicted of one or more 9581
violations of this section shall be suspended upon the conviction 9582
by operation of law for a period of eighteen fishing season months 9583
immediately following the conviction. 9584

During any period of suspension, no person shall use or 9585
engage in fishing with commercial gear owned, used, or controlled 9586
at the time of conviction by the licensee whose license has been 9587
suspended. 9588

Sec. 1533.40. Each person, firm, partnership, association, or 9589
corporation ~~which~~ that buys, sells, or deals in minnows, crayfish, 9590
or hellgrammites or collects the listed species for sale shall 9591
obtain, annually, from the chief of the division of wildlife a 9592
permit and shall operate under such rules as the chief ~~of the~~ 9593
~~division of wildlife prescribes~~ adopts. Such A permit shall be 9594
issued upon application and the payment of a fee of ~~twenty-five~~ 9595
forty dollars. This permit expires at midnight, on the 9596
thirty-first day of December ~~31~~. Nonresidents engaging in the 9597
collecting, seining, or picking of minnows, crayfish, or 9598
hellgrammites for bait shall have a nonresident fishing license as 9599
prescribed in section 1533.32 of the Revised Code. 9600

Sec. 1533.54. No person shall draw, set, place, locate, 9601
maintain, or possess a pound net, crib net, trammel net, fyke net, 9602
set net, seine, bar net, or fish trap, or any part thereof, or 9603
throw or hand line, with more than three hooks attached thereto, 9604
or any other device for catching fish, except a line with not more 9605
than three hooks attached thereto or lure with not more than three 9606
sets of three hooks each, in the inland fishing district of this 9607
state, except for taking carp, mullet, sheepshead, and grass pike 9608
as provided in section 1533.62 of the Revised Code, and except as 9609
provided in section 1533.60 of the Revised Code, or as otherwise 9610
provided for by division rule. No person shall catch or kill a 9611
fish in that fishing district with what are known as bob lines, 9612
trotlines, or float lines, or by grabbing with the hands, or by 9613
spearing or shooting, or with any other device other than by 9614
angling. In the waters of the inland fishing district, except 9615
those lakes, harbors, and reservoirs controlled by the state, a 9616
trotline may be used with not more than fifty hooks, and no two 9617
hooks less than three feet apart, by the owner or person having 9618
the owner's consent in that part of the stream bordering on or 9619
running through that owner's lands. 9620

Notwithstanding this section, any resident who is licensed to 9621
fish with nets in the Ohio river may possess fish nets for the 9622
sole purpose of storage, repair, drying, and tarring in the area 9623
between United States route fifty and the Ohio river from the 9624
Indiana state line to Cincinnati, Ohio, and in the area between 9625
United States route fifty-two and the Ohio river from Cincinnati, 9626
Ohio, to Chesapeake, Ohio, and in the area between state route 9627
seven and the Ohio river from Chesapeake, Ohio, to East Liverpool, 9628
Ohio. 9629

Any person possessing a net in this reserve district shall 9630
have an Ohio permit for each net in ~~his~~ the person's possession. 9631

The permit shall be issued annually by the chief of the division 9632
of wildlife upon application of the owner of the net and 9633
submission of evidence by ~~him~~ the owner of ~~his~~ possession of a 9634
valid fishing license permitting ~~him~~ the owner to fish with nets 9635
in the Ohio river, and the payment of ~~ten~~ fifty dollars for each 9636
net for which an application is made and a permit is issued. The 9637
permit shall expire at twelve midnight on the fifteenth day of 9638
March of each year. 9639

Sec. 1533.631. Any person may apply for a permit to handle 9640
commercial fish, or other fish that may be bought or sold under 9641
the Revised Code or division rule, at wholesale. The chief of the 9642
division of wildlife shall issue an annual permit granting the 9643
applicant the privilege to handle such fish at wholesale at one or 9644
more designated premises upon filing of an application on a form 9645
prescribed by the chief and payment of a fee of ~~fifty~~ sixty-five 9646
dollars. No person or ~~his~~ a person's agent shall handle at 9647
wholesale any fresh water fish or part thereof unless a permit has 9648
been issued for the calendar year in which the fish is handled at 9649
wholesale for the premises at which the fish is handled. 9650

A fish is handled at wholesale for purposes of this section 9651
when it is on a premises within the state and is being held, 9652
stored, handled, or processed for the purpose of sale to a person 9653
who ordinarily resells the fish. 9654

The permit required by this section shall be issued subject 9655
to the right of entry and inspection of the designated premises of 9656
the permittee by any law enforcement officer authorized by section 9657
1531.13 of the Revised Code to enforce the laws and rules of the 9658
division of wildlife. Such an officer may enter and inspect the 9659
designated premises and any box, package, or receptacle, and the 9660
contents thereof, for the purpose of determining whether any 9661
provision of this chapter or Chapter 1531. of the Revised Code or 9662

division rule is being violated. 9663

No person holding a permit under this section shall remove a 9664
label required by section 1533.301 of the Revised Code unless the 9665
box, package, or receptacle bearing the label has been opened or 9666
unless the label is replaced with another label that meets the 9667
requirements of that section. 9668

No person shall fail to comply with any provision of this 9669
section or division rule adopted pursuant to it. 9670

In addition to other penalties provided in the Revised Code, 9671
the permit of any person who is convicted of two violations of 9672
this section that occurred within a twelve-month period is 9673
suspended upon the second such conviction by operation of law for 9674
a period of five fishing season days immediately following that 9675
conviction. 9676

In addition to other penalties provided in the Revised Code, 9677
the permit of any person who is convicted of three or more 9678
violations of this section that occurred within a twelve-month 9679
period is suspended upon the third or subsequent such conviction 9680
by operation of law for a period of twenty fishing season days 9681
immediately following that conviction. 9682

During any period of suspension, no person shall use or 9683
engage in handling commercial fish at wholesale with equipment or 9684
facilities owned, used, or controlled at the time of conviction by 9685
the permittee whose permit has been suspended. 9686

Sec. 1533.632. (A) As used in this section: 9687

(1) "Aquaculture" means a form of agriculture that involves 9688
the propagation and rearing of aquatic species in controlled 9689
environments under private control, including, but not limited to, 9690
for the purpose of sale for consumption as food. 9691

(2) "Aquaculture species" means any aquatic species that may 9692

be raised through aquaculture that is either a class A aquaculture species or a class B aquaculture species. 9693
9694

(3) "Class A aquaculture species" includes all of the following: 9695
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(a) Trout and salmon (*Onchorhynchus* sp., *Salmo* sp., *Salvelinus* sp.); 9697
9698

(b) Walleye (*Stizostedion vitreum*); 9699

(c) Sauger (*Stizostedion canadense*); 9700

(d) Bluegill (*Lepomis macrochirus*); 9701

(e) Redear sunfish (*Lepomis microlophus*); 9702

(f) Green sunfish (*Lepomis cyanellus*); 9703

(g) White crappie (*Pomoxis annularis*); 9704

(h) Black crappie (*Pomoxis nigromaculatus*); 9705

(i) Blue catfish (*Ictalurus furcatus*); 9706

(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*). 9707
9708
9709

(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. 9710
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(5) "Aquaculture production facility" means a facility used for aquaculture. 9713
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(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 9715
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Revised Code do not apply to class A or class B aquaculture species. 9722
9723

A permit may be issued upon application to any person who 9724
satisfies the chief that the person has suitable equipment, of 9725
which ~~he~~ the person is the owner or lessee, to engage in 9726
aquaculture for a given aquaculture species or group of 9727
aquaculture species. Each permit shall be in such form as the 9728
chief prescribes. The permits shall be classified as either class 9729
A or class B. A class A permit shall be required for all class A 9730
aquaculture species that are specified in this section or 9731
designated by rule as a class A aquaculture species. Class B 9732
permits shall be issued on a case-by-case basis. In determining 9733
whether to issue a class B permit, the chief shall take into 9734
account the species for which the class B permit is requested, the 9735
location of the aquaculture production facility, and any other 9736
information determined by the chief to be necessary to protect the 9737
wildlife and natural resources of this state. The annual fee for a 9738
class A permit shall be fifty dollars unless otherwise provided by 9739
rule by the chief. The annual fee for a class B permit shall be 9740
set by the chief at a level between one hundred and five hundred 9741
dollars. In determining the fee to be charged for a class B 9742
permit, the chief shall take into account the additional costs to 9743
the division for the inspection of aquaculture facilities used to 9744
raise a given class B aquaculture species. 9745

The chief may revoke a permit upon a determination that the 9746
person to whom the permit was issued has violated any rule adopted 9747
under this section. The permit shall be reissued upon a showing by 9748
the person that ~~he~~ the person is in compliance with the rules 9749
adopted under this section. A holder of an aquaculture permit may 9750
receive a permit issued under section 1533.301, ~~1533.39~~, or 9751
1533.40 of the Revised Code without payment of the fee for that 9752
permit if the conditions for the issuance of the permit have been 9753

met. 9754

(C) No person shall knowingly sell any aquatic species under 9755
an aquaculture permit issued under this section that was not 9756
raised in an aquaculture production facility. In addition to any 9757
other penalties prescribed for violation of this division, the 9758
chief may revoke the permit of any person convicted of a violation 9759
of this division for any period of time ~~he~~ the chief considers 9760
necessary. 9761

(D) No person who does not hold a current valid aquaculture 9762
permit shall knowingly sell an aquaculture species while claiming 9763
to possess an aquaculture permit. 9764

Sec. 1533.71. Unless otherwise provided by division rule, any 9765
person desiring to engage in the business of raising and selling 9766
game birds, game quadrupeds, reptiles, amphibians, or fur-bearing 9767
animals in a wholly enclosed preserve of which the person is the 9768
owner or lessee, or to have game birds, game quadrupeds, reptiles, 9769
amphibians, or fur-bearing animals in captivity, shall apply in 9770
writing to the division of wildlife for a license to do so. 9771
9772

The division, when it appears that the application is made in 9773
good faith and upon the payment of the fee for each license, ~~shall~~ 9774
may issue to the applicant any of the following licenses that may 9775
be applied for: 9776

(A) "Commercial propagating license" permitting the licensee 9777
to propagate game birds, game quadrupeds, reptiles, amphibians, or 9778
fur-bearing animals in the wholly enclosed preserve the location 9779
of which is stated in the license and the application therefor, 9780
and to sell the propagated game birds, game quadrupeds, reptiles, 9781
amphibians, or fur-bearing animals and ship them from the state 9782
alive at any time, and permitting the licensee and the licensee's 9783
employees to kill the propagated game birds, game quadrupeds, or 9784

fur-bearing animals and sell the carcasses for food subject to 9785
sections 1533.70 to 1533.80 of the Revised Code. The fee for such 9786
a license is ~~twenty-five~~ forty dollars per annum. 9787

(B) "Noncommercial propagating license" permitting the 9788
licensee to propagate game birds, game quadrupeds, reptiles, 9789
amphibians, or fur-bearing animals and to hold the animals in 9790
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 9791
fur-bearing animals propagated or held in captivity by authority 9792
of a noncommercial propagating license are for the licensee's own 9793
use and shall not be sold. The fee for such a license is ~~ten~~ 9794
twenty-five dollars per annum. 9795

(C) A free "raise to release license" permitting duly 9796
organized clubs, associations, or individuals approved by the 9797
division to engage in the raising of game birds, game quadrupeds, 9798
or fur-bearing animals for release only and not for sale or 9799
personal use. 9800

Except as provided by law, no person shall possess game 9801
birds, game quadrupeds, or fur-bearing animals in closed season, 9802
provided that municipal or governmental zoological parks are not 9803
required to obtain the licenses provided for in this section. 9804

All licenses issued under this section shall expire on the 9805
fifteenth day of March of each year. 9806

The chief of the division of wildlife shall pay all moneys 9807
received as fees for the issuance of licenses under this section 9808
into the state treasury to the credit of the fund created by 9809
section 1533.15 of the Revised Code for the use of the division in 9810
the purchase, preservation, and protection of wild animals and for 9811
the necessary clerical help and forms required by sections 1533.70 9812
to 1533.80 of the Revised Code. 9813

This section does not authorize the taking or the release for 9814
taking of the following: 9815

(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; 9846

(2) Promote, assist, and provide financial assistance for the 9847
development of nonprofit corporations organized and established 9848
under Chapter 1702. of the Revised Code to further the purposes of 9849
this section; 9850

(3) Seek out, apply for, receive, and accept grants, gifts, 9851
contributions, loans, and other assistance in any form from public 9852
and private sources, including assistance from any governmental 9853
agency; 9854

(4) Make grants under division (F) of section 1551.12 of the 9855
Revised Code from funds that are appropriated by the general 9856
assembly and from gifts or grants obtained under division (A)(3) 9857
of this section for the purposes of developing, constructing, or 9858
operating experimental, pilot, and demonstration facilities or 9859
programs which develop, test, or demonstrate more efficient and 9860
environmentally acceptable methods of extracting energy resources; 9861
new concepts, programs, or technology for the conservation of 9862
energy; new concepts, programs, or technology for the efficient 9863
and environmentally acceptable utilization of present, new, or 9864
alternative energy sources; or concepts, programs, or technology 9865
which develop resources of the state. Grants may be made, without 9866
limitation, for projects and programs such as experimental 9867
demonstrations of the use of Ohio coal in processes which would 9868
facilitate its widespread use as a source of energy; experimental 9869
demonstrations of new or improved coal, natural gas, and natural 9870
petroleum extraction techniques and of reclamation techniques at 9871
the extraction sites; experimental demonstrations or development 9872
of solar heating and cooling and potentially energy-efficient 9873
construction in public buildings, schools, offices, commercial 9874
establishments, and residential homes; development of programs or 9875
experimental demonstrations of the utilization of waste products 9876
in energy production and mineral and energy conservation; and 9877

development of programs or experimental demonstrations of 9878
technologies which would permit utility pricing policies which may 9879
reduce the consumer costs of energy. 9880

(5) Enter into agreements with persons and governmental 9881
agencies, in any combination, for the purposes of this section. 9882

(B) Any materials or data submitted to, made available by or 9883
to, or received by the director under division (A) of this 9884
section, division (F) of section 1551.12, or division (B) of 9885
section 1551.15 of the Revised Code, and any information taken 9886
from those materials or data for any purpose, to the extent that 9887
those materials or data consist of trade secrets or other 9888
proprietary information, are not public information or public 9889
documents and shall not be open to public inspection. 9890

(C) The exercise by the director of the powers conferred by 9891
~~this chapter~~ sections 1551.01 to 1551.25 of the Revised Code for 9892
the preservation or creation of jobs and employment opportunities 9893
for the people of ~~the~~ this state through the development and 9894
efficient utilization of energy resources of the state is in all 9895
respects for the benefit of the people of the state, and is 9896
determined to be an essential government function and public 9897
purpose of the state. 9898

Sec. 1551.12. The director of development may: 9899

(A) Seek, solicit, or acquire personal property or any 9900
estate, interest, or right in real property, or services, funds, 9901
and other things of value of any kind or character by purchase, 9902
lease, gift, grant, contribution, exchange, or otherwise from any 9903
person or governmental agency to be held, used, and applied in 9904
accordance with and for the purposes of ~~this chapter~~ sections 9905
1551.01 to 1551.25 of the Revised Code; 9906

(B) Contract for the operation of, and establish rules for 9907

the use of, facilities over which the director has supervision or 9908
control, which rules may include the limitation of ingress to or 9909
egress from such facilities as may be necessary to maintain the 9910
security of such facilities and to provide for the safety of those 9911
on the premises of such facilities; 9912

(C) Purchase such fire and extended coverage insurance and 9913
insurance protecting against liability for damage to property or 9914
injury to or death of persons as the director may consider 9915
necessary and proper under ~~this chapter~~ sections 1551.01 to 9916
1551.25 of the Revised Code; 9917

(D) Sponsor, conduct, assist, and encourage conferences, 9918
seminars, meetings, institutes, and other forms of meetings; 9919
authorize, prepare, publish, and disseminate any form of studies, 9920
reports, and other publications; originate, prepare, and assist 9921
proposals for the expenditure or granting of funds by any 9922
governmental agency or person for purposes of energy resource 9923
development; and investigate, initiate, sponsor, participate in, 9924
and assist with cooperative activities and programs involving 9925
governmental agencies and other entities of other states and 9926
jurisdictions; 9927

(E) Do all acts and things necessary and proper to carry out 9928
the powers granted and the duties imposed by ~~this chapter~~ sections 9929
1551.01 to 1551.25 of the Revised Code; 9930

(F) Make grants of funds to any person, organization, or 9931
governmental agency of the state for the furnishing of goods or 9932
performance of services. 9933

Any person or governmental agency that receives funds from 9934
the department of development, or utilizes the facilities of the 9935
department under ~~this chapter~~ sections 1551.01 to 1551.25 of the 9936
Revised Code shall agree in writing that all know-how, trade 9937
secrets, and other forms of property, rights, and interest arising 9938

out of developments, discoveries, or inventions, including 9939
patents, copyrights, or royalties thereon, which result in whole 9940
or in part from research, studies, or testing conducted by use of 9941
such funds or facilities shall be the sole property of the 9942
department, except as may be otherwise negotiated and provided by 9943
contract in advance of such research, studies, or testing. 9944
However, such exceptions do not apply to the director or employees 9945
of the department participating in or performing research, tests, 9946
or studies. 9947

Rights retained by the department may be assigned, licensed, 9948
transferred, sold, or otherwise disposed of, in whole or in part, 9949
to any person or governmental agency. Any and all income, 9950
royalties, or proceeds derived or retained from such dispositions 9951
shall be paid to the state and credited to the general revenue 9952
fund. 9953

Any instrument by which real property is acquired pursuant to 9954
this section shall identify the agency of ~~the~~ this state that has 9955
the use and benefit of the real property as specified in section 9956
5301.012 of the Revised Code. 9957

Sec. 1551.15. (A) All general revenue fund moneys required by 9958
the department of development for purposes of ~~this chapter~~ 9959
sections 1551.01 to 1551.25 of the Revised Code are subject to 9960
appropriation by the general assembly. 9961

(B) The director of development may enter into agreements, 9962
make grants, or enter into contracts for the purposes of effecting 9963
the construction and operation in this state of experimental, 9964
pilot, or demonstration energy resource development facilities. 9965
Before making grants or entering contracts, the director shall 9966
determine that all of the following criteria are met: 9967

(1) The urgency of public need for the potential results of 9968
the experimental, pilot, or demonstration project is high, and 9969

there is little likelihood that similar results would be achieved 9970
in this state in a timely manner in the absence of state 9971
assistance; 9972

(2) The potential opportunities for private interests to 9973
recapture the investment in the undertaking through the normal 9974
commercial exploitation of proprietary knowledge appear to be 9975
inadequate to encourage timely results in this state; 9976

(3) The extent of the problems treated and the objectives 9977
sought by the project are consistent with the purposes of ~~this~~ 9978
~~chapter~~ sections 1551.01 to 1551.25 of the Revised Code and of 9979
general significance to the state. 9980

This determination by the director shall include the facts or 9981
reasons justifying it and shall be journalized by the director. 9982

(C) The director may use funds as appropriated, donated, 9983
granted, or received for any of the following purposes: 9984

(1) Construction and related architectural or engineering 9985
studies or purchase of physical plant and equipment for an 9986
experimental, pilot, or demonstration energy resource development 9987
facility; 9988

(2) Acquisition and improvement of land, construction of 9989
roads, and provision of other public facilities incidental and 9990
necessary to the accomplishment of experimental, pilot, or 9991
demonstration energy resource development facilities; 9992

(3) Operation of an energy resource development experimental, 9993
pilot, or demonstration project or facility, which could include 9994
but not be limited to labor, feedstocks, and repair or replacement 9995
parts; 9996

(4) Purchase of all or a portion of the usable output of 9997
energy resource development experimental, pilot, or demonstration 9998
projects and the disposition of this output for use in the 9999

facilities of governmental agencies. 10000

(D) Each grant made pursuant to this section shall be 10001
accomplished through written agreements between the department and 10002
the person or governmental agency which would effect the 10003
construction and operation of the project or facility, and between 10004
the department and the persons and governmental agencies which 10005
would share the expenses and costs of the project or facility. In 10006
addition to such other terms as may be required by law or advised 10007
by counsel, each agreement shall provide for each of the following 10008
conditions: 10009

(1) The limitation of the department's financial obligations 10010
in the project or facility to a specified dollar amount which 10011
shall not exceed one-third of the total costs of the project or 10012
facility; 10013

(2) The financial participation in the project or facility by 10014
the federal government or its agencies, by private corporations 10015
doing business in this state, by local governmental agencies, or 10016
by other organizations; 10017

(3) The disposition of the assets of the project or facility, 10018
should it be terminated or abandoned, in such manner that the 10019
department shall be repaid in the same proportion as its share in 10020
the total of moneys, property, or other assets expended, 10021
contributed, or invested in the project or facility; 10022

(4) The criteria for the identification if and when the 10023
project or facility is commercially viable through the profitable 10024
disposition of its output; 10025

(5) The termination of the department's financial support at 10026
such time the project or facility is commercially viable and the 10027
repayment of the department through the future profits, if any, of 10028
the project or facility. 10029

Sec. 1551.311. The general assembly hereby finds and declares 10030
that the future of the Ohio coal industry lies in the development 10031
of clean coal technology and that the disproportionate economic 10032
impact on the state under Title IV of the "Clean Air Act 10033
Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, warrants 10034
maximum federal assistance to ~~the~~ this state for such development. 10035
It is therefore imperative that the ~~department of development~~ Ohio 10036
air quality development authority created under Chapter 3706. of 10037
the Revised Code, its Ohio coal development office, the Ohio coal 10038
industry, the Ohio Washington office in the office of the 10039
governor, and the state's congressional delegation make every 10040
effort to acquire any federal assistance available for the 10041
development of clean coal technology, including assisting entities 10042
eligible for grants in their acquisition. The Ohio coal 10043
development agenda required by section 1551.34 of the Revised Code 10044
shall include, in addition to the other information required by 10045
that section, a description of such efforts and a description of 10046
the current status of the development of clean coal technology in 10047
this state and elsewhere. 10048

Sec. 1551.32. (A) There is hereby established within the 10049
~~department of development~~ Ohio air quality development authority 10050
the Ohio coal development office whose purposes are to do all of 10051
the following: 10052

(1) Encourage, promote, and support siting, financing, 10053
construction, and operation of commercially available or scaled 10054
facilities and technologies, including, without limitation, 10055
commercial-scale demonstration facilities and, when necessary or 10056
appropriate to demonstrate the commercial acceptability of a 10057
specific technology, up to three installations within this state 10058
utilizing the specific technology, to more efficiently produce, 10059
beneficiate, market, or use Ohio coal; 10060

(2) Encourage, promote, and support the market acceptance and increased market use of Ohio coal through technology and market development;	10061 10062 10063
(3) Assist in the financing of coal development facilities;	10064
(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;	10065 10066 10067 10068
(5) Improve environmental quality, particularly through cleaner use of Ohio coal;	10069 10070
(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.	10071 10072 10073 10074
(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.	10075 10076 10077 10078 10079 10080
Sec. 1551.33. (A) The director of development <u>Ohio air quality development authority, by the affirmative vote of a majority of its members,</u> 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 <u>authority.</u>	10081 10082 10083 10084 10085 10086 10087
(B) The director of the office shall do all of the following:	10088
(1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code;	10089 10090

(2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda; 10091
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(3) Initiate, undertake, and support projects to carry out the office's purposes and ensure that the projects are consistent with and meet the selection criteria established by the Ohio coal development agenda; 10094
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(4) Actively encourage joint participation in and, when feasible, joint funding of the office's projects with governmental agencies, electric utilities, universities and colleges, other public or private interests, or any other person; 10098
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(5) Establish a table of organization for and employ such employees and agents as are necessary for the administration and operation of the office~~r~~. Any such employees shall be in the unclassified service and shall serve at the pleasure of the authority. 10102
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(6) Appoint specified members of and convene the technical advisory committee established under section 1551.35 of the Revised Code; 10107
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(7) Review, with the assistance of the technical advisory committee, proposed coal research and development projects as defined in section 1555.01 of the Revised Code, and coal development projects, submitted to the office by public utilities for the purpose of section 4905.304 of the Revised Code. If the director and the advisory committee determine that any such facility or project has as its purpose the enhanced use of Ohio coal in an environmentally acceptable, cost effective manner, promotes energy conservation, is cost effective, and is environmentally sound, the director shall submit to the public utilities commission a report recommending that the commission allow the recovery of costs associated with the facility or 10110
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project under section 4905.304 of the Revised Code and including 10122
the reasons for the recommendation. 10123

(8) Establish such policies, procedures, and guidelines as 10124
are necessary to achieve the office's purposes. 10125

(C) ~~With the approval of the director of development~~ By the 10126
affirmative vote of a majority of the members of the Ohio air 10127
quality development authority, the director of the office may 10128
exercise any of the powers and duties of the director of 10129
development as the ~~directors~~ authority and the director of the 10130
office consider appropriate or desirable to achieve the office's 10131
purposes, including, but not limited to, the powers and duties 10132
enumerated in sections 1551.11, 1551.12, 1551.13, and 1551.15 of 10133
the Revised Code. 10134

Additionally, the director of the office may make loans to 10135
governmental agencies or persons for projects to carry out the 10136
office's purposes. Fees, charges, rates of interest, times of 10137
payment of interest and principal, and other terms, conditions, 10138
and provisions of the loans shall be such as the director of the 10139
office determines to be appropriate and in furtherance of the 10140
purposes for which the loans are made. The mortgage lien securing 10141
any moneys lent by the director of the office may be subordinate 10142
to the mortgage lien securing any moneys lent or invested by a 10143
financial institution, but shall be superior to that securing any 10144
moneys lent or expended by any other person. The moneys used in 10145
making the loans shall be disbursed upon order of the director of 10146
the office. 10147

Sec. 1551.35. (A) There is hereby established a technical 10148
advisory committee to assist the director of the Ohio coal 10149
development office ~~established under section 1551.32 of the~~ 10150
~~Revised Code~~ in achieving the office's purposes. The director 10151
shall appoint to the committee one member of the public utilities 10152

commission and one representative each of coal production 10153
companies, the united mine workers of America, electric utilities, 10154
manufacturers that use Ohio coal, and environmental organizations, 10155
as well as two people with a background in coal research and 10156
development technology, one of whom is employed at the time of the 10157
member's appointment by a state university, as defined in section 10158
3345.011 of the Revised Code. In addition, the committee shall 10159
include four legislative members. The speaker and minority leader 10160
of the house of representatives each shall appoint one member of 10161
the house of representatives, and the president and minority 10162
leader of the senate each shall appoint one member of the senate, 10163
to the committee. The director of environmental protection, 10164
~~representing the environmental protection agency, the Ohio air~~ 10165
~~quality director of development authority,~~ and one member of the 10166
Ohio water development authority designated by that authority, 10167
shall serve on the committee as members ex officio. Any member of 10168
the committee may designate in writing a substitute to serve in 10169
the member's absence on the committee. The director of 10170
environmental protection may designate in writing the chief of the 10171
air pollution control division of the agency to represent the 10172
agency. Members shall serve on the committee at the pleasure of 10173
their appointing authority. Members of the committee appointed by 10174
the director of the office and, notwithstanding section 101.26 of 10175
the Revised Code, legislative members of the committee, when 10176
engaged in their official duties as members of the committee, 10177
shall be compensated on a per diem basis in accordance with 10178
division (J) of section 124.15 of the Revised Code, except that 10179
the member of the public utilities commission and, while employed 10180
by a state university, the member with a background in coal 10181
research, shall not be so compensated. Members shall receive their 10182
actual and necessary expenses incurred in the performance of their 10183
duties. 10184

(B) The technical advisory committee shall review and make 10185

recommendations concerning the Ohio coal development agenda 10186
required under section 1551.34 of the Revised Code, project 10187
proposals, research and development projects submitted to the 10188
office by public utilities for the purpose of section 4905.304 of 10189
the Revised Code, proposals for grants, loans, and loan guarantees 10190
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 10191
and such other topics as the director of the office considers 10192
appropriate. 10193

(C) The technical advisory committee may hold an executive 10194
session at any regular or special meeting for the purpose of 10195
considering research and development project proposals or 10196
applications for assistance submitted to the Ohio coal development 10197
office under section 1551.33, or sections 1555.01 to 1555.06, of 10198
the Revised Code, to the extent that such proposals or 10199
applications consist of trade secrets or other proprietary 10200
information. 10201

Any materials or data submitted to, made available to, or 10202
received by the ~~director of Ohio air quality~~ development authority 10203
or the director of the Ohio coal development office in connection 10204
with agreements for assistance entered into under this chapter or 10205
Chapter 1555. of the Revised Code, or any information taken from 10206
such materials or data for any purpose, to the extent that the 10207
materials or data consist of trade secrets or other proprietary 10208
information, are not public records for the purposes of section 10209
149.43 of the Revised Code. 10210

As used in this division, "trade secrets" has the same 10211
meaning as in section 1333.61 of the Revised Code. 10212

Sec. 1555.02. It is hereby declared to be the public policy 10213
of ~~the~~ this state through the operations of the Ohio coal 10214
development office under this chapter to contribute toward one or 10215
more of the following: to provide for the comfort, health, safety, 10216

and general welfare of all employees and other inhabitants of ~~the~~ 10217
this state through research and development directed toward the 10218
discovery of new technologies or the demonstration or application 10219
of existing technologies to enable the conversion or use of Ohio 10220
coal as a fuel or chemical feedstock in an environmentally 10221
acceptable manner thereby enhancing the marketability and 10222
fostering the use of this state's vast reserves of coal, to assist 10223
in the financing of coal research and development and coal 10224
research and development projects or facilities for persons doing 10225
business in this state and educational and scientific institutions 10226
located in this state, to create or preserve jobs and employment 10227
opportunities or improve the economic welfare of the people of ~~the~~ 10228
this state, or to assist and cooperate with such persons and 10229
educational and scientific institutions in conducting coal 10230
research and development. In furtherance of ~~such~~ this public 10231
policy, the Ohio coal development office ~~may~~, with the advice of 10232
the technical advisory committee created in section 1551.35 of the 10233
Revised Code and the ~~approval of the director of development~~ 10234
affirmative vote of a majority of the members of the Ohio air 10235
quality development authority, may make loans, guarantee loans, 10236
and make grants to persons doing business in this state or to 10237
educational or scientific institutions located in this state for 10238
coal research and development projects by such persons or 10239
educational or scientific institutions; ~~may~~, with the advice of 10240
the technical advisory committee and the ~~approval of the director~~ 10241
~~of development~~ affirmative vote of a majority of the members of 10242
the Ohio air quality development authority, request the issuance 10243
of coal research and development general obligations under section 10244
151.07 of the Revised Code to provide funds for making such loans, 10245
loan guarantees, and grants; and ~~may~~, with the advice of the 10246
technical advisory committee and the ~~approval of the director of~~ 10247
~~development~~ affirmative vote of a majority of the members of the 10248
Ohio air quality development authority, expend moneys credited to 10249

the coal research and development fund created in section 1555.15 10250
of the Revised Code for the purpose of making such loans, loan 10251
guarantees, and grants. Determinations by the director of the Ohio 10252
coal development office that coal research and development or a 10253
coal research and development facility is a coal research and 10254
development project under this chapter and is consistent with the 10255
purposes of Section 15 of Article VIII, Ohio Constitution, and 10256
this chapter shall be conclusive as to the validity and 10257
enforceability of the coal research and development general 10258
obligations issued to finance such project and of the 10259
authorizations, trust agreements or indentures, loan agreements, 10260
loan guarantee agreements, or grant agreements, and other 10261
agreements made in connection therewith, all in accordance with 10262
their terms. 10263

Sec. 1555.03. For the purposes of this chapter, the director 10264
of the Ohio coal development office may: 10265

(A) With the advice of the technical advisory committee 10266
created in section 1551.35 of the Revised Code and the ~~approval of~~ 10267
~~the director of development~~ affirmative vote of a majority of the 10268
members of the Ohio air quality development authority, make loans, 10269
guarantee loans, and make grants to persons doing business in this 10270
state or to educational or scientific institutions located in this 10271
state for coal research and development projects by any such 10272
person or educational or scientific institution and adopt rules 10273
under Chapter 119. of the Revised Code for making such loans, 10274
guarantees, and grants. 10275

(B) In making loans, loan guarantees, and grants under 10276
division (A) of this section and section 1555.04 of the Revised 10277
Code, the director of the office shall ensure that an adequate 10278
portion of the total amount of those loans, loan guarantees, and 10279
grants, as determined by the director with the advice of the 10280

technical advisory committee, ~~be~~ is used for conducting research 10281
on fundamental scientific problems related to the utilization of 10282
Ohio coal and shall ensure, to the maximum feasible extent, joint 10283
financial participation by the federal government or other 10284
investors or interested parties in conjunction with any such loan, 10285
loan guarantee, or grant. The director, in each grant agreement or 10286
contract under division (A) of this section, loan contract or 10287
agreement under this division or section 1555.04 of the Revised 10288
Code, and contract of guarantee under section 1555.05 of the 10289
Revised Code, shall require that the facility or project be 10290
maintained and kept in good condition and repair by the person or 10291
educational or scientific institution to whom the grant or loan 10292
was made or for whom the guarantee was made. 10293

(C) From time to time, with the advice of the technical 10294
advisory committee and the ~~approval of the director of development~~ 10295
affirmative vote of a majority of the members of the Ohio air 10296
quality development authority, request the issuance of coal 10297
research and development general obligations under section 151.07 10298
of the Revised Code, for any of the purposes set forth in Section 10299
15 of Article VIII, Ohio Constitution, and subject to the 10300
limitations therein upon the aggregate total amount of obligations 10301
that may be outstanding at any time. 10302

(D) Include as a condition of any loan, loan guarantee, or 10303
grant contract or agreement with any such person or educational or 10304
scientific institution that the director of the office receive, in 10305
addition to payments of principal and interest on any such loan or 10306
service charges for any such guarantee, as appropriate, as 10307
authorized by Section 15, Article VIII, Ohio Constitution, a 10308
reasonable royalty or portion of the income or profits arising out 10309
of the developments, discoveries, or inventions, including patents 10310
or copyrights ~~which, that~~ result in whole or in part from coal 10311
research and development projects conducted under any such 10312

contract or agreement, in such amounts and for such period of 10313
years as may be negotiated and provided by the contract or 10314
agreement in advance of the making of the grant, loan, or loan 10315
guarantee. Moneys so received by the director of the office shall 10316
be credited to the coal research and development bond service 10317
fund. 10318

(E) Employ managers, superintendents, and other employees and 10319
retain or contract with consulting engineers, financial 10320
consultants, accounting experts, architects, and such other 10321
consultants and independent contractors as are necessary in the 10322
judgment of the director of the office to carry out this chapter, 10323
and fix the compensation thereof. 10324

(F) Receive and accept from any federal agency, subject to 10325
the approval of the governor, grants for or in aid of the 10326
construction or operation of any coal research and development 10327
project or for coal research and development, and receive and 10328
accept aid or contributions from any source of money, property, 10329
labor, or other things of value, to be held, used, and applied 10330
only for the purposes for which such grants and contributions are 10331
made. 10332

(G) Purchase fire and extended coverage and liability 10333
insurance for any coal research and development project, insurance 10334
protecting the office and its officers and employees against 10335
liability for damage to property or injury to or death of persons 10336
arising from its operations, and any other insurance the director 10337
of the office determines necessary or proper under this chapter. 10338
Any moneys received by the director from the proceeds of any such 10339
insurance with respect to a coal research and development project 10340
and any moneys received by the director from the proceeds of any 10341
settlement, judgment, foreclosure, or other insurance with respect 10342
to a coal research and development project or facility shall be 10343
credited to the coal research and development bond service fund. 10344

(H) In the exercise of the powers of the director of the office under this chapter, call to the director's assistance, temporarily, from time to time, any engineers, technical experts, financial experts, and other employees in any state department, agency, or commission, or in the Ohio state university, or other educational institutions financed wholly or partially by ~~the~~ this state for purposes of assisting the director of the office with reviewing and evaluating applications for financial assistance under this chapter, monitoring performance of coal research and development projects receiving financial assistance under this chapter, and reviewing and evaluating the progress and findings of those projects. Such engineers, experts, and employees shall not receive any additional compensation over that which they receive from the department, agency, commission, or educational institution by which they are employed, but they shall be reimbursed for their actual and necessary expenses incurred while working under the direction of the director.

(I) Do all acts necessary or proper to carry out the powers expressly granted in this chapter.

Sec. 1555.04. (A) With respect to coal research and development projects financed wholly or partially from a loan or loan guarantee under this chapter, the director of the Ohio coal development office ~~may~~, in addition to other powers under this chapter, with the advice of the technical advisory committee created in section 1551.35 of the Revised Code and the ~~approval~~ affirmative vote of the director of development a majority of the members of the Ohio air quality development authority, may enter into loan agreements, accept notes and other forms of obligation to evidence such indebtedness and mortgages, liens, pledges, assignments, or other security interests to secure such indebtedness, which may be prior or subordinate to or on a parity

with other indebtedness, obligations, mortgages, pledges, 10376
assignments, other security interests, or liens or encumbrances, 10377
and take such actions as ~~he~~ the director of the office considers 10378
appropriate to protect such security and safeguard against losses, 10379
including, without limitation, foreclosure and the bidding upon 10380
and purchase of property upon foreclosure or other sale~~+~~. 10381

(B) The authority granted by this section is cumulative and 10382
supplementary to all other authority granted in this chapter. The 10383
authority granted by this section does not alter or impair any 10384
similar authority granted elsewhere in this chapter with respect 10385
to other projects. 10386

Sec. 1555.05. (A) Subject to any limitations as to aggregate 10387
amounts thereof that may from time to time be prescribed by the 10388
general assembly and to other applicable provisions of this 10389
chapter, and subject to the ~~one hundred million dollar~~ 10390
one-hundred-million-dollar limitation provided in Section 15 of 10391
Article VIII, Ohio Constitution, the director of the Ohio coal 10392
development office ~~may~~, on behalf of ~~the~~ this state, with the 10393
advice of the technical advisory committee created in section 10394
1551.35 of the Revised Code and the ~~approval~~ affirmative vote of a 10395
majority of the members of the director of development Ohio air 10396
quality development authority, may enter into contracts to 10397
guarantee the repayment or payment of the unpaid principal amount 10398
of loans made to pay the costs of coal research and development 10399
projects. 10400

(B) The contract of guarantee may make provision for the 10401
conditions of, time for, and manner of fulfillment of the 10402
guarantee commitment, subrogation of ~~the~~ this state to the rights 10403
of the parties guaranteed and exercise of such parties' rights by 10404
the state, giving the state the option of making payment of the 10405
principal amount guaranteed in one or more installments and, if 10406

deferred, to pay interest thereon from the source specified in 10407
division (A) of this section, and any other terms or conditions 10408
customary to such guarantees and as the director of the office may 10409
approve, and may contain provisions for securing the guarantee in 10410
the manner consistent with this section, covenants on behalf of 10411
~~the~~ this state to issue obligations under section 1555.08 of the 10412
Revised Code to provide moneys to fulfill such guarantees and 10413
covenants, and covenants restricting the aggregate amount of 10414
guarantees that may be contracted under this section and 10415
obligations that may be issued under section 151.07 of the Revised 10416
Code, and terms pertinent to either, to better secure the parties 10417
guaranteed. 10418

(C) The director of the office may fix service charges for 10419
making a guarantee. Such charges shall be payable at such times 10420
and place and in such amounts and manner as may be prescribed by 10421
the director. Moneys received from such charges shall be credited 10422
to the coal research and development bond service fund. 10423

(D) Any guaranteed parties under this section, by any 10424
suitable form of legal proceedings and except to the extent that 10425
their rights are restricted by the guarantee documents, may ~~by any~~ 10426
~~suitable form of legal proceedings,~~ protect and enforce any rights 10427
under the laws of this state or granted by such guarantee or 10428
guarantee documents. Such rights include the right to compel the 10429
performance of all duties of the office required by this section 10430
or the guarantee or guarantee documents; and in the event of 10431
default with respect to the payment of any guarantees, to apply to 10432
a court having jurisdiction of the cause to appoint a receiver to 10433
receive and administer the moneys pledged to such guarantee with 10434
full power to pay, and to provide for payment of, such guarantee, 10435
and with such powers, subject to the direction of the court, as 10436
are accorded receivers in general equity cases, excluding any 10437
power to pledge or apply additional revenues or receipts or other 10438

income or moneys of ~~the~~ this state. Each duty of the office and 10439
its director and employees required or undertaken under this 10440
section or a guarantee made under this section is hereby 10441
established as a duty of the office and of its director and each 10442
such employee having authority to perform such duty, specifically 10443
enjoined by the law resulting from an office, trust, or station 10444
within the meaning of section 2731.01 of the Revised Code. The 10445
persons who are at the time the director of the office, or its 10446
employees, are not liable in their personal capacities on any 10447
guarantees or contracts to make guarantees by the director. 10448

Sec. 1555.06. Upon application by the director of the Ohio 10449
coal development office with the ~~approval~~ affirmative vote of a 10450
majority of the director of development members of the Ohio air 10451
quality development authority, the controlling board ~~may~~, from 10452
appropriations available to the board, may provide funds for 10453
surveys or studies by the office of any proposed coal research and 10454
development project subject to repayment by the office from funds 10455
available to it, within the time fixed by the board. Funds to be 10456
repaid shall be charged by the office to the appropriate coal 10457
research and development project and the amount thereof shall be a 10458
cost of the project. This section does not abrogate the authority 10459
of the controlling board to otherwise provide funds for use by the 10460
office in the exercise of the powers granted to it by this 10461
chapter. 10462

Sec. 1555.08. (A) Subject to the limitations provided in 10463
Section 15 of Article VIII, Ohio Constitution, the commissioners 10464
of the sinking fund, upon certification by the director of the 10465
Ohio coal development office of the amount of moneys or additional 10466
moneys needed in the coal research and development fund for the 10467
purpose of making grants or loans for allowable costs, or needed 10468
for capitalized interest, for funding reserves, and for paying 10469

costs and expenses incurred in connection with the issuance, 10470
carrying, securing, paying, redeeming, or retirement of the 10471
obligations or any obligations refunded thereby, including payment 10472
of costs and expenses relating to letters of credit, lines of 10473
credit, insurance, put agreements, standby purchase agreements, 10474
indexing, marketing, remarketing and administrative arrangements, 10475
interest swap or hedging agreements, and any other credit 10476
enhancement, liquidity, remarketing, renewal, or refunding 10477
arrangements, all of which are authorized by this section, or 10478
providing moneys for loan guarantees, shall issue obligations of 10479
the state under this section in amounts authorized by the general 10480
assembly; provided that such obligations may be issued to the 10481
extent necessary to satisfy the covenants in contracts of 10482
guarantee made under section 1555.05 of the Revised Code to issue 10483
obligations to meet such guarantees, notwithstanding limitations 10484
otherwise applicable to the issuance of obligations under this 10485
section except the one-hundred-million-dollar limitation provided 10486
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 10487
such obligations, except for the portion to be deposited in the 10488
coal research and development bond service fund as may be provided 10489
in the bond proceedings, shall as provided in the bond proceedings 10490
be deposited in the coal research and development fund. The 10491
commissioners of the sinking fund may appoint trustees, paying 10492
agents, and transfer agents and may retain the services of 10493
financial advisors, accounting experts, and attorneys, and retain 10494
or contract for the services of marketing, remarketing, indexing, 10495
and administrative agents, other consultants, and independent 10496
contractors, including printing services, as are necessary in 10497
their judgment to carry out this section. 10498

(B) The full faith and credit of the state of Ohio is hereby 10499
pledged to obligations issued under this section. The right of the 10500
holders and owners to payment of bond service charges is limited 10501
to all or that portion of the moneys pledged thereto pursuant to 10502

the bond proceedings in accordance with this section, and each 10503
such obligation shall bear on its face a statement to that effect. 10504

(C) Obligations shall be authorized by resolution of the 10505
commissioners of the sinking fund on request of the director of 10506
the Ohio coal development office as provided in section 1555.02 of 10507
the Revised Code and the bond proceedings shall provide for the 10508
purpose thereof and the principal amount or amounts, and shall 10509
provide for or authorize the manner or agency for determining the 10510
principal maturity or maturities, not exceeding forty years from 10511
the date of issuance, the interest rate or rates or the maximum 10512
interest rate, the date of the obligations and the dates of 10513
payment of interest thereon, their denomination, and the 10514
establishment within or without the state of a place or places of 10515
payment of bond service charges. Sections 9.98 to 9.983 of the 10516
Revised Code apply to obligations issued under this section. The 10517
purpose of such obligations may be stated in the bond proceedings 10518
in terms describing the general purpose or purposes to be served. 10519
The bond proceedings shall also provide, subject to the provisions 10520
of any other applicable bond proceedings, for the pledge of all, 10521
or such part as the commissioners of the sinking fund may 10522
determine, of the moneys credited to the coal research and 10523
development bond service fund to the payment of bond service 10524
charges, which pledges may be made either prior or subordinate to 10525
other expenses, claims, or payments and may be made to secure the 10526
obligations on a parity with obligations theretofore or thereafter 10527
issued, if and to the extent provided in the bond proceedings. The 10528
moneys so pledged and thereafter received by the state are 10529
immediately subject to the lien of such pledge without any 10530
physical delivery thereof or further act, and the lien of any such 10531
pledges is valid and binding against all parties having claims of 10532
any kind against the state or any governmental agency of the 10533
state, irrespective of whether such parties have notice thereof, 10534
and shall create a perfected security interest for all purposes of 10535

Chapter 1309. of the Revised Code, without the necessity for 10536
separation or delivery of funds or for the filing or recording of 10537
the bond proceedings by which such pledge is created or any 10538
certificate, statement or other document with respect thereto; and 10539
the pledge of such moneys is effective and the money therefrom and 10540
thereof may be applied to the purposes for which pledged without 10541
necessity for any act of appropriation. Every pledge, and every 10542
covenant and agreement made with respect thereto, made in the bond 10543
proceedings may therein be extended to the benefit of the owners 10544
and holders of obligations authorized by this section, and to any 10545
trustee therefor, for the further security of the payment of the 10546
bond service charges. 10547

(D) The bond proceedings may contain additional provisions as 10548
to: 10549

(1) The redemption of obligations prior to maturity at the 10550
option of the commissioners of the sinking fund at such price or 10551
prices and under such terms and conditions as are provided in the 10552
bond proceedings; 10553

(2) Other terms of the obligations; 10554

(3) Limitations on the issuance of additional obligations; 10555

(4) The terms of any trust agreement or indenture securing 10556
the obligations or under which the obligations may be issued; 10557

(5) The deposit, investment, and application of the coal 10558
research and development bond service fund, and the safeguarding 10559
of moneys on hand or on deposit, without regard to Chapter 131. or 10560
135. of the Revised Code, but subject to any special provisions of 10561
this chapter, with respect to particular moneys; provided, that 10562
any bank or trust company which acts as depository of any moneys 10563
in the fund may furnish such indemnifying bonds or may pledge such 10564
securities as required by the commissioners of the sinking fund; 10565

(6) Any other provision of the bond proceedings being binding 10566

upon the commissioners of the sinking fund, or such other body or 10567
person as may from time to time have the authority under law to 10568
take such actions as may be necessary to perform all or any part 10569
of the duty required by such provision; 10570

(7) Any provision which may be made in a trust agreement or 10571
indenture; 10572

(8) Any other or additional agreements with the holders of 10573
the obligations, or the trustee therefor, relating to the 10574
obligations or the security therefor, including the assignment of 10575
mortgages or other security obtained or to be obtained for loans 10576
under this chapter. 10577

(E) The obligations may have the great seal of the state or a 10578
facsimile thereof affixed thereto or printed thereon. The 10579
obligations shall be signed by such members of the commissioners 10580
of the sinking fund as are designated in the resolution 10581
authorizing the obligations or bear the facsimile signatures of 10582
such members. Any coupons attached to the obligations shall bear 10583
the facsimile signature of the treasurer of state. Any obligations 10584
may be executed by the persons who, on the date of execution, are 10585
the commissioners although on the date of such bonds the persons 10586
were not the commissioners. Any coupons may be executed by the 10587
person who, on the date of execution, is the treasurer of state 10588
although on the date of such coupons the person was not the 10589
treasurer of state. In case any officer or commissioner whose 10590
signature or a facsimile of whose signature appears on any such 10591
obligations or any coupons ceases to be such officer or 10592
commissioner before delivery thereof, such signature or facsimile 10593
is nevertheless valid and sufficient for all purposes as if the 10594
individual had remained such officer or commissioner until such 10595
delivery; and in case the seal to be affixed to obligations has 10596
been changed after a facsimile of the seal has been imprinted on 10597
such obligations, such facsimile seal shall continue to be 10598

sufficient as to such obligations and obligations issued in 10599
substitution or exchange therefor. 10600

(F) All obligations except loan guarantees are negotiable 10601
instruments and securities under Chapter 1308. of the Revised 10602
Code, subject to the provisions of the bond proceedings as to 10603
registration. The obligations may be issued in coupon or in 10604
registered form, or both, as the commissioners of the sinking fund 10605
determine. Provision may be made for the registration of any 10606
obligations with coupons attached thereto as to principal alone or 10607
as to both principal and interest, their exchange for obligations 10608
so registered, and for the conversion or reconversion into 10609
obligations with coupons attached thereto of any obligations 10610
registered as to both principal and interest, and for reasonable 10611
charges for such registration, exchange, conversion, and 10612
reconversion. 10613

(G) Obligations may be sold at public sale or at private 10614
sale, as determined in the bond proceedings. 10615

(H) Pending preparation of definitive obligations, the 10616
commissioners of the sinking fund may issue interim receipts or 10617
certificates which shall be exchanged for such definitive 10618
obligations. 10619

(I) In the discretion of the commissioners of the sinking 10620
fund, obligations may be secured additionally by a trust agreement 10621
or indenture between the commissioners and a corporate trustee, 10622
which may be any trust company or bank having its principal place 10623
of business within the state. Any such agreement or indenture may 10624
contain the resolution authorizing the issuance of the 10625
obligations, any provisions that may be contained in any bond 10626
proceedings, and other provisions that are customary or 10627
appropriate in an agreement or indenture of such type, including, 10628
but not limited to: 10629

(1) Maintenance of each pledge, trust agreement, indenture, 10630
or other instrument comprising part of the bond proceedings until 10631
the state has fully paid the bond service charges on the 10632
obligations secured thereby, or provision therefor has been made; 10633

(2) In the event of default in any payments required to be 10634
made by the bond proceedings, or any other agreement of the 10635
commissioners of the sinking fund made as a part of the contract 10636
under which the obligations were issued, enforcement of such 10637
payments or agreement by mandamus, the appointment of a receiver, 10638
suit in equity, action at law, or any combination of the 10639
foregoing; 10640

(3) The rights and remedies of the holders of obligations and 10641
of the trustee, and provisions for protecting and enforcing them, 10642
including limitations on rights of individual holders of 10643
obligations; 10644

(4) The replacement of any obligations that become mutilated 10645
or are destroyed, lost, or stolen; 10646

(5) Such other provisions as the trustee and the 10647
commissioners of the sinking fund agree upon, including 10648
limitations, conditions, or qualifications relating to any of the 10649
foregoing. 10650

(J) Any holder of obligations or a trustee under the bond 10651
proceedings, except to the extent that the holder's rights are 10652
restricted by the bond proceedings, may by any suitable form of 10653
legal proceedings protect and enforce any rights under the laws of 10654
this state or granted by such bond proceedings. Such rights 10655
include the right to compel the performance of all duties of the 10656
commissioners of the sinking fund, the ~~director of development~~ 10657
Ohio air quality development authority, or the Ohio coal 10658
development office required by this chapter and Chapter 1551. of 10659
the Revised Code or the bond proceedings; to enjoin unlawful 10660

activities; and in the event of default with respect to the 10661
payment of any bond service charges on any obligations or in the 10662
performance of any covenant or agreement on the part of the 10663
commissioners, the ~~director~~ authority, or the office in the bond 10664
proceedings, to apply to a court having jurisdiction of the cause 10665
to appoint a receiver to receive and administer the moneys 10666
pledged, other than those in the custody of the treasurer of 10667
state, that are pledged to the payment of the bond service charges 10668
on such obligations or that are the subject of the covenant or 10669
agreement, with full power to pay, and to provide for payment of 10670
bond service charges on, such obligations, and with such powers, 10671
subject to the direction of the court, as are accorded receivers 10672
in general equity cases, excluding any power to pledge additional 10673
revenues or receipts or other income or moneys of the 10674
commissioners of the sinking fund or the state or governmental 10675
agencies of the state to the payment of such principal and 10676
interest and excluding the power to take possession of, mortgage, 10677
or cause the sale or otherwise dispose of any project. 10678

Each duty of the commissioners of the sinking fund and their 10679
employees, and of each governmental agency and its officers, 10680
members, or employees, undertaken pursuant to the bond proceedings 10681
or any grant, loan, or loan guarantee agreement made under 10682
authority of this chapter, and in every agreement by or with the 10683
commissioners, is hereby established as a duty of the 10684
commissioners, and of each such officer, member, or employee 10685
having authority to perform such duty, specifically enjoined by 10686
the law resulting from an office, trust, or station within the 10687
meaning of section 2731.01 of the Revised Code. 10688

The persons who are at the time the commissioners of the 10689
sinking fund, or their employees, are not liable in their personal 10690
capacities on any obligations issued by the commissioners or any 10691
agreements of or with the commissioners. 10692

(K) Obligations issued under this section are lawful 10693
investments for banks, societies for savings, savings and loan 10694
associations, deposit guarantee associations, trust companies, 10695
trustees, fiduciaries, insurance companies, including domestic for 10696
life and domestic not for life, trustees or other officers having 10697
charge of sinking and bond retirement or other special funds of 10698
political subdivisions and taxing districts of this state, the 10699
commissioners of the sinking fund of the state, the administrator 10700
of workers' compensation, the state teachers retirement system, 10701
the public employees retirement system, the school employees 10702
retirement system, and the Ohio police and fire pension fund, 10703
notwithstanding any other provisions of the Revised Code or rules 10704
adopted pursuant thereto by any governmental agency of the state 10705
with respect to investments by them, and are also acceptable as 10706
security for the deposit of public moneys. 10707

(L) If the law or the instrument creating a trust pursuant to 10708
division (I) of this section expressly permits investment in 10709
direct obligations of the United States or an agency of the United 10710
States, unless expressly prohibited by the instrument, such moneys 10711
also may be invested in no-front-end-load money market mutual 10712
funds consisting exclusively of obligations of the United States 10713
or an agency of the United States and in repurchase agreements, 10714
including those issued by the fiduciary itself, secured by 10715
obligations of the United States or an agency of the United 10716
States; and in collective investment funds established in 10717
accordance with section 1111.14 of the Revised Code and consisting 10718
exclusively of any such securities, notwithstanding division 10719
(A)(1)(c) of that section. The income from such investments shall 10720
be credited to such funds as the commissioners of the sinking fund 10721
determine, and such investments may be sold at such times as the 10722
commissioners determine or authorize. 10723

(M) Provision may be made in the applicable bond proceedings 10724

for the establishment of separate accounts in the bond service 10725
fund and for the application of such accounts only to the 10726
specified bond service charges on obligations pertinent to such 10727
accounts and bond service fund and for other accounts therein 10728
within the general purposes of such fund. Moneys to the credit of 10729
the bond service fund shall be disbursed on the order of the 10730
treasurer of state; provided, that no such order is required for 10731
the payment from the bond service fund when due of bond service 10732
charges on obligations. 10733

(N) The commissioners of the sinking fund may pledge all, or 10734
such portion as they determine, of the receipts of the bond 10735
service fund to the payment of bond service charges on obligations 10736
issued under this section, and for the establishment and 10737
maintenance of any reserves, as provided in the bond proceedings, 10738
and make other provisions therein with respect to pledged receipts 10739
as authorized by this chapter, which provisions control 10740
notwithstanding any other provisions of law pertaining thereto. 10741

(O) The commissioners of the sinking fund may covenant in the 10742
bond proceedings, and any such covenants control notwithstanding 10743
any other provision of law, that the state and applicable officers 10744
and governmental agencies of the state, including the general 10745
assembly, so long as any obligations are outstanding, shall: 10746

(1) Maintain statutory authority for and cause to be levied 10747
and collected taxes so that the pledged receipts are sufficient in 10748
amount to meet bond service charges, and the establishment and 10749
maintenance of any reserves and other requirements provided for in 10750
the bond proceedings, and, as necessary, to meet covenants 10751
contained in any loan guarantees made under this chapter; 10752

(2) Take or permit no action, by statute or otherwise, that 10753
would impair the exemption from federal income taxation of the 10754
interest on the obligations. 10755

(P) All moneys received by or on account of the state and 10756
required by the applicable bond proceedings, consistent with this 10757
section, to be deposited, transferred, or credited to the coal 10758
research and development bond service fund, and all other moneys 10759
transferred or allocated to or received for the purposes of the 10760
fund, shall be credited to such fund and to any separate accounts 10761
therein, subject to applicable provisions of the bond proceedings, 10762
but without necessity for any act of appropriation. During the 10763
period beginning with the date of the first issuance of 10764
obligations and continuing during such time as any such 10765
obligations are outstanding, and so long as moneys in the bond 10766
service fund are insufficient to pay all bond service charges on 10767
such obligations becoming due in each year, a sufficient amount of 10768
moneys of the state are committed and shall be paid to the bond 10769
service fund in each year for the purpose of paying the bond 10770
service charges becoming due in that year without necessity for 10771
further act of appropriation for such purpose. The bond service 10772
fund is a trust fund and is hereby pledged to the payment of bond 10773
service charges to the extent provided in the applicable bond 10774
proceedings, and payment thereof from such fund shall be made or 10775
provided for by the treasurer of state in accordance with such 10776
bond proceedings without necessity for any act of appropriation. 10777
All investment earnings of the fund shall be credited to the fund. 10778

(Q) For purposes of establishing the limitations contained in 10779
Section 15 of Article VIII, Ohio Constitution, the "principal 10780
amount" refers to the aggregate of the offering price of the bonds 10781
or notes. "Principal amount" does not refer to the aggregate value 10782
at maturity or redemption of the bonds or notes. 10783

(R) This section applies only with respect to obligations 10784
issued and delivered prior to September 30, 2000. 10785

Sec. 1555.17. All final actions of the director of the Ohio 10786

coal development office shall be journalized and such journal 10787
shall be open to inspection of the public at all reasonable times. 10788
Any materials or data, to the extent that they consist of trade 10789
secrets, as defined in section 1333.61 of the Revised Code, or 10790
other proprietary information, that are submitted or made 10791
available to, or received by, the ~~director of development~~ Ohio air 10792
quality development authority or the director of the Ohio coal 10793
development office, in connection with agreements for assistance 10794
entered into under this chapter or Chapter ~~1555.~~ 1551. of the 10795
Revised Code, or any information taken from those materials or 10796
data, are not public records for the ~~proposes~~ purposes of section 10797
149.43 of the Revised Code. 10798

Sec. 2101.16. (A) The fees enumerated in this division shall 10799
be charged and collected, if possible, by the probate judge and 10800
shall be in full for all services rendered in the respective 10801
proceedings: 10802

- | | | |
|--|---------|-------|
| (1) Account, in addition to advertising charges | \$12.00 | 10803 |
| Waivers and proof of notice of hearing on account, per | | 10804 |
| page, minimum one dollar | \$ 1.00 | 10805 |
| (2) Account of distribution, in addition to | | 10806 |
| advertising charges | \$ 7.00 | 10807 |
| (3) Adoption of child, petition for | \$50.00 | 10808 |
| (4) Alter or cancel contract for sale or purchase of | | 10809 |
| real estate, petition to | \$20.00 | 10810 |
| (5) Application and order not otherwise provided | | 10811 |
| for in this section or by rule adopted pursuant to | | 10812 |
| division (E) of this section | \$ 5.00 | 10813 |
| (6) Appropriation suit, per day, hearing in | \$20.00 | 10814 |
| (7) Birth, application for registration of | \$ 7.00 | 10815 |
| (8) Birth record, application to correct | \$ 5.00 | 10816 |
| (9) Bond, application for new or additional | \$ 5.00 | 10817 |
| (10) Bond, application for release of surety or | | 10818 |

reduction of	\$ 5.00	10819
(11) Bond, receipt for securities deposited in lieu of	\$ 5.00	10820
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	\$ 1.00	10821 10822
(13) Citation and issuing citation, application for	\$ 5.00	10823
(14) Change of name, petition for	\$20.00	10824
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	\$10.00	10825 10826
(16) Claim, application to compromise or settle	\$10.00	10827
(17) Claim, authority to present	\$10.00	10828
(18) Commissioner, appointment of	\$ 5.00	10829
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	\$ 5.00	10830 10831
(20) Competency, application to procure adjudication of ...	\$20.00	10832
(21) Complete contract, application to	\$10.00	10833
(22) Concealment of assets, citation for	\$10.00	10834
(23) Construction of will, petition for	\$20.00	10835
(24) Continue decedent's business, application to	\$10.00	10836
Monthly reports of operation	\$ 5.00	10837
(25) Declaratory judgment, petition for	\$20.00	10838
(26) Deposit of will	\$ 5.00	10839
(27) Designation of heir	\$20.00	10840
(28) Distribution in kind, application, assent, and order for	\$ 5.00	10841 10842
(29) Distribution under section 2109.36 of the Revised Code, application for an order of	\$ 7.00	10843 10844
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	\$15.00	10845 10846 10847
(31) Exceptions to any proceeding named in this section, contest of appointment or	\$10.00	10848 10849
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	\$10.00	10850 10851

(33)	Election of surviving spouse under will	\$ 5.00	10852
(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	10855
(35)	Foreign will, application to record	\$10.00	10856
	Record of foreign will, additional, per page	\$ 1.00	10857
(36)	Forms when supplied by the probate court, not to exceed	\$10.00	10859
(37)	Heirship, petition to determine	\$20.00	10860
(38)	Injunction proceedings	\$20.00	10861
(39)	Improve real estate, petition to	\$20.00	10862
(40)	Inventory with appraisalment	\$10.00	10863
(41)	Inventory without appraisalment	\$ 7.00	10864
(42)	Investment or expenditure of funds, application for ..	\$10.00	10865
(43)	Invest in real estate, application to	\$10.00	10866
(44)	Lease for oil, gas, coal, or other mineral, petition to	\$20.00	10868
(45)	Lease or lease and improve real estate, petition to ..	\$20.00	10869
(46)	Marriage license	\$10.00	10870
	Certified abstract of each marriage	\$ 2.00	10871
(47)	Minor or mentally ill person, etc., disposal of estate under ten thousand dollars of	\$10.00	10873
(48)	Mortgage or mortgage and repair or improve real estate, petition to	\$20.00	10875
(49)	Newly discovered assets, report of	\$ 7.00	10876
(50)	Nonresident executor or administrator to bar creditors' claims, proceedings by	\$20.00	10878
(51)	Power of attorney or revocation of power, bonding company	\$10.00	10880
(52)	Presumption of death, petition to establish	\$20.00	10881
(53)	Probating will	\$15.00	10882
	Proof of notice to beneficiaries	\$ 5.00	10883
(54)	Purchase personal property, application of surviving		10884

spouse to	\$10.00	10885
(55) Purchase real estate at appraised value, petition of surviving spouse to	\$20.00	10886 10887
(56) Receipts in addition to advertising charges, application and order to record	\$ 5.00	10888 10889
Record of those receipts, additional, per page	\$ 1.00	10890
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	\$ 1.00	10891 10892
(58) Release of estate by mortgagee or other lienholder ...	\$ 5.00	10893
(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	10894 10895 10896 10897
(60) Removal of fiduciary, application for	\$10.00	10898
(61) Requalification of executor or administrator	\$10.00	10899
(62) Resignation of fiduciary	\$ 5.00	10900
(63) Sale bill, public sale of personal property	\$10.00	10901
(64) Sale of personal property and report, application for	\$10.00	10902 10903
(65) Sale of real estate, petition for	\$25.00	10904
(66) Terminate guardianship, petition to	\$10.00	10905
(67) Transfer of real estate, application, entry, and certificate for	\$ 7.00	10906 10907
(68) Unclaimed money, application to invest	\$ 7.00	10908
(69) Vacate approval of account or order of distribution, motion to	\$10.00	10909 10910
(70) Writ of execution	\$ 5.00	10911
(71) Writ of possession	\$ 5.00	10912
(72) Wrongful death, application and settlement of claim for	\$20.00	10913 10914
(73) Year's allowance, petition to review	\$ 7.00	10915
(74) Guardian's report, filing and review of	\$ 5.00	10916
(B)(1) In relation to an application for the appointment of a		10917

guardian or the review of a report of a guardian under section 10918
2111.49 of the Revised Code, the probate court, pursuant to court 10919
order or in accordance with a court rule, may direct that the 10920
applicant or the estate pay any or all of the expenses of an 10921
investigation conducted pursuant to section 2111.041 or division 10922
(A)(2) of section 2111.49 of the Revised Code. If the 10923
investigation is conducted by a public employee or investigator 10924
who is paid by the county, the fees for the investigation shall be 10925
paid into the county treasury. If the court finds that an alleged 10926
incompetent or a ward is indigent, the court may waive the costs, 10927
fees, and expenses of an investigation. 10928

(2) In relation to the appointment or functioning of a 10929
guardian for a minor or the guardianship of a minor, the probate 10930
court may direct that the applicant or the estate pay any or all 10931
of the expenses of an investigation conducted pursuant to section 10932
2111.042 of the Revised Code. If the investigation is conducted by 10933
a public employee or investigator who is paid by the county, the 10934
fees for the investigation shall be paid into the county treasury. 10935
If the court finds that the guardian or applicant is indigent, the 10936
court may waive the costs, fees, and expenses of an investigation. 10937

(C) Thirty dollars of the thirty-five-dollar fee collected 10938
pursuant to division (A)(34) of this section and twenty dollars of 10939
the sixty-dollar fee collected pursuant to division (A)(59) of 10940
this section shall be deposited by the county treasurer in the 10941
indigent guardianship fund created pursuant to section 2111.51 of 10942
the Revised Code. 10943

(D) The fees of witnesses, jurors, sheriffs, coroners, and 10944
constables for services rendered in the probate court or by order 10945
of the probate judge shall be the same as provided for like 10946
services in the court of common pleas. 10947

(E) The probate court, by rule, may require an advance 10948
deposit for costs, not to exceed one hundred twenty-five dollars, 10949

at the time application is made for an appointment as executor or 10950
administrator or at the time a will is presented for probate. 10951

(F) The probate court, by rule, shall establish a reasonable 10952
fee, not to exceed fifty dollars, for the filing of a petition for 10953
the release of information regarding an adopted person's name by 10954
birth and the identity of the adopted person's biological parents 10955
and biological siblings pursuant to section 3107.41 of the Revised 10956
Code, all proceedings relative to the petition, the entry of an 10957
order relative to the petition, and all services required to be 10958
performed in connection with the petition. The probate court may 10959
use a reasonable portion of a fee charged under authority of this 10960
division to reimburse any agency, as defined in section 3107.39 of 10961
the Revised Code, for any services it renders in performing a task 10962
described in section 3107.41 of the Revised Code relative to or in 10963
connection with the petition for which the fee was charged. 10964

(G)(1) Thirty dollars of the fifty-dollar fee collected 10965
pursuant to division (A)(3) of this section shall be deposited 10966
into the "putative father registry fund," which is hereby created 10967
in the state treasury. The department of job and family services 10968
shall use the money in the fund to fund the department's costs of 10969
performing its duties related to the putative father registry 10970
established under section 3107.062 of the Revised Code. 10971

(2) If the department determines that money in the putative 10972
father registry fund is more than is needed for its duties related 10973
to the putative father registry, the department may use the 10974
surplus moneys in the fund as permitted in division (C) of section 10975
2151.3529, division (B) of section 2151.3530, or section 5103.155 10976
of the Revised Code. 10977

Sec. 2113.041. (A) The administrator of the estate recovery 10978
program established pursuant to section 5111.11 of the Revised 10979
Code may present an affidavit to a financial institution 10980

requesting that the financial institution release account proceeds 10981
to recover the cost of services correctly provided to a medicaid 10982
recipient. The affidavit shall include all of the following 10983
information: 10984

(1) The name of the decedent; 10985

(2) The name of any person who gave notice that the decedent 10986
was a medicaid recipient and that person's relationship to the 10987
decedent; 10988

(3) The name of the financial institution; 10989

(4) The account number; 10990

(5) A description of the claim for estate recovery; 10991

(6) The amount of funds to be recovered. 10992

(B) A financial institution may release account proceeds to 10993
the administrator of the estate recovery program if all of the 10994
following apply: 10995

(1) The decedent held an account at the financial institution 10996
that was in the decedent's name only. 10997

(2) No estate has been, and it is reasonable to assume that 10998
no estate will be, opened for the decedent. 10999

(3) The decedent has no outstanding debts known to the 11000
administrator of the estate recovery program. 11001

(4) The financial institution has received no objections or 11002
has determined that no valid objections to release of proceeds 11003
have been received. 11004

(C) If proceeds have been released pursuant to division (B) 11005
of this section and the department of job and family services 11006
receives notice of a valid claim to the proceeds that has a higher 11007
priority under section 2117.25 of the Revised Code than the claim 11008
of the estate recovery program, the department may refund the 11009

proceeds to the financial institution or pay them to the person or 11010
government entity with the claim. 11011

Sec. 2117.06. (A) All creditors having claims against an 11012
estate, including claims arising out of contract, out of tort, on 11013
cognovit notes, or on judgments, whether due or not due, secured 11014
or unsecured, liquidated or unliquidated, shall present their 11015
claims in one of the following manners: 11016

(1) To the executor or administrator in a writing; 11017

(2) To the executor or administrator in a writing, and to the 11018
probate court by filing a copy of the writing with it; 11019

(3) In a writing that is sent by ordinary mail addressed to 11020
the decedent and that is actually received by the executor or 11021
administrator within the appropriate time specified in division 11022
(B) of this section. For purposes of this division, if an executor 11023
or administrator is not a natural person, the writing shall be 11024
considered as being actually received by the executor or 11025
administrator only if the person charged with the primary 11026
responsibility of administering the estate of the decedent 11027
actually receives the writing within the appropriate time 11028
specified in division (B) of this section. 11029

(B) ~~All~~ Except as provided in section 2117.061 of the Revised 11030
Code, all claims shall be presented within one year after the 11031
death of the decedent, whether or not the estate is released from 11032
administration or an executor or administrator is appointed during 11033
that one-year period. Every claim presented shall set forth the 11034
claimant's address. 11035

(C) ~~A~~ Except as provided in section 2117.061 of the Revised 11036
Code, a claim that is not presented within one year after the 11037
death of the decedent shall be forever barred as to all parties, 11038
including, but not limited to, devisees, legatees, and 11039

distributees. No payment shall be made on the claim and no action 11040
shall be maintained on the claim, except as otherwise provided in 11041
sections 2117.37 to 2117.42 of the Revised Code with reference to 11042
contingent claims. 11043

(D) In the absence of any prior demand for allowance, the 11044
executor or administrator shall allow or reject all claims, except 11045
tax assessment claims, within thirty days after their 11046
presentation, provided that failure of the executor or 11047
administrator to allow or reject within that time shall not 11048
prevent the executor or administrator from doing so after that 11049
time and shall not prejudice the rights of any claimant. Upon the 11050
allowance of a claim, the executor or the administrator, on demand 11051
of the creditor, shall furnish the creditor with a written 11052
statement or memorandum of the fact and date of the allowance. 11053

(E) If the executor or administrator has actual knowledge of 11054
a pending action commenced against the decedent prior to the 11055
decedent's death in a court of record in this state, the executor 11056
or administrator shall file a notice of the appointment of the 11057
executor or administrator in the pending action within ten days 11058
after acquiring that knowledge. If the administrator or executor 11059
is not a natural person, actual knowledge of a pending suit 11060
against the decedent shall be limited to the actual knowledge of 11061
the person charged with the primary responsibility of 11062
administering the estate of the decedent. Failure to file the 11063
notice within the ten-day period does not extend the claim period 11064
established by this section. 11065

(F) This section applies to any person who is required to 11066
give written notice to the executor or administrator of a motion 11067
or application to revive an action pending against the decedent at 11068
the date of the death of the decedent. 11069

(G) Nothing in this section or in section 2117.07 of the 11070
Revised Code shall be construed to reduce the time mentioned in 11071

section 2125.02, 2305.09, 2305.10, 2305.11, 2305.113, or 2305.12 11072
of the Revised Code, provided that no portion of any recovery on a 11073
claim brought pursuant to any of those sections shall come from 11074
the assets of an estate unless the claim has been presented 11075
against the estate in accordance with Chapter 2117. of the Revised 11076
Code. 11077

(H) Any person whose claim has been presented and has not 11078
been rejected after presentment is a creditor as that term is used 11079
in Chapters 2113. to 2125. of the Revised Code. Claims that are 11080
contingent need not be presented except as provided in sections 11081
2117.37 to 2117.42 of the Revised Code, but, whether presented 11082
pursuant to those sections or this section, contingent claims may 11083
be presented in any of the manners described in division (A) of 11084
this section. 11085

(I) If a creditor presents a claim against an estate in 11086
accordance with division (A)(2) of this section, the probate court 11087
shall not close the administration of the estate until that claim 11088
is allowed or rejected. 11089

(J) The probate court shall not require an executor or 11090
administrator to make and return into the court a schedule of 11091
claims against the estate. 11092

(K) If the executor or administrator makes a distribution of 11093
the assets of the estate prior to the expiration of the time for 11094
the filing of claims as set forth in this section, the executor or 11095
administrator shall provide notice on the account delivered to 11096
each distributee that the distributee may be liable to the estate 11097
up to the value of the distribution and may be required to return 11098
all or any part of the value of the distribution if a valid claim 11099
is subsequently made against the estate within the time permitted 11100
under this section. 11101

Sec. 2117.061. (A) As used in this section, "person" 11102

responsible for the estate" means the executor, administrator, commissioner, or person who filed pursuant to section 2113.03 of the Revised Code for release from administration of an estate. 11103
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(B) If the decedent was fifty-five years of age or older at the time of death, the person responsible for an estate shall determine whether the decedent was a recipient of medical assistance under Chapter 5111. of the Revised Code. If the decedent was a recipient, the person responsible for the estate shall give written notice to that effect to the administrator of the estate recovery program instituted under section 5111.11 of the Revised Code not later than thirty days after the occurrence of any of the following: 11106
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(1) The granting of letters testamentary; 11115

(2) The administration of the estate; 11116

(3) The filing of an application for release from administration or summary release from administration. 11117
11118

(C) The person responsible for an estate shall mark the appropriate box on the appropriate probate form to indicate compliance with the requirements of division (B) of this section. 11119
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11121

(D) The estate recovery program administrator shall present a claim for estate recovery to the person responsible for the estate or the person's legal representative not later than ninety days after the date on which notice is received under division (B) of this section or one year after the decedent's death, whichever is later. 11122
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Sec. 2117.25. (A) Every executor or administrator shall proceed with diligence to pay the debts of the decedent and shall apply the assets in the following order: 11128
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11130

(1) Costs and expenses of administration; 11131

(2) An amount, not exceeding two thousand dollars, for 11132

funeral expenses that are included in the bill of a funeral director, funeral expenses other than those in the bill of a funeral director that are approved by the probate court, and an amount, not exceeding two thousand dollars, for burial and cemetery expenses, including that portion of the funeral director's bill allocated to cemetery expenses that have been paid to the cemetery by the funeral director.

For purposes of this division, burial and cemetery expenses shall be limited to the following:

(a) The purchase of a place of interment;

(b) Monuments or other markers;

(c) The outer burial container;

(d) The cost of opening and closing the place of interment;

(e) The urn.

(3) The allowance for support made to the surviving spouse, minor children, or both under section 2106.13 of the Revised Code;

(4) Debts entitled to a preference under the laws of the United States;

(5) Expenses of the last sickness of the decedent;

(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;

(7) Personal property taxes, claims made under the estate recovery program instituted pursuant to section 5111.11 of the Revised Code, and obligations for which the decedent was personally liable to the state or any of its subdivisions;

(8) Debts for manual labor performed for the decedent within

twelve months preceding the decedent's death, not exceeding three 11162
hundred dollars to any one person; 11163

(9) Other debts for which claims have been presented and 11164
finally allowed. 11165

(B) The part of the bill of a funeral director that exceeds 11166
the total of three thousand dollars as described in divisions 11167
(A)(2) and (6) of this section, and the part of a claim included 11168
in division (A)(8) of this section that exceeds three hundred 11169
dollars shall be included as a debt under division (A)(9) of this 11170
section, depending upon the time when the claim for the additional 11171
amount is presented. 11172

(C) Any natural person or fiduciary who pays a claim of any 11173
creditor described in division (A) of this section shall be 11174
subrogated to the rights of that creditor proportionate to the 11175
amount of the payment and shall be entitled to reimbursement for 11176
that amount in accordance with the priority of payments set forth 11177
in that division. 11178

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 11179
to the manner in which and the time within which claims shall be 11180
presented, shall apply to claims set forth in divisions (A)(2), 11181
(6), and (8) of this section. Claims for an expense of 11182
administration or for the allowance for support need not be 11183
presented. The executor or administrator shall pay debts included 11184
in divisions (A)(4) and (7) of this section, of which the executor 11185
or administrator has knowledge, regardless of presentation. 11186

(2) The giving of written notice to an executor or 11187
administrator of a motion or application to revive an action 11188
pending against the decedent at the date of death shall be 11189
equivalent to the presentation of a claim to the executor or 11190
administrator for the purpose of determining the order of payment 11191
of any judgment rendered or decree entered in such an action. 11192

(E) No payments shall be made to creditors of one class until 11193
all those of the preceding class are fully paid or provided for. 11194
If the assets are insufficient to pay all the claims of one class, 11195
the creditors of that class shall be paid ratably. 11196

(F) If it appears at any time that the assets have been 11197
exhausted in paying prior or preferred charges, allowances, or 11198
claims, those payments shall be a bar to an action on any claim 11199
not entitled to that priority or preference. 11200

Sec. 2151.011. (A) As used in the Revised Code: 11201

(1) "Juvenile court" means whichever of the following is 11202
applicable that has jurisdiction under this chapter and Chapter 11203
2152. of the Revised Code: 11204

(a) The division of the court of common pleas specified in 11205
section 2101.022 or 2301.03 of the Revised Code as having 11206
jurisdiction under this chapter and Chapter 2152. of the Revised 11207
Code or as being the juvenile division or the juvenile division 11208
combined with one or more other divisions; 11209

(b) The juvenile court of Cuyahoga county or Hamilton county 11210
that is separately and independently created by section 2151.08 or 11211
Chapter 2153. of the Revised Code and that has jurisdiction under 11212
this chapter and Chapter 2152. of the Revised Code; 11213

(c) If division (A)(1)(a) or (b) of this section does not 11214
apply, the probate division of the court of common pleas. 11215

(2) "Juvenile judge" means a judge of a court having 11216
jurisdiction under this chapter. 11217

(3) "Private child placing agency" means any association, as 11218
defined in section 5103.02 of the Revised Code, that is certified 11219
under section 5103.03 of the Revised Code to accept temporary, 11220
permanent, or legal custody of children and place the children for 11221
either foster care or adoption. 11222

(4) "Private noncustodial agency" means any person,	11223
organization, association, or society certified by the department	11224
of job and family services that does not accept temporary or	11225
permanent legal custody of children, that is privately operated in	11226
this state, and that does one or more of the following:	11227
(a) Receives and cares for children for two or more	11228
consecutive weeks;	11229
(b) Participates in the placement of children in certified	11230
foster homes;	11231
(c) Provides adoption services in conjunction with a public	11232
children services agency or private child placing agency.	11233
(B) As used in this chapter:	11234
(1) "Adequate parental care" means the provision by a child's	11235
parent or parents, guardian, or custodian of adequate food,	11236
clothing, and shelter to ensure the child's health and physical	11237
safety and the provision by a child's parent or parents of	11238
specialized services warranted by the child's physical or mental	11239
needs.	11240
(2) "Adult" means an individual who is eighteen years of age	11241
or older.	11242
(3) "Agreement for temporary custody" means a voluntary	11243
agreement authorized by section 5103.15 of the Revised Code that	11244
transfers the temporary custody of a child to a public children	11245
services agency or a private child placing agency.	11246
(4) "Certified foster home" means a foster home, as defined	11247
in section 5103.02 of the Revised Code, certified under section	11248
5103.03 of the Revised Code.	11249
(5) "Child" means a person who is under eighteen years of	11250
age, except that the juvenile court has jurisdiction over any	11251
person who is adjudicated an unruly child prior to attaining	11252

eighteen years of age until the person attains twenty-one years of 11253
age, and, for purposes of that jurisdiction related to that 11254
adjudication, a person who is so adjudicated an unruly child shall 11255
be deemed a "child" until the person attains twenty-one years of 11256
age. 11257

(6) "Child day camp," "child day-care," "child day-care 11258
center," "part-time child day-care center," "type A family 11259
day-care home," "certified type B family day-care home," "type B 11260
home," "administrator of a child day-care center," "administrator 11261
of a type A family day-care home," "in-home aide," and "authorized 11262
provider" have the same meanings as in section 5104.01 of the 11263
Revised Code. 11264

(7) "Child day-care provider" means an individual who is a 11265
child-care staff member or administrator of a child day-care 11266
center, a type A family day-care home, or a type B family day-care 11267
home, or an in-home aide or an individual who is licensed, is 11268
regulated, is approved, operates under the direction of, or 11269
otherwise is certified by the department of job and family 11270
services, department of mental retardation and developmental 11271
disabilities, or the early childhood programs of the department of 11272
education. 11273

(8) "Chronic truant" has the same meaning as in section 11274
2152.02 of the Revised Code. 11275

(9) "Commit" means to vest custody as ordered by the court. 11276

(10) "Counseling" includes both of the following: 11277

(a) General counseling services performed by a public 11278
children services agency or shelter for victims of domestic 11279
violence to assist a child, a child's parents, and a child's 11280
siblings in alleviating identified problems that may cause or have 11281
caused the child to be an abused, neglected, or dependent child. 11282

(b) Psychiatric or psychological therapeutic counseling 11283

services provided to correct or alleviate any mental or emotional 11284
illness or disorder and performed by a licensed psychiatrist, 11285
licensed psychologist, or a person licensed under Chapter 4757. of 11286
the Revised Code to engage in social work or professional 11287
counseling. 11288

(11) "Custodian" means a person who has legal custody of a 11289
child or a public children services agency or private child 11290
placing agency that has permanent, temporary, or legal custody of 11291
a child. 11292

(12) "Delinquent child" has the same meaning as in section 11293
2152.02 of the Revised Code. 11294

(13) "Detention" means the temporary care of children pending 11295
court adjudication or disposition, or execution of a court order, 11296
in a public or private facility designed to physically restrict 11297
the movement and activities of children. 11298

(14) "Developmental disability" has the same meaning as in 11299
section 5123.01 of the Revised Code. 11300

(15) "Foster caregiver" has the same meaning as in section 11301
5103.02 of the Revised Code. 11302

(16) "Guardian" means a person, association, or corporation 11303
that is granted authority by a probate court pursuant to Chapter 11304
2111. of the Revised Code to exercise parental rights over a child 11305
to the extent provided in the court's order and subject to the 11306
residual parental rights of the child's parents. 11307

(17) "Habitual truant" means any child of compulsory school 11308
age who is absent without legitimate excuse for absence from the 11309
public school the child is supposed to attend for five or more 11310
consecutive school days, seven or more school days in one school 11311
month, or twelve or more school days in a school year. 11312

(18) "Juvenile traffic offender" has the same meaning as in 11313

section 2152.02 of the Revised Code. 11314

(19) "Legal custody" means a legal status that vests in the 11315
custodian the right to have physical care and control of the child 11316
and to determine where and with whom the child shall live, and the 11317
right and duty to protect, train, and discipline the child and to 11318
provide the child with food, shelter, education, and medical care, 11319
all subject to any residual parental rights, privileges, and 11320
responsibilities. An individual granted legal custody shall 11321
exercise the rights and responsibilities personally unless 11322
otherwise authorized by any section of the Revised Code or by the 11323
court. 11324

(20) A "legitimate excuse for absence from the public school 11325
the child is supposed to attend" includes, but is not limited to, 11326
any of the following: 11327

(a) The fact that the child in question has enrolled in and 11328
is attending another public or nonpublic school in this or another 11329
state; 11330

(b) The fact that the child in question is excused from 11331
attendance at school for any of the reasons specified in section 11332
3321.04 of the Revised Code; 11333

(c) The fact that the child in question has received an age 11334
and schooling certificate in accordance with section 3331.01 of 11335
the Revised Code. 11336

(21) "Mental illness" and "mentally ill person subject to 11337
hospitalization by court order" have the same meanings as in 11338
section 5122.01 of the Revised Code. 11339

(22) "Mental injury" means any behavioral, cognitive, 11340
emotional, or mental disorder in a child caused by an act or 11341
omission that is described in section 2919.22 of the Revised Code 11342
and is committed by the parent or other person responsible for the 11343
child's care. 11344

(23) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 11345
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(24) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility. 11347
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(25) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 11351
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(26) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere. 11353
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(27) "Out-of-home care" means detention facilities, shelter facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, child day-care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children. 11359
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(28) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care: 11370
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(a) Engaging in sexual activity with a child in the person's care; 11373
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(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;	11375 11376 11377
(c) Use of restraint procedures on a child that cause injury or pain;	11378 11379
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	11380 11381 11382
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	11383 11384 11385 11386 11387
(29) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	11388 11389 11390
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	11391 11392 11393
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	11394 11395 11396 11397
(c) Failure to develop a process for all of the following:	11398
(i) Administration of prescription drugs or psychotropic drugs for the child;	11399 11400
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	11401 11402
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the	11403 11404

drug.	11405
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	11406 11407 11408
(e) Confinement of the child to a locked room without monitoring by staff;	11409 11410
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	11411 11412
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	11413 11414 11415
(30) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	11416 11417 11418 11419 11420 11421
(31) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	11422 11423 11424 11425 11426
(32) "Person responsible for a child's care in out-of-home care" means any of the following:	11427 11428
(a) Any foster caregiver, in-home aide, or provider;	11429
(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution;	11430 11431 11432 11433 11434

residential facility; residential care facility; residential camp; 11435
day camp; hospital; or medical clinic; 11436

(c) Any other person who performs a similar function with 11437
respect to, or has a similar relationship to, children. 11438

(33) "Physically impaired" means having one or more of the 11439
following conditions that substantially limit one or more of an 11440
individual's major life activities, including self-care, receptive 11441
and expressive language, learning, mobility, and self-direction: 11442

(a) A substantial impairment of vision, speech, or hearing; 11443

(b) A congenital orthopedic impairment; 11444

(c) An orthopedic impairment caused by disease, rheumatic 11445
fever or any other similar chronic or acute health problem, or 11446
amputation or another similar cause. 11447

(34) "Placement for adoption" means the arrangement by a 11448
public children services agency or a private child placing agency 11449
with a person for the care and adoption by that person of a child 11450
of whom the agency has permanent custody. 11451

(35) "Placement in foster care" means the arrangement by a 11452
public children services agency or a private child placing agency 11453
for the out-of-home care of a child of whom the agency has 11454
temporary custody or permanent custody. 11455

(36) "Planned permanent living arrangement" means an order of 11456
a juvenile court pursuant to which both of the following apply: 11457

(a) The court gives legal custody of a child to a public 11458
children services agency or a private child placing agency without 11459
the termination of parental rights. 11460

(b) The order permits the agency to make an appropriate 11461
placement of the child and to enter into a written agreement with 11462
a foster care provider or with another person or agency with whom 11463
the child is placed. 11464

(37) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code. 11465
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(38) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code. 11468
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(39) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child. 11472
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(40) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code. 11480
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(41) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 11482
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(42) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes. 11484
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(43) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health under section 5119.22 of the Revised Code and that provides care for a child. 11487
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(44) "Residential facility" means a home or facility that is licensed by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides. 11491
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- (45) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support. 11495
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- (46) "School day" means the school day established by the state board of education of the applicable school district pursuant to section ~~3313.48~~ 3313.481 of the Revised Code. 11502
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- (47) "School ~~month~~ and ~~school~~ year" ~~have~~ has the same ~~meanings~~ meaning as in section 3313.62 of the Revised Code. 11505
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- (48) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition. 11507
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- (49) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code. 11512
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- (50) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition. 11514
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- (51) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 11517
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- (52) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement. 11519
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- (C) For the purposes of this chapter, a child shall be 11524

presumed abandoned when the parents of the child have failed to 11525
visit or maintain contact with the child for more than ninety 11526
days, regardless of whether the parents resume contact with the 11527
child after that period of ninety days. 11528

Sec. 2151.352. A Except as otherwise provided in this 11529
section, a child, ~~or~~ the child's parents, or custodian, or any 11530
other person in loco parentis of ~~such the~~ child is entitled to 11531
representation by legal counsel at all stages of the proceedings 11532
under this chapter or Chapter 2152. of the Revised Code ~~and if,~~ 11533
~~If,~~ as an indigent person, ~~any such person~~ a party is unable to 11534
employ counsel, the party is entitled to have counsel provided for 11535
the person pursuant to Chapter 120. of the Revised Code. If a 11536
party appears without counsel, the court shall ascertain whether 11537
the party knows of the party's right to counsel and of the party's 11538
right to be provided with counsel if the party is an indigent 11539
person. The court may continue the case to enable a party to 11540
obtain counsel or to be represented by the county public defender 11541
or the joint county public defender and shall provide counsel upon 11542
request pursuant to Chapter 120. of the Revised Code. Counsel must 11543
be provided for a child not represented by the child's parent, 11544
guardian, or custodian. If the interests of two or more ~~such~~ 11545
parties conflict, separate counsel shall be provided for each of 11546
them. 11547

This section does not confer the right to court-appointed 11548
counsel in civil actions arising under division (A)(2), (D), or 11549
(F) of section 2151.23 or division (C) of section 3111.13 of the 11550
Revised Code. 11551

Section 2935.14 of the Revised Code applies to any child 11552
taken into custody. The parents, custodian, or guardian of ~~such a~~ 11553
child taken into custody, and any attorney at law representing 11554
them or the child, shall be entitled to visit ~~such the~~ child at 11555

any reasonable time, be present at any hearing involving the 11556
child, and be given reasonable notice of ~~such~~ the hearing. 11557

Any report or part ~~thereof~~ of a report concerning ~~such~~ the 11558
child, which is used in the hearing and is pertinent ~~thereto~~ to 11559
the hearing, shall for good cause shown be made available to any 11560
attorney at law representing ~~such~~ the child and to any attorney at 11561
law representing the parents, custodian, or guardian of ~~such~~ the 11562
child, upon written request prior to any hearing involving ~~such~~ 11563
the child. 11564

Sec. 2151.3529. (A) The director of job and family services 11565
shall promulgate forms designed to gather pertinent medical 11566
information concerning a deserted child and the child's parents. 11567
The forms shall clearly and unambiguously state on each page that 11568
the information requested is to facilitate medical care for the 11569
child, that the forms may be fully or partially completed or left 11570
blank, that completing the forms or parts of the forms is 11571
completely voluntary, and that no adverse legal consequence will 11572
result from failure to complete any part of the forms. 11573

(B) The director shall promulgate written materials to be 11574
given to the parents of a child delivered pursuant to section 11575
2151.3516 of the Revised Code. The materials shall describe 11576
services available to assist parents and newborns and shall 11577
include information directly relevant to situations that might 11578
cause parents to desert a child and information on the procedures 11579
for a person to follow in order to reunite with a child the person 11580
delivered under section 2151.3516 of the Revised Code, including 11581
notice that the person will be required to submit to a DNA test, 11582
at that person's expense, to prove that the person is the parent 11583
of the child. 11584

(C) If the department of job and family services determines 11585
that money in the putative father registry fund created under 11586

section 2101.16 of the Revised Code is more than is needed for its 11587
duties related to the putative father registry, the department may 11588
use surplus moneys in the fund for costs related to the 11589
development and publication of forms and materials promulgated 11590
pursuant to divisions (A) and (B) of this section. 11591

Sec. 2151.3530. (A) The director of job and family services 11592
shall distribute the medical information forms and written 11593
materials promulgated under section 2151.3529 of the Revised Code 11594
to entities permitted to receive a deserted child, to public 11595
children services agencies, and to other public or private 11596
agencies that, in the discretion of the director, are best able to 11597
disseminate the forms and materials to the persons who are most in 11598
need of the forms and materials. 11599

(B) If the department of job and family services determines 11600
that money in the putative father registry fund created under 11601
section 2101.16 of the Revised Code is more than is needed to 11602
perform its duties related to the putative father registry, the 11603
department may use surplus moneys in the fund for costs related to 11604
the distribution of forms and materials pursuant to this section. 11605

Sec. 2151.83. (A) A public children services agency or 11606
private child placing agency, on the request of a young adult, 11607
shall enter into a jointly prepared written agreement with the 11608
young adult that obligates the agency to ensure that independent 11609
living services are provided to the young adult and sets forth the 11610
responsibilities of the young adult regarding the services. The 11611
agreement shall be developed based on the young adult's strengths, 11612
needs, and circumstances ~~and the availability of funds provided~~ 11613
~~pursuant to section 2151.84 of the Revised Code.~~ The agreement 11614
shall be designed to promote the young adult's successful 11615
transition to independent adult living and emotional and economic 11616
self-sufficiency. 11617

(B) If the young adult appears to be eligible for services 11618
from one or more of the following entities, the agency must 11619
contact the appropriate entity to determine eligibility: 11620

(1) An entity, other than the agency, that is represented on 11621
a county family and children first council established pursuant to 11622
section 121.37 of the Revised Code. If the entity is a board of 11623
alcohol, drug addiction, and mental health services, an alcohol 11624
and drug addiction services board, or a community mental health 11625
board, the agency shall contact the provider of alcohol, drug 11626
addiction, or mental health services that has been designated by 11627
the board to determine the young adult's eligibility for services. 11628

(2) The rehabilitation services commission; 11629

(3) A metropolitan housing authority established pursuant to 11630
section 3735.27 of the Revised Code. 11631

If an entity described in this division determines that the 11632
young adult qualifies for services from the entity, that entity, 11633
the young adult, and the agency to which the young adult made the 11634
request for independent living services shall enter into a written 11635
addendum to the jointly prepared agreement entered into under 11636
division (A) of this section. The addendum shall indicate how 11637
services under the agreement and addendum are to be coordinated 11638
and allocate the service responsibilities among the entities and 11639
agency that signed the addendum. 11640

Sec. 2151.84. The department of job and family services shall 11641
establish model agreements that may be used by public children 11642
services agencies and private child placing agencies required to 11643
provide services under an agreement with a young adult pursuant to 11644
section 2151.83 of the Revised Code. The model agreements shall 11645
include provisions describing the specific independent living 11646
services to be provided ~~to the extent funds are provided pursuant~~ 11647

~~to this section, the duration of the services and the agreement, 11648~~
~~the duties and responsibilities of each party under the agreement, 11649~~
~~and grievance procedures regarding disputes that arise regarding 11650~~
~~the agreement or services provided under it. 11651~~

~~To facilitate the provision of independent living services, 11652~~
~~the department shall provide funds to meet the requirement of 11653~~
~~state matching funds needed to qualify for federal funds under the 11654~~
~~"Foster Care Independence Act of 1999," 113 Stat. 1822 (1999), 42 11655~~
~~U.S.C. 677, as amended. The department shall seek controlling 11656~~
~~board approval of any fund transfers necessary to meet this 11657~~
~~requirement. 11658~~

Sec. 2301.58. (A) The director of the community-based 11659
correctional facility or district community-based correctional 11660
facility may establish a commissary for the facility. The 11661
commissary may be established either in-house or by another 11662
arrangement. If a commissary is established, all persons 11663
incarcerated in the facility shall receive commissary privileges. 11664
A person's purchases from the commissary shall be deducted from 11665
the person's account record in the facility's business office. The 11666
commissary shall provide for the distribution to indigent persons 11667
incarcerated in the facility necessary hygiene articles and 11668
writing materials. 11669

(B) If a commissary is established, the director of the 11670
community-based correctional facility or district community-based 11671
correctional facility shall establish a commissary fund for the 11672
facility. The management of funds in the commissary fund shall be 11673
strictly controlled in accordance with procedures adopted by the 11674
auditor of state. Commissary fund revenue over and above operating 11675
costs and reserve shall be considered profits. All profits from 11676
the commissary fund shall be used to purchase supplies and 11677
equipment for the benefit of persons incarcerated in the facility 11678

and to pay salary and benefits for employees of the facility, or 11679
for any other persons, who work in or are employed for the sole 11680
purpose of providing service to the commissary. The director of 11681
the community-based correctional facility or district 11682
community-based correctional facility shall adopt rules and 11683
regulations for the operation of any commissary fund the director 11684
establishes. 11685

Sec. 2305.234. (A) As used in this section: 11686

(1) "Chiropractic claim," "medical claim," and "optometric 11687
claim" have the same meanings as in section 2305.113 of the 11688
Revised Code. 11689

(2) "Dental claim" has the same meaning as in section 11690
2305.113 of the Revised Code, except that it does not include any 11691
claim arising out of a dental operation or any derivative claim 11692
for relief that arises out of a dental operation. 11693

(3) "Governmental health care program" has the same meaning 11694
as in section 4731.65 of the Revised Code. 11695

(4) "Health care professional" means any of the following who 11696
provide medical, dental, or other health-related diagnosis, care, 11697
or treatment: 11698

(a) Physicians authorized under Chapter 4731. of the Revised 11699
Code to practice medicine and surgery or osteopathic medicine and 11700
surgery; 11701

(b) Registered nurses, advanced practice nurses, and licensed 11702
practical nurses licensed under Chapter 4723. of the Revised Code; 11703

(c) Physician assistants authorized to practice under Chapter 11704
4730. of the Revised Code; 11705

(d) Dentists and dental hygienists licensed under Chapter 11706
4715. of the Revised Code; 11707

(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	11708 11709
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	11710 11711
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	11712 11713
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	11714 11715
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	11716 11717
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	11718 11719
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code.	11720 11721 11722 11723
(5) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities.	11724 11725 11726 11727 11728 11729 11730
(6) "Indigent and uninsured person" means a person who meets all of the following requirements:	11731 11732
(a) The person's income is not greater than one hundred fifty per cent of the current poverty line as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended.	11733 11734 11735 11736 11737

(b) The person is not eligible to receive medical assistance 11738
under Chapter 5111., disability ~~assistance~~ medical assistance 11739
under Chapter 5115. of the Revised Code, or assistance under any 11740
other governmental health care program. 11741

(c) Either of the following applies: 11742

(i) The person is not a policyholder, certificate holder, 11743
insured, contract holder, subscriber, enrollee, member, 11744
beneficiary, or other covered individual under a health insurance 11745
or health care policy, contract, or plan. 11746

(ii) The person is a policyholder, certificate holder, 11747
insured, contract holder, subscriber, enrollee, member, 11748
beneficiary, or other covered individual under a health insurance 11749
or health care policy, contract, or plan, but the insurer, policy, 11750
contract, or plan denies coverage or is the subject of insolvency 11751
or bankruptcy proceedings in any jurisdiction. 11752

(7) "Operation" means any procedure that involves cutting or 11753
otherwise infiltrating human tissue by mechanical means, including 11754
surgery, laser surgery, ionizing radiation, therapeutic 11755
ultrasound, or the removal of intraocular foreign bodies. 11756
"Operation" does not include the administration of medication by 11757
injection, unless the injection is administered in conjunction 11758
with a procedure infiltrating human tissue by mechanical means 11759
other than the administration of medicine by injection. 11760

(8) "Nonprofit shelter or health care facility" means a 11761
charitable nonprofit corporation organized and operated pursuant 11762
to Chapter 1702. of the Revised Code, or any charitable 11763
organization not organized and not operated for profit, that 11764
provides shelter, health care services, or shelter and health care 11765
services to indigent and uninsured persons, except that "shelter 11766
or health care facility" does not include a hospital as defined in 11767
section 3727.01 of the Revised Code, a facility licensed under 11768

Chapter 3721. of the Revised Code, or a medical facility that is 11769
operated for profit. 11770

(9) "Tort action" means a civil action for damages for 11771
injury, death, or loss to person or property other than a civil 11772
action for damages for a breach of contract or another agreement 11773
between persons or government entities. 11774

(10) "Volunteer" means an individual who provides any 11775
medical, dental, or other health-care related diagnosis, care, or 11776
treatment without the expectation of receiving and without receipt 11777
of any compensation or other form of remuneration from an indigent 11778
and uninsured person, another person on behalf of an indigent and 11779
uninsured person, any shelter or health care facility, or any 11780
other person or government entity. 11781

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 11782
health care professional who is a volunteer and complies with 11783
division (B)(2) of this section is not liable in damages to any 11784
person or government entity in a tort or other civil action, 11785
including an action on a medical, dental, chiropractic, 11786
optometric, or other health-related claim, for injury, death, or 11787
loss to person or property that allegedly arises from an action or 11788
omission of the volunteer in the provision at a nonprofit shelter 11789
or health care facility to an indigent and uninsured person of 11790
medical, dental, or other health-related diagnosis, care, or 11791
treatment, including the provision of samples of medicine and 11792
other medical products, unless the action or omission constitutes 11793
willful or wanton misconduct. 11794

(2) To qualify for the immunity described in division (B)(1) 11795
of this section, a health care professional shall do all of the 11796
following prior to providing diagnosis, care, or treatment: 11797

(a) Determine, in good faith, that the indigent and uninsured 11798
person is mentally capable of giving informed consent to the 11799

provision of the diagnosis, care, or treatment and is not subject 11800
to duress or under undue influence; 11801

(b) Inform the person of the provisions of this section; 11802

(c) Obtain the informed consent of the person and a written 11803
waiver, signed by the person or by another individual on behalf of 11804
and in the presence of the person, that states that the person is 11805
mentally competent to give informed consent and, without being 11806
subject to duress or under undue influence, gives informed consent 11807
to the provision of the diagnosis, care, or treatment subject to 11808
the provisions of this section. 11809

(3) A physician or podiatrist who is not covered by medical 11810
malpractice insurance, but complies with division (B)(2) of this 11811
section, is not required to comply with division (A) of section 11812
4731.143 of the Revised Code. 11813

(C) Subject to divisions (E) and (F)(3) of this section, 11814
health care workers who are volunteers are not liable in damages 11815
to any person or government entity in a tort or other civil 11816
action, including an action upon a medical, dental, chiropractic, 11817
optometric, or other health-related claim, for injury, death, or 11818
loss to person or property that allegedly arises from an action or 11819
omission of the health care worker in the provision at a nonprofit 11820
shelter or health care facility to an indigent and uninsured 11821
person of medical, dental, or other health-related diagnosis, 11822
care, or treatment, unless the action or omission constitutes 11823
willful or wanton misconduct. 11824

(D) Subject to divisions (E) and (F)(3) of this section and 11825
section 3701.071 of the Revised Code, a nonprofit shelter or 11826
health care facility associated with a health care professional 11827
described in division (B)(1) of this section or a health care 11828
worker described in division (C) of this section is not liable in 11829
damages to any person or government entity in a tort or other 11830

civil action, including an action on a medical, dental, 11831
chiropractic, optometric, or other health-related claim, for 11832
injury, death, or loss to person or property that allegedly arises 11833
from an action or omission of the health care professional or 11834
worker in providing for the shelter or facility medical, dental, 11835
or other health-related diagnosis, care, or treatment to an 11836
indigent and uninsured person, unless the action or omission 11837
constitutes willful or wanton misconduct. 11838

(E)(1) Except as provided in division (E)(2) of this section, 11839
the immunities provided by divisions (B), (C), and (D) of this 11840
section are not available to an individual or to a nonprofit 11841
shelter or health care facility if, at the time of an alleged 11842
injury, death, or loss to person or property, the individuals 11843
involved are providing one of the following: 11844

(a) Any medical, dental, or other health-related diagnosis, 11845
care, or treatment pursuant to a community service work order 11846
entered by a court under division (F) of section 2951.02 of the 11847
Revised Code as a condition of probation or other suspension of a 11848
term of imprisonment or imposed by a court as a community control 11849
sanction pursuant to sections 2929.15 and 2929.17 of the Revised 11850
Code. 11851

(b) Performance of an operation. 11852

(c) Delivery of a baby. 11853

(2) Division (E)(1) of this section does not apply to an 11854
individual who provides, or a nonprofit shelter or health care 11855
facility at which the individual provides, diagnosis, care, or 11856
treatment that is necessary to preserve the life of a person in a 11857
medical emergency. 11858

(F)(1) This section does not create a new cause of action or 11859
substantive legal right against a health care professional, health 11860
care worker, or nonprofit shelter or health care facility. 11861

(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.

(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.

(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.

(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.

Sec. 2329.07. If neither execution on a judgment rendered in a court of record or certified to the clerk of the court of common pleas in the county in which the judgment was rendered is issued, nor a certificate of judgment for obtaining a lien upon lands and tenements is issued and filed, as provided in sections 2329.02 and 2329.04 of the Revised Code, within five years from the date of the judgment or within five years from the date of the issuance of the last execution thereon or the issuance and filing of the last such certificate, whichever is later, then, unless the judgment is in favor of the state, the judgment shall be dormant and shall not operate as a lien upon the estate of the judgment debtor.

If the judgment is in favor of the state, the judgment shall 11893
not become dormant and shall not cease to operate as a lien 11894
against the estate of the judgment debtor ~~unless neither such~~ 11895
provided that either execution on the judgment is issued ~~nor such~~ 11896
or a certificate of judgment is issued and filed, as provided in 11897
sections 2329.02 and 2329.04 of the Revised Code, within ten years 11898
from the date of the judgment ~~or within ten years from the date of~~ 11899
~~the issuance of the last execution thereon or the issuance and~~ 11900
~~filing of the last such certificate, whichever is later.~~ 11901

If, in any county other than that in which a judgment was 11902
rendered, the judgment has become a lien by reason of the filing, 11903
in the office of the clerk of the court of common pleas of that 11904
county, of a certificate of the judgment as provided in sections 11905
2329.02 and 2329.04 of the Revised Code, and if no execution is 11906
issued for the enforcement of the judgment within that county, or 11907
no further certificate of the judgment is filed in that county, 11908
within five years ~~or, if the judgment is in favor of the state,~~ 11909
~~within ten years~~ from the date of issuance of the last execution 11910
for the enforcement of the judgment within that county or the date 11911
of filing of the last certificate in that county, whichever is the 11912
later, then the judgment shall cease to operate as a lien upon 11913
lands and tenements of the judgment debtor within that county, 11914
unless the judgment is in favor of the state, in which case the 11915
judgment shall not become dormant. 11916

~~This section applies to judgments in favor of the state.~~ 11917

Sec. 2329.66. (A) Every person who is domiciled in this state 11918
may hold property exempt from execution, garnishment, attachment, 11919
or sale to satisfy a judgment or order, as follows: 11920

(1)(a) In the case of a judgment or order regarding money 11921
owed for health care services rendered or health care supplies 11922
provided to the person or a dependent of the person, one parcel or 11923

item of real or personal property that the person or a dependent 11924
of the person uses as a residence. Division (A)(1)(a) of this 11925
section does not preclude, affect, or invalidate the creation 11926
under this chapter of a judgment lien upon the exempted property 11927
but only delays the enforcement of the lien until the property is 11928
sold or otherwise transferred by the owner or in accordance with 11929
other applicable laws to a person or entity other than the 11930
surviving spouse or surviving minor children of the judgment 11931
debtor. Every person who is domiciled in this state may hold 11932
exempt from a judgment lien created pursuant to division (A)(1)(a) 11933
of this section the person's interest, not to exceed five thousand 11934
dollars, in the exempted property. 11935

(b) In the case of all other judgments and orders, the 11936
person's interest, not to exceed five thousand dollars, in one 11937
parcel or item of real or personal property that the person or a 11938
dependent of the person uses as a residence. 11939

(2) The person's interest, not to exceed one thousand 11940
dollars, in one motor vehicle; 11941

(3) The person's interest, not to exceed two hundred dollars 11942
in any particular item, in wearing apparel, beds, and bedding, and 11943
the person's interest, not to exceed three hundred dollars in each 11944
item, in one cooking unit and one refrigerator or other food 11945
preservation unit; 11946

(4)(a) The person's interest, not to exceed four hundred 11947
dollars, in cash on hand, money due and payable, money to become 11948
due within ninety days, tax refunds, and money on deposit with a 11949
bank, savings and loan association, credit union, public utility, 11950
landlord, or other person. Division (A)(4)(a) of this section 11951
applies only in bankruptcy proceedings. This exemption may include 11952
the portion of personal earnings that is not exempt under division 11953
(A)(13) of this section. 11954

(b) Subject to division (A)(4)(d) of this section, the person's interest, not to exceed two hundred dollars in any particular item, in household furnishings, household goods, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment, that are held primarily for the personal, family, or household use of the person;

(c) Subject to division (A)(4)(d) of this section, the person's interest in one or more items of jewelry, not to exceed four hundred dollars in one item of jewelry and not to exceed two hundred dollars in every other item of jewelry;

(d) Divisions (A)(4)(b) and (c) of this section do not include items of personal property listed in division (A)(3) of this section.

If the person does not claim an exemption under division (A)(1) of this section, the total exemption claimed under division (A)(4)(b) of this section shall be added to the total exemption claimed under division (A)(4)(c) of this section, and the total shall not exceed two thousand dollars. If the person claims an exemption under division (A)(1) of this section, the total exemption claimed under division (A)(4)(b) of this section shall be added to the total exemption claimed under division (A)(4)(c) of this section, and the total shall not exceed one thousand five hundred dollars.

(5) The person's interest, not to exceed an aggregate of seven hundred fifty dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment

insurance or annuities, as exempted by section 3911.10 of the Revised Code;	11986 11987
(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;	11988 11989 11990
(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;	11991 11992 11993 11994
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	11995 11996 11997 11998
(7) The person's professionally prescribed or medically necessary health aids;	11999 12000
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	12001 12002 12003
(9) The person's interest in the following:	12004
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	12005 12006
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	12007 12008
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	12009 12010
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	12011 12012
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	12013 12014 12015

(f) Disability financial assistance payments, as exempted by 12016
section ~~5115.07~~ 5115.06 of the Revised Code. 12017

(10)(a) Except in cases in which the person was convicted of 12018
or pleaded guilty to a violation of section 2921.41 of the Revised 12019
Code and in which an order for the withholding of restitution from 12020
payments was issued under division (C)(2)(b) of that section or in 12021
cases in which an order for withholding was issued under section 12022
2907.15 of the Revised Code, and only to the extent provided in 12023
the order, and except as provided in sections 3105.171, 3105.63, 12024
3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised 12025
Code, the person's right to a pension, benefit, annuity, 12026
retirement allowance, or accumulated contributions, the person's 12027
right to a participant account in any deferred compensation 12028
program offered by the Ohio public employees deferred compensation 12029
board, a government unit, or a municipal corporation, or the 12030
person's other accrued or accruing rights, as exempted by section 12031
145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 12032
the Revised Code, and the person's right to benefits from the Ohio 12033
public safety officers death benefit fund; 12034

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 12035
3121.03, and 3123.06 of the Revised Code, the person's right to 12036
receive a payment under any pension, annuity, or similar plan or 12037
contract, not including a payment from a stock bonus or 12038
profit-sharing plan or a payment included in division (A)(6)(b) or 12039
(10)(a) of this section, on account of illness, disability, death, 12040
age, or length of service, to the extent reasonably necessary for 12041
the support of the person and any of the person's dependents, 12042
except if all the following apply: 12043

(i) The plan or contract was established by or under the 12044
auspices of an insider that employed the person at the time the 12045
person's rights under the plan or contract arose. 12046

(ii) The payment is on account of age or length of service.	12047
(iii) The plan or contract is not qualified under the	12048
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as	12049
amended.	12050
(c) Except for any portion of the assets that were deposited	12051
for the purpose of evading the payment of any debt and except as	12052
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and	12053
3123.06 of the Revised Code, the person's right in the assets held	12054
in, or to receive any payment under, any individual retirement	12055
account, individual retirement annuity, "Roth IRA," or education	12056
individual retirement account that provides benefits by reason of	12057
illness, disability, death, or age, to the extent that the assets,	12058
payments, or benefits described in division (A)(10)(c) of this	12059
section are attributable to any of the following:	12060
(i) Contributions of the person that were less than or equal	12061
to the applicable limits on deductible contributions to an	12062
individual retirement account or individual retirement annuity in	12063
the year that the contributions were made, whether or not the	12064
person was eligible to deduct the contributions on the person's	12065
federal tax return for the year in which the contributions were	12066
made;	12067
(ii) Contributions of the person that were less than or equal	12068
to the applicable limits on contributions to a Roth IRA or	12069
education individual retirement account in the year that the	12070
contributions were made;	12071
(iii) Contributions of the person that are within the	12072
applicable limits on rollover contributions under subsections 219,	12073
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B),	12074
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986,"	12075
100 Stat. 2085, 26 U.S.C.A. 1, as amended.	12076
(d) Except for any portion of the assets that were deposited	12077

for the purpose of evading the payment of any debt and except as 12078
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 12079
3123.06 of the Revised Code, the person's right in the assets held 12080
in, or to receive any payment under, any Keogh or "H.R. 10" plan 12081
that provides benefits by reason of illness, disability, death, or 12082
age, to the extent reasonably necessary for the support of the 12083
person and any of the person's dependents. 12084

(11) The person's right to receive spousal support, child 12085
support, an allowance, or other maintenance to the extent 12086
reasonably necessary for the support of the person and any of the 12087
person's dependents; 12088

(12) The person's right to receive, or moneys received during 12089
the preceding twelve calendar months from, any of the following: 12090

(a) An award of reparations under sections 2743.51 to 2743.72 12091
of the Revised Code, to the extent exempted by division (D) of 12092
section 2743.66 of the Revised Code; 12093

(b) A payment on account of the wrongful death of an 12094
individual of whom the person was a dependent on the date of the 12095
individual's death, to the extent reasonably necessary for the 12096
support of the person and any of the person's dependents; 12097

(c) Except in cases in which the person who receives the 12098
payment is an inmate, as defined in section 2969.21 of the Revised 12099
Code, and in which the payment resulted from a civil action or 12100
appeal against a government entity or employee, as defined in 12101
section 2969.21 of the Revised Code, a payment, not to exceed five 12102
thousand dollars, on account of personal bodily injury, not 12103
including pain and suffering or compensation for actual pecuniary 12104
loss, of the person or an individual for whom the person is a 12105
dependent; 12106

(d) A payment in compensation for loss of future earnings of 12107
the person or an individual of whom the person is or was a 12108

dependent, to the extent reasonably necessary for the support of 12109
the debtor and any of the debtor's dependents. 12110

(13) Except as provided in sections 3119.80, 3119.81, 12111
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 12112
earnings of the person owed to the person for services in an 12113
amount equal to the greater of the following amounts: 12114

(a) If paid weekly, thirty times the current federal minimum 12115
hourly wage; if paid biweekly, sixty times the current federal 12116
minimum hourly wage; if paid semimonthly, sixty-five times the 12117
current federal minimum hourly wage; or if paid monthly, one 12118
hundred thirty times the current federal minimum hourly wage that 12119
is in effect at the time the earnings are payable, as prescribed 12120
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 12121
U.S.C. 206(a)(1), as amended; 12122

(b) Seventy-five per cent of the disposable earnings owed to 12123
the person. 12124

(14) The person's right in specific partnership property, as 12125
exempted by division (B)(3) of section 1775.24 of the Revised 12126
Code; 12127

(15) A seal and official register of a notary public, as 12128
exempted by section 147.04 of the Revised Code; 12129

(16) The person's interest in a tuition credit or a payment 12130
under section 3334.09 of the Revised Code pursuant to a tuition 12131
credit contract, as exempted by section 3334.15 of the Revised 12132
Code; 12133

(17) Any other property that is specifically exempted from 12134
execution, attachment, garnishment, or sale by federal statutes 12135
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 12136
U.S.C.A. 101, as amended; 12137

(18) The person's interest, not to exceed four hundred 12138

dollars, in any property, except that division (A)(18) of this 12139
section applies only in bankruptcy proceedings. 12140

(B) As used in this section: 12141

(1) "Disposable earnings" means net earnings after the 12142
garnishee has made deductions required by law, excluding the 12143
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 12144
3121.03, or 3123.06 of the Revised Code. 12145

(2) "Insider" means: 12146

(a) If the person who claims an exemption is an individual, a 12147
relative of the individual, a relative of a general partner of the 12148
individual, a partnership in which the individual is a general 12149
partner, a general partner of the individual, or a corporation of 12150
which the individual is a director, officer, or in control; 12151

(b) If the person who claims an exemption is a corporation, a 12152
director or officer of the corporation; a person in control of the 12153
corporation; a partnership in which the corporation is a general 12154
partner; a general partner of the corporation; or a relative of a 12155
general partner, director, officer, or person in control of the 12156
corporation; 12157

(c) If the person who claims an exemption is a partnership, a 12158
general partner in the partnership; a general partner of the 12159
partnership; a person in control of the partnership; a partnership 12160
in which the partnership is a general partner; or a relative in, a 12161
general partner of, or a person in control of the partnership; 12162

(d) An entity or person to which or whom any of the following 12163
applies: 12164

(i) The entity directly or indirectly owns, controls, or 12165
holds with power to vote, twenty per cent or more of the 12166
outstanding voting securities of the person who claims an 12167
exemption, unless the entity holds the securities in a fiduciary 12168

or agency capacity without sole discretionary power to vote the 12169
securities or holds the securities solely to secure to debt and 12170
the entity has not in fact exercised the power to vote. 12171

(ii) The entity is a corporation, twenty per cent or more of 12172
whose outstanding voting securities are directly or indirectly 12173
owned, controlled, or held with power to vote, by the person who 12174
claims an exemption or by an entity to which division (B)(2)(d)(i) 12175
of this section applies. 12176

(iii) A person whose business is operated under a lease or 12177
operating agreement by the person who claims an exemption, or a 12178
person substantially all of whose business is operated under an 12179
operating agreement with the person who claims an exemption. 12180

(iv) The entity operates the business or all or substantially 12181
all of the property of the person who claims an exemption under a 12182
lease or operating agreement. 12183

(e) An insider, as otherwise defined in this section, of a 12184
person or entity to which division (B)(2)(d)(i), (ii), (iii), or 12185
(iv) of this section applies, as if the person or entity were a 12186
person who claims an exemption; 12187

(f) A managing agent of the person who claims an exemption. 12188

(3) "Participant account" has the same meaning as in section 12189
148.01 of the Revised Code. 12190

(4) "Government unit" has the same meaning as in section 12191
148.06 of the Revised Code. 12192

(C) For purposes of this section, "interest" shall be 12193
determined as follows: 12194

(1) In bankruptcy proceedings, as of the date a petition is 12195
filed with the bankruptcy court commencing a case under Title 11 12196
of the United States Code; 12197

(2) In all cases other than bankruptcy proceedings, as of the 12198

date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (C)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Sec. 2715.041. (A) Upon the filing of a motion for an order of attachment pursuant to section 2715.03 of the Revised Code, the plaintiff shall file with the clerk of the court a praecipe instructing the clerk to issue to the defendant against whom the motion was filed a notice of the proceeding. Upon receipt of the praecipe, the clerk shall issue the notice which shall be in substantially the following form:

"(Name and Address of Court)
Case No.....

(Case Caption)

NOTICE

You are hereby notified that (name and address of plaintiff), the plaintiff in this proceeding, has applied to this court for the attachment of property in your possession. The basis for this application is indicated in the documents that are enclosed with this notice.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed on by a creditor are:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) Cash assistance payments under the Ohio works first program;
- (4) Benefits and services under the prevention, retention,

and contingency program;	12229
(5) Disability <u>financial</u> assistance administered by the Ohio department of job and family services;	12230 12231
(6) Social security benefits;	12232
(7) Supplemental security income (S.S.I.);	12233
(8) Veteran's benefits;	12234
(9) Black lung benefits;	12235
(10) Certain pensions.	12236
Additionally, your wages never can be taken to pay a debt until a judgment has been obtained against you. There may be other benefits not included in this list that apply in your case.	12237 12238 12239
If you dispute the plaintiff's claim and believe that you are entitled to retain possession of the property because it is exempt or for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form appearing below, or in a substantially similar form, and delivering the request for the hearing to this court, at the office of the clerk of this court, not later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the claim in the space provided on the form, but you are not required to do so. If you do state your reasons for disputing the claim in the space provided on the form, you are not prohibited from stating any other reasons at the hearing, and if you do not state your reasons, it will not be held against you by the court and you can state your reasons at the hearing.	12240 12241 12242 12243 12244 12245 12246 12247 12248 12249 12250 12251 12252 12253 12254
If you request a hearing, it will be conducted in courtroom, (address of court), atm. on,	12255 12256 12257
You may avoid having a hearing but retain possession of the	12258

property until the entry of final judgment in the action by filing 12259
with the court, at the office of the clerk of this court, not 12260
later than the end of the fifth business day after you receive 12261
this notice, a bond executed by an acceptable surety in the amount 12262
of \$..... 12263

If you do not request a hearing or file a bond on or before 12264
the end of the fifth business day after you receive this notice, 12265
the court, without further notice to you, may order a law 12266
enforcement officer or bailiff to take possession of the property. 12267
Notice of the dates, times, places, and purposes of any subsequent 12268
hearings and of the date, time, and place of the trial of the 12269
action will be sent to you. 12270

..... 12271

Clerk of Court 12272

Date:....." 12273

(B) Along with the notice required by division (A) of this 12274
section, the clerk of the court also shall deliver to the 12275
defendant, in accordance with division (C) of this section, a 12276
request for hearing form together with a postage-paid, 12277
self-addressed envelope or a request for hearing form on a 12278
postage-paid, self-addressed postcard. The request for hearing 12279
shall be in substantially the following form: 12280

"(Name and Address of Court) 12281

Case Number Date 12282

REQUEST FOR HEARING 12283

I dispute the claim for the attachment of property in the 12284
above case and request that a hearing in this matter be held at 12285
the time and place set forth in the notice that I previously 12286
received. 12287

I dispute the claim for the following reasons: 12288

..... 12289

(Optional) 12290
..... 12291
..... 12292
..... 12293
..... (Name of Defendant) 12294
..... 12295
..... (Signature) 12296
..... 12297
..... (Date) 12298

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 12299
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 12300
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 12301
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE 12302
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING." 12303

(C) The notice required by division (A) of this section shall 12304
be served on the defendant in duplicate not less than seven 12305
business days prior to the date on which the hearing is scheduled, 12306
together with a copy of the complaint and summons, if not 12307
previously served, and a copy of the motion for the attachment of 12308
property and the affidavit attached to the motion, in the same 12309
manner as provided in the Rules of Civil Procedure for the service 12310
of process. Service may be effected by publication as provided in 12311
the Rules of Civil Procedure except that the number of weeks for 12312
publication may be reduced by the court to the extent appropriate. 12313

Sec. 2715.045. (A) Upon the filing of a motion for 12314
attachment, a court may issue an order of attachment without 12315
issuing notice to the defendant against whom the motion was filed 12316
and without conducting a hearing if the court finds that there is 12317
probable cause to support the motion and that the plaintiff that 12318
filed the motion for attachment will suffer irreparable injury if 12319

the order is delayed until the defendant against whom the motion 12320
has been filed has been given the opportunity for a hearing. The 12321
court's findings shall be based upon the motion and affidavit 12322
filed pursuant to section 2715.03 of the Revised Code and any 12323
other relevant evidence that it may wish to consider. 12324

(B) A finding by the court that the plaintiff will suffer 12325
irreparable injury may be made only if the court finds the 12326
existence of either of the following circumstances: 12327

(1) There is present danger that the property will be 12328
immediately disposed of, concealed, or placed beyond the 12329
jurisdiction of the court. 12330

(2) The value of the property will be impaired substantially 12331
if the issuance of an order of attachment is delayed. 12332

(C)(1) Upon the issuance by a court of an order of attachment 12333
without notice and hearing pursuant to this section, the plaintiff 12334
shall file the order with the clerk of the court, together with a 12335
praecipe instructing the clerk to issue to the defendant against 12336
whom the order was issued a copy of the motion, affidavit, and 12337
order of attachment, and a notice that an order of attachment was 12338
issued and that the defendant has a right to a hearing on the 12339
matter. The clerk then immediately shall serve upon the defendant, 12340
in the manner provided by the Rules of Civil Procedure for service 12341
of process, a copy of the complaint and summons, if not previously 12342
served, a copy of the motion, affidavit, and order of attachment, 12343
and the following notice: 12344

"(Name and Address of the Court) 12345

(Case Caption) Case No. 12346

NOTICE 12347

You are hereby notified that this court has issued an order 12348
in the above case in favor of (name and address of plaintiff), the 12349
plaintiff in this proceeding, directing that property now in your 12350

possession, be taken from you. This order was issued on the basis 12351
of the plaintiff's claim against you as indicated in the documents 12352
that are enclosed with this notice. 12353

The law of Ohio and the United States provides that certain 12354
benefit payments cannot be taken from you to pay a debt. Typical 12355
among the benefits that cannot be attached or executed on by a 12356
creditor are: 12357

(1) Workers' compensation benefits; 12358

(2) Unemployment compensation payments; 12359

(3) Cash assistance payments under the Ohio works first 12360
program; 12361

(4) Benefits and services under the prevention, retention, 12362
and contingency program; 12363

(5) Disability financial assistance administered by the Ohio 12364
department of job and family services; 12365

(6) Social security benefits; 12366

(7) Supplemental security income (S.S.I.); 12367

(8) Veteran's benefits; 12368

(9) Black lung benefits; 12369

(10) Certain pensions. 12370

Additionally, your wages never can be taken to pay a debt 12371
until a judgment has been obtained against you. There may be other 12372
benefits not included in this list that apply in your case. 12373

If you dispute the plaintiff's claim and believe that you are 12374
entitled to possession of the property because it is exempt or for 12375
any other reason, you may request a hearing before this court by 12376
disputing the claim in the request for hearing form, appearing 12377
below, or in a substantially similar form, and delivering the 12378
request for hearing to this court at the above address, at the 12379

office of the clerk of this court, no later than the end of the 12380
fifth business day after you receive this notice. You may state 12381
your reasons for disputing the claim in the space provided on the 12382
form; however, you are not required to do so. If you do state your 12383
reasons for disputing the claim, you are not prohibited from 12384
stating any other reasons at the hearing, and if you do not state 12385
your reasons, it will not be held against you by the court and you 12386
can state your reasons at the hearing. If you request a hearing, 12387
it will be held within three business days after delivery of your 12388
request for hearing and notice of the date, time, and place of the 12389
hearing will be sent to you. 12390

You may avoid a hearing but recover and retain possession of 12391
the property until the entry of final judgment in the action by 12392
filing with the court, at the office of the clerk of this court, 12393
not later than the end of the fifth business day after you receive 12394
this notice, a bond executed by an acceptable surety in the amount 12395
of \$..... 12396

If you do not request a hearing or file a bond before the end 12397
of the fifth business day after you receive this notice, 12398
possession of the property will be withheld from you during the 12399
pendency of the action. Notice of the dates, times, places, and 12400
purposes of any subsequent hearings and of the date, time, and 12401
place of the trial of the action will be sent to you. 12402

..... 12403

Clerk of the Court 12404

..... 12405

Date" 12406

(2) Along with the notice required by division (C)(1) of this 12407
section, the clerk of the court also shall deliver to the 12408
defendant a request for hearing form together with a postage-paid, 12409
self-addressed envelope or a request for hearing form on a 12410
postage-paid, self-addressed postcard. The request for hearing 12411

shall be in substantially the following form:	12412
"(Name and Address of Court)	12413
Case Number Date	12414
REQUEST FOR HEARING	12415
I dispute the claim for possession of property in the above	12416
case and request that a hearing in this matter be held within	12417
three business days after delivery of this request to the court.	12418
I dispute the claim for the following reasons:	12419
.....	12420
(Optional)	12421
.....	12422
.....	12423
.....	12424
(Name of Defendant)	12425
.....	12426
(Signature)	12427
.....	12428
(Date)	12429
WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A	12430
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK	12431
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,	12432
YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY	12433
WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION."	12434
(D) The defendant may receive a hearing in accordance with	12435
section 2715.043 of the Revised Code by delivering a written	12436
request for hearing to the court within five business days after	12437
receipt of the notice provided pursuant to division (C) of this	12438
section. The request may set forth the defendant's reasons for	12439
disputing the plaintiff's claim for possession of property.	12440
However, neither the defendant's inclusion of nor failure to	12441

include such reasons upon the request constitutes a waiver of any 12442
defense of the defendant or affects the defendant's right to 12443
produce evidence at any hearing or at the trial of the action. If 12444
the request is made by the defendant, the court shall schedule a 12445
hearing within three business days after the request is made, send 12446
notice to the parties of the date, time, and place of the hearing, 12447
and hold the hearing accordingly. 12448

(E) If, after hearing, the court finds that there is not 12449
probable cause to support the motion, it shall order that the 12450
property be redelivered to the defendant without the condition of 12451
bond. 12452

Sec. 2716.13. (A) Upon the filing of a proceeding in 12453
garnishment of property, other than personal earnings, under 12454
section 2716.11 of the Revised Code, the court shall cause the 12455
matter to be set for hearing within twelve days after that filing. 12456

(B) Upon the scheduling of a hearing relative to a proceeding 12457
in garnishment of property, other than personal earnings, under 12458
division (A) of this section, the clerk of the court immediately 12459
shall issue to the garnishee three copies of the order of 12460
garnishment of property, other than personal earnings, and of a 12461
written notice that the garnishee answer as provided in section 12462
2716.21 of the Revised Code and the garnishee's fee required by 12463
section 2716.12 of the Revised Code. The copies of the order and 12464
of the notice shall be served upon the garnishee in the same 12465
manner as a summons is served. The copies of the order and of the 12466
notice shall not be served later than seven days prior to the date 12467
on which the hearing is scheduled. The order shall bind the 12468
property, other than personal earnings, of the judgment debtor in 12469
the possession of the garnishee at the time of service. 12470

The order of garnishment of property, other than personal 12471
earnings, and notice to answer shall be in substantially the 12472

following form:	12473
"ORDER AND NOTICE OF GARNISHMENT	12474
OF PROPERTY OTHER THAN PERSONAL EARNINGS	12475
AND ANSWER OF GARNISHEE	12476
Docket No.	12477
Case No.	12478
In the Court	12479
....., Ohio	12480
The State of Ohio	12481
County of, ss	12482
....., Judgment Creditor	12483
vs.	12484
....., Judgment Debtor	12485
SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT	12486
To:, Garnishee	12487
The judgment creditor in the above case has filed an	12488
affidavit, satisfactory to the undersigned, in this Court stating	12489
that you have money, property, or credits, other than personal	12490
earnings, in your hands or under your control that belong to the	12491
judgment debtor, and that some of the money, property, or credits	12492
may not be exempt from garnishment under the laws of the State of	12493
Ohio or the laws of the United States.	12494
You are therefore ordered to complete the "ANSWER OF	12495
GARNISHEE" in section (B) of this form. Return one completed and	12496
signed copy of this form to the clerk of this court together with	12497
the amount determined in accordance with the "ANSWER OF GARNISHEE"	12498
by the following date on which a hearing is tentatively scheduled	12499
relative to this order of garnishment: Deliver one	12500
completed and signed copy of this form to the judgment debtor	12501
prior to that date. Keep the other completed and signed copy of	12502
this form for your files.	12503

The total probable amount now due on this judgment is 12504
\$. The total probable amount now due includes the unpaid 12505
portion of the judgment in favor of the judgment creditor, which 12506
is \$.; interest on that judgment and, if applicable, 12507
prejudgment interest relative to that judgment at the rate of 12508
. . . . % per annum payable until that judgment is satisfied in full; 12509
and court costs in the amount of \$. 12510

You also are ordered to hold safely anything of value that 12511
belongs to the judgment debtor and that has to be paid to the 12512
court, as determined under the "ANSWER OF GARNISHEE" in section 12513
(B) of this form, but that is of such a nature that it cannot be 12514
so delivered, until further order of the court. 12515

Witness my hand and the seal of this court this 12516
day of, 12517
. 12518

Judge 12519

SECTION B. ANSWER OF GARNISHEE 12520

Now comes the garnishee, who says: 12521

1. That the garnishee has money, property, or credits, other 12522
than personal earnings, of the judgment debtor under the 12523
garnishee's control and in the garnishee's possession. 12524

. 12525
yes no if yes, amount 12526

2. That property is described as: 12527

3. If the answer to line 1 is "yes" and the amount is less 12528
than the probable amount now due on the judgment, as indicated in 12529
section (A) of this form, sign and return this form and pay the 12530
amount of line 1 to the clerk of this court. 12531

4. If the answer to line 1 is "yes" and the amount is greater 12532
than that probable amount now due on the judgment, as indicated in 12533

section (A) of this form, sign and return this form and pay that 12534
probable amount now due to the clerk of this court. 12535

5. If the answer to line 1 is "yes" but the money, property, 12536
or credits are of such a nature that they cannot be delivered to 12537
the clerk of the court, indicate that by placing an "X" in this 12538
space: Do not dispose of that money, property, or credits 12539
or give them to anyone else until further order of the court. 12540

6. If the answer to line 1 is "no," sign and return this form 12541
to the clerk of this court. 12542

I certify that the statements above are true. 12543

..... 12544

(Print Name of Garnishee) 12545

..... 12546

(Print Name and Title of 12547

Person Who Completed Form) 12548

Signed..... 12549

(Signature of Person Completing Form) 12550

Dated this day of," 12551

Section A of the form described in this division shall be 12552
completed before service. Section B of the form shall be completed 12553
by the garnishee, and the garnishee shall file one completed and 12554
signed copy of the form with the clerk of the court as the 12555
garnishee's answer. The garnishee may keep one completed and 12556
signed copy of the form and shall deliver the other completed and 12557
signed copy of the form to the judgment debtor. 12558

If several affidavits seeking orders of garnishment of 12559
property, other than personal earnings, are filed against the same 12560
judgment debtor in accordance with section 2716.11 of the Revised 12561
Code, the court involved shall issue the requested orders in the 12562
same order in which the clerk received the associated affidavits. 12563

(C)(1) At the time of the filing of a proceeding in 12564
garnishment of property, other than personal earnings, under 12565
section 2716.11 of the Revised Code, the judgment creditor also 12566
shall file with the clerk of the court a praecipe instructing the 12567
clerk to issue to the judgment debtor a notice to the judgment 12568
debtor form and a request for hearing form. Upon receipt of the 12569
praecipe and the scheduling of a hearing relative to an action in 12570
garnishment of property, other than personal earnings, under 12571
division (A) of this section, the clerk of the court immediately 12572
shall serve upon the judgment debtor, in accordance with division 12573
(D) of this section, two copies of the notice to the judgment 12574
debtor form and of the request for hearing form. The copies of the 12575
notice to the judgment debtor form and of the request for hearing 12576
form shall not be served later than seven days prior to the date 12577
on which the hearing is scheduled. 12578

(a) The notice to the judgment debtor that must be served 12579
upon the judgment debtor shall be in substantially the following 12580
form: 12581

"(Name and Address of the Court) 12582

(Case Caption) Case No. 12583

NOTICE TO THE JUDGMENT DEBTOR 12584

You are hereby notified that this court has issued an order 12585
in the above case in favor of (name and address of judgment 12586
creditor), the judgment creditor in this proceeding, directing 12587
that some of your money, property, or credits, other than personal 12588
earnings, now in the possession of (name and address of 12589
garnishee), the garnishee in this proceeding, be used to satisfy 12590
your debt to the judgment creditor. This order was issued on the 12591
basis of the judgment creditor's judgment against you that was 12592
obtained in (name of court) in (case number) on (date). Upon your 12593
receipt of this notice, you are prohibited from removing or 12594
attempting to remove the money, property, or credits until 12595

expressly permitted by the court. Any violation of this 12596
prohibition subjects you to punishment for contempt of court. 12597

The law of Ohio and the United States provides that certain 12598
benefit payments cannot be taken from you to pay a debt. Typical 12599
among the benefits that cannot be attached or executed upon by a 12600
creditor are the following: 12601

(1) Workers' compensation benefits; 12602

(2) Unemployment compensation payments; 12603

(3) Cash assistance payments under the Ohio works first 12604
program; 12605

(4) Benefits and services under the prevention, retention, 12606
and contingency program; 12607

(5) Disability financial assistance administered by the Ohio 12608
department of job and family services; 12609

(6) Social security benefits; 12610

(7) Supplemental security income (S.S.I.); 12611

(8) Veteran's benefits; 12612

(9) Black lung benefits; 12613

(10) Certain pensions. 12614

There may be other benefits not included in the above list 12615
that apply in your case. 12616

If you dispute the judgment creditor's right to garnish your 12617
property and believe that the judgment creditor should not be 12618
given your money, property, or credits, other than personal 12619
earnings, now in the possession of the garnishee because they are 12620
exempt or if you feel that this order is improper for any other 12621
reason, you may request a hearing before this court by disputing 12622
the claim in the request for hearing form, appearing below, or in 12623
a substantially similar form, and delivering the request for 12624

hearing to this court at the above address, at the office of the 12625
clerk of this court no later than the end of the fifth business 12626
day after you receive this notice. You may state your reasons for 12627
disputing the judgment creditor's right to garnish your property 12628
in the space provided on the form; however, you are not required 12629
to do so. If you do state your reasons for disputing the judgment 12630
creditor's right, you are not prohibited from stating any other 12631
reason at the hearing. If you do not state your reasons, it will 12632
not be held against you by the court, and you can state your 12633
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 12634
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 12635
the hearing will be limited to a consideration of the amount of 12636
your money, property, or credits, other than personal earnings, in 12637
the possession or control of the garnishee, if any, that can be 12638
used to satisfy all or part of the judgment you owe to the 12639
judgment creditor. 12640

If you request a hearing by delivering your request for 12641
hearing no later than the end of the fifth business day after you 12642
receive this notice, it will be conducted in courtroom 12643
....., (address of court), at m. on, 12644
..... You may request the court to conduct the hearing before 12645
this date by indicating your request in the space provided on the 12646
form; the court then will send you notice of any change in the 12647
date, time, or place of the hearing. If you do not request a 12648
hearing by delivering your request for a hearing no later than the 12649
end of the fifth business day after you receive this notice, some 12650
of your money, property, or credits, other than personal earnings, 12651
will be paid to the judgment creditor. 12652

If you have any questions concerning this matter, you may 12653
contact the office of the clerk of this court. If you want legal 12654
representation, you should contact your lawyer immediately. If you 12655
need the name of a lawyer, contact the local bar association. 12656

.....	12657
Clerk of the Court	12658
.....	12659
Date"	12660
(b) The request for hearing form that must be served upon the	12661
judgment debtor shall have attached to it a postage-paid,	12662
self-addressed envelope or shall be on a postage-paid	12663
self-addressed postcard, and shall be in substantially the	12664
following form:	12665
"(Name and Address of Court)	12666
Case Number	12667
Date	12667
REQUEST FOR HEARING	12668
I dispute the judgment creditor's right to garnish my money,	12669
property, or credits, other than personal earnings, in the above	12670
case and request that a hearing in this matter be held	12671
.....	12672
(Insert "on" or "earlier than")	12673
the date and time set forth in the document entitled "NOTICE TO	12674
THE JUDGMENT DEBTOR" that I received with this request form.	12675
I dispute the judgment creditor's right to garnish my	12676
property for the following reasons:	12677
.....	12678
(Optional)	12679
.....	12680
.....	12681
I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL	12682
BE HEARD OR CONSIDERED AT THE HEARING.	12683
.....	12684
(Name of Judgment Debtor)	12685
.....	12686

(Signature) 12687
..... 12688
(Date) 12689

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 12690
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 12691
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 12692
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, 12693
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE 12694
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT 12695
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT 12696
CREDITOR'S NAME). " 12697

(2) The judgment debtor may receive a hearing in accordance 12698
with this division by delivering a written request for hearing to 12699
the court within five business days after receipt of the notice 12700
provided pursuant to division (C)(1) of this section. The request 12701
may set forth the judgment debtor's reasons for disputing the 12702
judgment creditor's right to garnish the money, property, or 12703
credits, other than personal earnings; however, neither the 12704
judgment debtor's inclusion of nor failure to include those 12705
reasons upon the request constitutes a waiver of any defense of 12706
the judgment debtor or affects the judgment debtor's right to 12707
produce evidence at the hearing. If the request is made by the 12708
judgment debtor within the prescribed time, the hearing shall be 12709
limited to a consideration of the amount of money, property, or 12710
credits, other than personal earnings, of the judgment debtor in 12711
the hands of the garnishee, if any, that can be used to satisfy 12712
all or part of the debt owed by the judgment debtor to the 12713
judgment creditor. If a request for a hearing is not received by 12714
the court within the prescribed time, the hearing scheduled 12715
pursuant to division (A) of this section shall be canceled unless 12716
the court grants the judgment debtor a continuance in accordance 12717
with division (C)(3) of this section. 12718

(3) If the judgment debtor does not request a hearing in the 12719
action within the prescribed time pursuant to division (C)(2) of 12720
this section, the court nevertheless may grant a continuance of 12721
the scheduled hearing if the judgment debtor, prior to the time at 12722
which the hearing was scheduled, as indicated on the notice to the 12723
judgment debtor required by division (C)(1) of this section, 12724
establishes a reasonable justification for failure to request the 12725
hearing within the prescribed time. If the court grants a 12726
continuance of the hearing, it shall cause the matter to be set 12727
for hearing as soon as practicable thereafter. The continued 12728
hearing shall be conducted in accordance with division (C)(2) of 12729
this section. 12730

(4) The court may conduct the hearing on the matter prior to 12731
the time at which the hearing was scheduled, as indicated on the 12732
notice to the judgment debtor required by division (C)(1) of this 12733
section, upon the request of the judgment debtor. The parties 12734
shall be sent notice, by the clerk of the court, by regular mail, 12735
of any change in the date, time, or place of the hearing. 12736

(5) If the scheduled hearing is canceled and no continuance 12737
is granted, the court shall issue an order to the garnishee to pay 12738
all or some of the money, property, or credits, other than 12739
personal earnings, of the judgment debtor in the possession of the 12740
garnishee at the time of service of the notice and order into 12741
court if they have not already been paid to the court. This order 12742
shall be based on the answer of the garnishee filed pursuant to 12743
this section. If the scheduled hearing is conducted or if it is 12744
continued and conducted, the court shall determine at the hearing 12745
the amount of the money, property, or credits, other than personal 12746
earnings, of the judgment debtor in the possession of the 12747
garnishee at the time of service of the notice and order, if any, 12748
that can be used to satisfy all or part of the debt owed by the 12749
judgment debtor to the judgment creditor, and issue an order, 12750

accordingly, to the garnishee to pay that amount into court if it 12751
has not already been paid to the court. 12752

(D) The notice to the judgment debtor form and the request 12753
for hearing form described in division (C) of this section shall 12754
be sent by the clerk by ordinary or regular mail service unless 12755
the judgment creditor requests that service be made in accordance 12756
with the Rules of Civil Procedure, in which case the forms shall 12757
be served in accordance with the Rules of Civil Procedure. Any 12758
court of common pleas that issues an order of garnishment of 12759
property, other than personal earnings, under this section has 12760
jurisdiction to serve process pursuant to this section upon a 12761
garnishee who does not reside within the jurisdiction of the 12762
court. Any county court or municipal court that issues an order of 12763
garnishment of property, other than personal earnings, under this 12764
section has jurisdiction to serve process pursuant to this section 12765
upon a garnishee who does not reside within the jurisdiction of 12766
the court. 12767

Sec. 2743.02. (A)(1) The state hereby waives its immunity 12768
from liability, except as provided for the office of the state 12769
fire marshal in division (G)(1) of section 9.60 and division (B) 12770
of section 3737.221 of the Revised Code and subject to division 12771
(H) of this section, and consents to be sued, and have its 12772
liability determined, in the court of claims created in this 12773
chapter in accordance with the same rules of law applicable to 12774
suits between private parties, except that the determination of 12775
liability is subject to the limitations set forth in this chapter 12776
and, in the case of state universities or colleges, in section 12777
3345.40 of the Revised Code, and except as provided in division 12778
(A)(2) of this section. To the extent that the state has 12779
previously consented to be sued, this chapter has no 12780
applicability. 12781

Except in the case of a civil action filed by the state, 12782
filing a civil action in the court of claims results in a complete 12783
waiver of any cause of action, based on the same act or omission, 12784
which the filing party has against any officer or employee, as 12785
defined in section 109.36 of the Revised Code. The waiver shall be 12786
void if the court determines that the act or omission was 12787
manifestly outside the scope of the officer's or employee's office 12788
or employment or that the officer or employee acted with malicious 12789
purpose, in bad faith, or in a wanton or reckless manner. 12790

(2) If a claimant proves in the court of claims that an 12791
officer or employee, as defined in section 109.36 of the Revised 12792
Code, would have personal liability for the officer's or 12793
employee's acts or omissions but for the fact that the officer or 12794
employee has personal immunity under section 9.86 of the Revised 12795
Code, the state shall be held liable in the court of claims in any 12796
action that is timely filed pursuant to section 2743.16 of the 12797
Revised Code and that is based upon the acts or omissions. 12798

(B) The state hereby waives the immunity from liability of 12799
all hospitals owned or operated by one or more political 12800
subdivisions and consents for them to be sued, and to have their 12801
liability determined, in the court of common pleas, in accordance 12802
with the same rules of law applicable to suits between private 12803
parties, subject to the limitations set forth in this chapter. 12804
This division is also applicable to hospitals owned or operated by 12805
political subdivisions which have been determined by the supreme 12806
court to be subject to suit prior to July 28, 1975. 12807

(C) Any hospital, as defined in section 2305.113 of the 12808
Revised Code, may purchase liability insurance covering its 12809
operations and activities and its agents, employees, nurses, 12810
interns, residents, staff, and members of the governing board and 12811
committees, and, whether or not such insurance is purchased, may, 12812
to such extent as its governing board considers appropriate, 12813

indemnify or agree to indemnify and hold harmless any such person 12814
against expense, including attorney's fees, damage, loss, or other 12815
liability arising out of, or claimed to have arisen out of, the 12816
death, disease, or injury of any person as a result of the 12817
negligence, malpractice, or other action or inaction of the 12818
indemnified person while acting within the scope of the 12819
indemnified person's duties or engaged in activities at the 12820
request or direction, or for the benefit, of the hospital. Any 12821
hospital electing to indemnify such persons, or to agree to so 12822
indemnify, shall reserve such funds as are necessary, in the 12823
exercise of sound and prudent actuarial judgment, to cover the 12824
potential expense, fees, damage, loss, or other liability. The 12825
superintendent of insurance may recommend, or, if such hospital 12826
requests the superintendent to do so, the superintendent shall 12827
recommend, a specific amount for any period that, in the 12828
superintendent's opinion, represents such a judgment. This 12829
authority is in addition to any authorization otherwise provided 12830
or permitted by law. 12831

(D) Recoveries against the state shall be reduced by the 12832
aggregate of insurance proceeds, disability award, or other 12833
collateral recovery received by the claimant. This division does 12834
not apply to civil actions in the court of claims against a state 12835
university or college under the circumstances described in section 12836
3345.40 of the Revised Code. The collateral benefits provisions of 12837
division (B)(2) of that section apply under those circumstances. 12838

(E) The only defendant in original actions in the court of 12839
claims is the state. The state may file a third-party complaint or 12840
counterclaim in any civil action, except a civil action for two 12841
thousand five hundred dollars or less, that is filed in the court 12842
of claims. 12843

(F) A civil action against an officer or employee, as defined 12844
in section 109.36 of the Revised Code, that alleges that the 12845

officer's or employee's conduct was manifestly outside the scope 12846
of the officer's or employee's employment or official 12847
responsibilities, or that the officer or employee acted with 12848
malicious purpose, in bad faith, or in a wanton or reckless manner 12849
shall first be filed against the state in the court of claims, 12850
which has exclusive, original jurisdiction to determine, 12851
initially, whether the officer or employee is entitled to personal 12852
immunity under section 9.86 of the Revised Code and whether the 12853
courts of common pleas have jurisdiction over the civil action. 12854

The filing of a claim against an officer or employee under 12855
this division tolls the running of the applicable statute of 12856
limitations until the court of claims determines whether the 12857
officer or employee is entitled to personal immunity under section 12858
9.86 of the Revised Code. 12859

(G) Whenever a claim lies against an officer or employee who 12860
is a member of the Ohio national guard, and the officer or 12861
employee was, at the time of the act or omission complained of, 12862
subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 12863
U.S.C. 2671, et seq., then the Federal Tort Claims Act is the 12864
exclusive remedy of the claimant and the state has no liability 12865
under this section. 12866

(H) If an inmate of a state correctional institution has a 12867
claim against the state for the loss of or damage to property and 12868
the amount claimed does not exceed three hundred dollars, before 12869
commencing an action against the state in the court of claims, the 12870
inmate shall file a claim for the loss or damage under the rules 12871
adopted by the director of rehabilitation and correction pursuant 12872
to this division. The inmate shall file the claim within the time 12873
allowed for commencement of a civil action under section 2743.16 12874
of the Revised Code. If the state admits or compromises the claim, 12875
the director shall make payment from a fund designated by the 12876
director for that purpose. If the state denies the claim or does 12877

not compromise the claim at least sixty days prior to expiration 12878
of the time allowed for commencement of a civil action based upon 12879
the loss or damage under section 2743.16 of the Revised Code, the 12880
inmate may commence an action in the court of claims under this 12881
chapter to recover damages for the loss or damage. 12882

The director of rehabilitation and correction shall adopt 12883
rules pursuant to Chapter 119. of the Revised Code to implement 12884
this division. 12885

Sec. 2921.13. (A) No person shall knowingly make a false 12886
statement, or knowingly swear or affirm the truth of a false 12887
statement previously made, when any of the following applies: 12888

(1) The statement is made in any official proceeding. 12889

(2) The statement is made with purpose to incriminate 12890
another. 12891

(3) The statement is made with purpose to mislead a public 12892
official in performing the public official's official function. 12893

(4) The statement is made with purpose to secure the payment 12894
of unemployment compensation; Ohio works first; prevention, 12895
retention, and contingency benefits and services; disability 12896
financial assistance; retirement benefits; economic development 12897
assistance, as defined in section 9.66 of the Revised Code; or 12898
other benefits administered by a governmental agency or paid out 12899
of a public treasury. 12900

(5) The statement is made with purpose to secure the issuance 12901
by a governmental agency of a license, permit, authorization, 12902
certificate, registration, release, or provider agreement. 12903

(6) The statement is sworn or affirmed before a notary public 12904
or another person empowered to administer oaths. 12905

(7) The statement is in writing on or in connection with a 12906
report or return that is required or authorized by law. 12907

(8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.

(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.

(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or

altered identification card, or any other document that contains 12939
false information about the purchaser's identity. 12940

(C) It is no defense to a charge under division (A)(4) of 12941
this section that the oath or affirmation was administered or 12942
taken in an irregular manner. 12943

(D) If contradictory statements relating to the same fact are 12944
made by the offender within the period of the statute of 12945
limitations for falsification, it is not necessary for the 12946
prosecution to prove which statement was false but only that one 12947
or the other was false. 12948

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 12949
(6), (7), (8), (10), (11), or (13) of this section is guilty of 12950
falsification, a misdemeanor of the first degree. 12951

(2) Whoever violates division (A)(9) of this section is 12952
guilty of falsification in a theft offense. Except as otherwise 12953
provided in this division, falsification in a theft offense is a 12954
misdemeanor of the first degree. If the value of the property or 12955
services stolen is five hundred dollars or more and is less than 12956
five thousand dollars, falsification in a theft offense is a 12957
felony of the fifth degree. If the value of the property or 12958
services stolen is five thousand dollars or more and is less than 12959
one hundred thousand dollars, falsification in a theft offense is 12960
a felony of the fourth degree. If the value of the property or 12961
services stolen is one hundred thousand dollars or more, 12962
falsification in a theft offense is a felony of the third degree. 12963

(3) Whoever violates division (A)(12) or (B) of this section 12964
is guilty of falsification to purchase a firearm, a felony of the 12965
fifth degree. 12966

(F) A person who violates this section is liable in a civil 12967
action to any person harmed by the violation for injury, death, or 12968
loss to person or property incurred as a result of the commission 12969

of the offense and for reasonable attorney's fees, court costs, 12970
and other expenses incurred as a result of prosecuting the civil 12971
action commenced under this division. A civil action under this 12972
division is not the exclusive remedy of a person who incurs 12973
injury, death, or loss to person or property as a result of a 12974
violation of this section. 12975

Sec. 2929.38. (A) A board of commissioners of a county, in an 12976
agreement with the sheriff, a legislative authority of a municipal 12977
corporation, a corrections commission, a judicial corrections 12978
board, or any other public or private entity that operates a local 12979
detention facility described in division (A) of section 2929.37 of 12980
the Revised Code, may establish a policy that requires any 12981
prisoner who is confined in the facility as a result of pleading 12982
guilty to or having been convicted of an offense to pay a one-time 12983
reception fee for the costs of processing the prisoner into the 12984
facility at the time of the prisoner's initial entry into the 12985
facility under the confinement in question, to pay a reasonable 12986
fee for any medical or dental treatment or service requested by 12987
and provided to that prisoner, and to pay the fee for a random 12988
drug test assessed under division (E) of section 341.26, and 12989
division (E) of section 753.33 of the Revised Code. The fee for 12990
the medical treatment or service shall not exceed the actual cost 12991
of the treatment or service provided. No prisoner confined in the 12992
local detention facility shall be denied any necessary medical 12993
care because of inability to pay the fees. 12994

(B) Upon assessment of a one-time reception fee as described 12995
in division (A) of this section, the provision of the requested 12996
medical treatment or service, or the assessment of a fee for a 12997
random drug test, payment of the required fee may be automatically 12998
deducted from the prisoner's inmate account in the business office 12999
of the local detention facility in which the prisoner is confined. 13000
If there is no money in the account, a deduction may be made at a 13001

later date during the prisoner's confinement if the money becomes 13002
available in the account. If, after release, the prisoner has an 13003
unpaid balance of those fees, the sheriff, legislative authority 13004
of the municipal corporation, corrections commission, judicial 13005
corrections board, or other entity that operates the local 13006
detention facility described in division (A) of section 2929.37 of 13007
the Revised Code may bill the prisoner for the payment of the 13008
unpaid fees. Fees received for medical or dental treatment or 13009
services shall be paid to the commissary fund, if one exists for 13010
the facility, or if no commissary fund exists, to the general fund 13011
of the treasury of the political subdivision that incurred the 13012
expenses, in the same proportion as those expenses were borne by 13013
the political subdivision. Fees received for medical treatment or 13014
services that are placed in the commissary fund under this 13015
division shall be used for the same purposes as profits from the 13016
commissary fund, except that they shall not be used to pay any 13017
salary or benefits of any person who works in or is employed for 13018
the sole purpose of providing service to the commissary. 13019

(C) Any fee paid by a person under this section shall be 13020
deducted from any medical or dental costs that the person is 13021
ordered to reimburse under section 2929.36 of the Revised Code or 13022
to repay under a policy adopted under section 2929.37 of the 13023
Revised Code. 13024

(D) As used in this section, "inmate account" has the same 13025
meaning as in section 2969.21 of the Revised Code. 13026

Sec. 2935.36. (A) The prosecuting attorney may establish 13027
pre-trial diversion programs for adults who are accused of 13028
committing criminal offenses and whom the prosecuting attorney 13029
believes probably will not offend again. The prosecuting attorney 13030
may require, as a condition of an accused's participation in the 13031
program, the accused to pay a reasonable fee for supervision 13032

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:

(a) The accused did not cause, threaten, or intend serious physical harm to any person;

(b) The offense was the result of circumstances not likely to recur;

(c) The accused has no history of prior delinquency or criminal activity;

(d) The accused has led a law-abiding life for a substantial time before commission of the alleged offense;

(e) Substantial grounds tending to excuse or justify the alleged offense.

(3) Persons accused of a violation of Chapter 2925. or 3719. of the Revised Code;

(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.

(5) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal ordinance.

(B) An accused who enters a diversion program shall do all of the following:

(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;

(2) Agree, in writing, to the tolling while in the program of all periods of limitation established by statutes or rules of court, that are applicable to the offense with which the accused is charged and to the conditions of the diversion program established by the prosecuting attorney;

(3) Agree, in writing, to pay any reasonable fee for supervision services established by the prosecuting attorney.

(C) The trial court, upon the application of the prosecuting attorney, shall order the release from confinement of any accused who has agreed to enter a pre-trial diversion program and shall discharge and release any existing bail and release any sureties on recognizances and shall release the accused on a recognizance bond conditioned upon the accused's compliance with the terms of the diversion program. The prosecuting attorney shall notify every victim of the crime and the arresting officers of the prosecuting attorney's intent to permit the accused to enter a pre-trial

diversion program. The victim of the crime and the arresting officers shall have the opportunity to file written objections with the prosecuting attorney prior to the commencement of the pre-trial diversion program.

(D) If the accused satisfactorily completes the diversion program, the prosecuting attorney shall recommend to the trial court that the charges against the accused be dismissed, and the court, upon the recommendation of the prosecuting attorney, shall dismiss the charges. If the accused chooses not to enter the prosecuting attorney's diversion program, or if the accused violates the conditions of the agreement pursuant to which the accused has been released, the accused may be brought to trial upon the charges in the manner provided by law, and the waiver executed pursuant to division (B)(1) of this section shall be void on the date the accused is removed from the program for the violation.

(E) As used in this section:

(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 13125
imprisoned pursuant to sentence for one or more of those theft 13126
offenses, the person commits a subsequent theft offense; 13127

(d) Having been convicted of one or more felony drug abuse 13128
offenses as defined in section 2925.01 of the Revised Code and 13129
having been imprisoned pursuant to sentence for one or more of 13130
those felony drug abuse offenses, the person commits a subsequent 13131
felony drug abuse offense; 13132

(e) Having been convicted of two or more felonies and having 13133
been imprisoned pursuant to sentence for one or more felonies, the 13134
person commits a subsequent offense; 13135

(f) Having been convicted of three or more offenses of any 13136
type or degree other than traffic offenses, alcoholic intoxication 13137
offenses, or minor misdemeanors and having been imprisoned 13138
pursuant to sentence for any such offense, the person commits a 13139
subsequent offense. 13140

(2) "Dangerous offender" means a person who has committed an 13141
offense, whose history, character, and condition reveal a 13142
substantial risk that the person will be a danger to others, and 13143
whose conduct has been characterized by a pattern of repetitive, 13144
compulsive, or aggressive behavior with heedless indifference to 13145
the consequences. 13146

Sec. 2949.091. (A)(1) The court, in which any person is 13147
convicted of or pleads guilty to any offense other than a traffic 13148
offense that is not a moving violation, shall impose the sum of 13149
~~eleven~~ fifteen dollars as costs in the case in addition to any 13150
other court costs that the court is required by law to impose upon 13151
the offender. All such moneys collected during a month shall be 13152
transmitted on or before the twentieth day of the following month 13153
by the clerk of the court to the treasurer of state and deposited 13154
by the treasurer of state into the general revenue fund. The court 13155

shall not waive the payment of the additional ~~eleven~~ fifteen 13156
dollars court costs, unless the court determines that the offender 13157
is indigent and waives the payment of all court costs imposed upon 13158
the indigent offender. 13159

(2) The juvenile court, in which a child is found to be a 13160
delinquent child or a juvenile traffic offender for an act which, 13161
if committed by an adult, would be an offense other than a traffic 13162
offense that is not a moving violation, shall impose the sum of 13163
~~eleven~~ fifteen dollars as costs in the case in addition to any 13164
other court costs that the court is required or permitted by law 13165
to impose upon the delinquent child or juvenile traffic offender. 13166
All such moneys collected during a month shall be transmitted on 13167
or before the twentieth day of the following month by the clerk of 13168
the court to the treasurer of state and deposited by the treasurer 13169
of state into the general revenue fund. The ~~eleven~~ fifteen dollars 13170
court costs shall be collected in all cases unless the court 13171
determines the juvenile is indigent and waives the payment of all 13172
court costs, or enters an order on its journal stating that it has 13173
determined that the juvenile is indigent, that no other court 13174
costs are to be taxed in the case, and that the payment of the 13175
~~eleven~~ fifteen dollars court costs is waived. 13176

(B) Whenever a person is charged with any offense other than 13177
a traffic offense that is not a moving violation and posts bail, 13178
the court shall add to the amount of the bail the ~~eleven~~ fifteen 13179
dollars required to be paid by division (A)(1) of this section. 13180
The ~~eleven~~ fifteen dollars shall be retained by the clerk of the 13181
court until the person is convicted, pleads guilty, forfeits bail, 13182
is found not guilty, or has the charges dismissed. If the person 13183
is convicted, pleads guilty, or forfeits bail, the clerk shall 13184
transmit the ~~eleven~~ fifteen dollars on or before the twentieth day 13185
of the month following the month in which the person was 13186
convicted, pleaded guilty, or forfeited bail to the treasurer of 13187

state, who shall deposit it into the general revenue fund. If the 13188
person is found not guilty or the charges are dismissed, the clerk 13189
shall return the ~~eleven~~ fifteen dollars to the person. 13190

(C) No person shall be placed or held in a detention facility 13191
for failing to pay the additional ~~eleven~~ fifteen dollars court 13192
costs or bail that are required to be paid by this section. 13193

(D) As used in this section: 13194

(1) "Moving violation" and "bail" have the same meanings as 13195
in section 2743.70 of the Revised Code. 13196

(2) "Detention facility" has the same meaning as in section 13197
2921.01 of the Revised Code. 13198

Sec. 3111.04. (A) An action to determine the existence or 13199
nonexistence of the father and child relationship may be brought 13200
by the child or the child's personal representative, the child's 13201
mother or her personal representative, a man alleged or alleging 13202
himself to be the child's father, the child support enforcement 13203
agency of the county in which the child resides if the child's 13204
mother is a recipient of public assistance or of services under 13205
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 13206
U.S.C.A. 651, as amended, or the alleged father's personal 13207
representative. 13208

(B) An agreement does not bar an action under this section. 13209

(C) If an action under this section is brought before the 13210
birth of the child and if the action is contested, all 13211
proceedings, except service of process and the taking of 13212
depositions to perpetuate testimony, may be stayed until after the 13213
birth. 13214

(D) A recipient of public assistance or of services under 13215
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 13216
U.S.C.A. 651, as amended, shall cooperate with the child support 13217

enforcement agency of the county in which a child resides to 13218
obtain an administrative determination pursuant to sections 13219
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 13220
determination pursuant to sections 3111.01 to 3111.18 of the 13221
Revised Code, of the existence or nonexistence of a parent and 13222
child relationship between the father and the child. If the 13223
recipient fails to cooperate, the agency may commence an action to 13224
determine the existence or nonexistence of a parent and child 13225
relationship between the father and the child pursuant to sections 13226
3111.01 to 3111.18 of the Revised Code. 13227

(E) As used in this section, "public assistance" means 13228
medical assistance under Chapter 5111. of the Revised Code, 13229
assistance under Chapter 5107. of the Revised Code, ~~or~~ disability 13230
financial assistance under Chapter 5115. of the Revised Code, or 13231
disability medical assistance under Chapter 5115. of the Revised 13232
Code. 13233

Sec. 3111.72. (A) The contract between the department of job 13234
and family services and a local hospital shall require all of the 13235
following: 13236

~~(A)~~(1) That the hospital provide a staff person to meet with 13237
each unmarried mother who gave birth in or en route to the 13238
hospital within twenty-four hours of the birth or before the 13239
mother is released from the hospital; 13240

~~(B)~~(2) That the staff person attempt to meet with the father 13241
of the unmarried mother's child if possible; 13242

~~(C)~~(3) That the staff person explain to the unmarried mother 13243
and the father, if he is present, the benefit to the child of 13244
establishing a parent and child relationship between the father 13245
and the child and the various proper procedures for establishing a 13246
parent and child relationship; 13247

~~(D)~~(4) That the staff person present to the unmarried mother 13248
and, if possible, the father, the pamphlet or statement regarding 13249
the rights and responsibilities of a natural parent that is 13250
prepared and provided by the department of job and family services 13251
pursuant to section 3111.32 of the Revised Code; 13252

~~(E)~~(5) That the staff person provide the mother and, if 13253
possible, the father, all forms and statements necessary to 13254
voluntarily establish a parent and child relationship, including, 13255
but not limited to, the acknowledgment of paternity affidavit 13256
prepared by the department of job and family services pursuant to 13257
section 3111.31 of the Revised Code; 13258

~~(F)~~(6) That the staff person, at the request of both the 13259
mother and father, help the mother and father complete any form or 13260
statement necessary to establish a parent and child relationship; 13261

~~(G)~~(7) That the hospital provide a notary public to notarize 13262
an acknowledgment of paternity affidavit signed by the mother and 13263
father; 13264

~~(H)~~(8) That the staff person present to an unmarried mother 13265
who is not participating in the Ohio works first program 13266
established under Chapter 5107. or receiving medical assistance 13267
under Chapter 5111. of the Revised Code an application for Title 13268
IV-D services; 13269

~~(I)~~(9) That the staff person forward any completed 13270
acknowledgment of paternity, no later than ten days after it is 13271
completed, to the office of child support in the department of job 13272
and family services; 13273

~~(J)~~(10) That the department of job and family services pay 13274
the hospital twenty dollars for every correctly signed and 13275
notarized acknowledgment of paternity affidavit from the hospital; 13276

(11) That, if an acknowledgment of paternity application is 13277

not completed and signed by the mother and father, at the request 13278
of either the mother or father and on completion by the mother or 13279
father of an application for services under Title IV-D of the 13280
"Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 13281
amended, including paternity determination, the hospital staff 13282
immediately collect genetic samples from the mother, father, and 13283
child at no cost to either parent; 13284

(12) That the department pay the hospital thirty dollars for 13285
each sample collected pursuant to division (A)(11) of this 13286
section; 13287

(13) That the department pay the cost of genetic tests of 13288
samples collected pursuant to division (A)(11) of this section. 13289

(B) The director of job and family services shall adopt rules 13290
under Chapter 119. of the Revised Code to implement this section. 13291

Sec. 3119.01. (A) As used in the Revised Code, "child support 13292
enforcement agency" means a child support enforcement agency 13293
designated under former section 2301.35 of the Revised Code prior 13294
to October 1, 1997, or a private or government entity designated 13295
as a child support enforcement agency under section 307.981 of the 13296
Revised Code. 13297

(B) As used in this chapter and Chapters 3121., 3123., and 13298
3125. of the Revised Code: 13299

(1) "Administrative child support order" means any order 13300
issued by a child support enforcement agency for the support of a 13301
child pursuant to section 3109.19 or 3111.81 of the Revised Code 13302
or former section 3111.211 of the Revised Code, section 3111.21 of 13303
the Revised Code as that section existed prior to January 1, 1998, 13304
or section 3111.20 or 3111.22 of the Revised Code as those 13305
sections existed prior to March 22, 2001. 13306

(2) "Child support order" means either a court child support 13307

order or an administrative child support order.	13308
(3) "Obligee" means the person who is entitled to receive the support payments under a support order.	13309 13310
(4) "Obligor" means the person who is required to pay support under a support order.	13311 13312
(5) "Support order" means either an administrative child support order or a court support order.	13313 13314
(C) As used in this chapter:	13315
(1) "Combined gross income" means the combined gross income of both parents.	13316 13317
(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	13318 13319 13320 13321 13322 13323 13324
(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.	13325 13326 13327 13328 13329
(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.	13330 13331 13332
(5) "Income" means either of the following:	13333
(a) For a parent who is employed to full capacity, the gross income of the parent;	13334 13335
(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the	13336 13337

parent. 13338

(6) "Insurer" means any person authorized under Title XXXIX 13339
of the Revised Code to engage in the business of insurance in this 13340
state, any health insuring corporation, and any legal entity that 13341
is self-insured and provides benefits to its employees or members. 13342

(7) "Gross income" means, except as excluded in division 13343
(C)(7) of this section, the total of all earned and unearned 13344
income from all sources during a calendar year, whether or not the 13345
income is taxable, and includes income from salaries, wages, 13346
overtime pay, and bonuses to the extent described in division (D) 13347
of section 3119.05 of the Revised Code; commissions; royalties; 13348
tips; rents; dividends; severance pay; pensions; interest; trust 13349
income; annuities; social security benefits, including retirement, 13350
disability, and survivor benefits that are not means-tested; 13351
workers' compensation benefits; unemployment insurance benefits; 13352
disability insurance benefits; benefits that are not means-tested 13353
and that are received by and in the possession of the veteran who 13354
is the beneficiary for any service-connected disability under a 13355
program or law administered by the United States department of 13356
veterans' affairs or veterans' administration; spousal support 13357
actually received; and all other sources of income. "Gross income" 13358
includes income of members of any branch of the United States 13359
armed services or national guard, including, amounts representing 13360
base pay, basic allowance for quarters, basic allowance for 13361
subsistence, supplemental subsistence allowance, cost of living 13362
adjustment, specialty pay, variable housing allowance, and pay for 13363
training or other types of required drills; self-generated income; 13364
and potential cash flow from any source. 13365

"Gross income" does not include any of the following: 13366

(a) Benefits received from means-tested government 13367
administered programs, including Ohio works first; prevention, 13368
retention, and contingency; means-tested veterans' benefits; 13369

supplemental security income; food stamps; disability <u>financial</u>	13370
assistance; or other assistance for which eligibility is	13371
determined on the basis of income or assets;	13372
(b) Benefits for any service-connected disability under a	13373
program or law administered by the United States department of	13374
veterans' affairs or veterans' administration that are not	13375
means-tested, that have not been distributed to the veteran who is	13376
the beneficiary of the benefits, and that are in the possession of	13377
the United States department of veterans' affairs or veterans'	13378
administration;	13379
(c) Child support received for children who were not born or	13380
adopted during the marriage at issue;	13381
(d) Amounts paid for mandatory deductions from wages such as	13382
union dues but not taxes, social security, or retirement in lieu	13383
of social security;	13384
(e) Nonrecurring or unsustainable income or cash flow items;	13385
(f) Adoption assistance and foster care maintenance payments	13386
made pursuant to Title IV-E of the "Social Security Act," 94 Stat.	13387
501, 42 U.S.C.A. 670 (1980), as amended.	13388
(8) "Nonrecurring or unsustainable income or cash flow item"	13389
means an income or cash flow item the parent receives in any year	13390
or for any number of years not to exceed three years that the	13391
parent does not expect to continue to receive on a regular basis.	13392
"Nonrecurring or unsustainable income or cash flow item" does not	13393
include a lottery prize award that is not paid in a lump sum or	13394
any other item of income or cash flow that the parent receives or	13395
expects to receive for each year for a period of more than three	13396
years or that the parent receives and invests or otherwise uses to	13397
produce income or cash flow for a period of more than three years.	13398
(9)(a) "Ordinary and necessary expenses incurred in	13399
generating gross receipts" means actual cash items expended by the	13400

parent or the parent's business and includes depreciation expenses 13401
of business equipment as shown on the books of a business entity. 13402

(b) Except as specifically included in "ordinary and 13403
necessary expenses incurred in generating gross receipts" by 13404
division (C)(9)(a) of this section, "ordinary and necessary 13405
expenses incurred in generating gross receipts" does not include 13406
depreciation expenses and other noncash items that are allowed as 13407
deductions on any federal tax return of the parent or the parent's 13408
business. 13409

(10) "Personal earnings" means compensation paid or payable 13410
for personal services, however denominated, and includes wages, 13411
salary, commissions, bonuses, draws against commissions, profit 13412
sharing, vacation pay, or any other compensation. 13413

(11) "Potential income" means both of the following for a 13414
parent who the court pursuant to a court support order, or a child 13415
support enforcement agency pursuant to an administrative child 13416
support order, determines is voluntarily unemployed or voluntarily 13417
underemployed: 13418

(a) Imputed income that the court or agency determines the 13419
parent would have earned if fully employed as determined from the 13420
following criteria: 13421

(i) The parent's prior employment experience; 13422

(ii) The parent's education; 13423

(iii) The parent's physical and mental disabilities, if any; 13424

(iv) The availability of employment in the geographic area in 13425
which the parent resides; 13426

(v) The prevailing wage and salary levels in the geographic 13427
area in which the parent resides; 13428

(vi) The parent's special skills and training; 13429

(vii) Whether there is evidence that the parent has the 13430

ability to earn the imputed income;	13431
(viii) The age and special needs of the child for whom child support is being calculated under this section;	13432 13433
(ix) The parent's increased earning capacity because of experience;	13434 13435
(x) Any other relevant factor.	13436
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	13437 13438 13439 13440 13441
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	13442 13443
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	13444 13445 13446 13447 13448 13449 13450 13451 13452 13453
(14) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.	13454 13455 13456 13457 13458
(15) "Worksheet" means the applicable worksheet that is used to calculate a parent's child support obligation as set forth in	13459 13460

sections 3119.022 and 3119.023 of the Revised Code. 13461

Sec. 3123.952. A child support enforcement agency may submit 13462
the name of a delinquent obligor to the office of child support 13463
for inclusion on a poster only if all of the following apply: 13464

(A) The obligor is subject to a support order and there has 13465
been an attempt to enforce the order through a public notice, a 13466
wage withholding order, a lien on property, a financial 13467
institution deduction order, or other court-ordered procedures. 13468

(B) The department of job and family services reviewed the 13469
obligor's records and confirms the child support enforcement 13470
agency's finding that the obligor's name and photograph may be 13471
submitted to be displayed on a poster. 13472

(C) The agency does not know or is unable to verify the 13473
obligor's whereabouts. 13474

(D) The obligor is not a participant in Ohio works first or 13475
the prevention, retention, and contingency program or a recipient 13476
of disability financial assistance, supplemental security income, 13477
or food stamps. 13478

(E) The child support enforcement agency does not have 13479
evidence that the obligor has filed for protection under the 13480
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 13481

(F) The obligee gave written authorization to the agency to 13482
display the obligor on a poster. 13483

(G) A legal representative of the agency and a child support 13484
enforcement administrator reviewed the case. 13485

(H) The agency is able to submit to the department a 13486
description and photograph of the obligor, a statement of the 13487
possible locations of the obligor, and any other information 13488
required by the department. 13489

Sec. 3301.20. (A) Not later than July 1, 2004, the department 13490
of education shall establish the Ohio regional education delivery 13491
system to provide services and technical assistance to school 13492
districts. The system shall provide services that were formerly 13493
provided by regional professional development centers, special 13494
education regional resource centers, area media centers, school 13495
improvement facilitators, Ohio SchoolNet regional faculty, and 13496
other regional service providers. 13497

(B) The number of regional service centers established under 13498
the Ohio regional education delivery system shall not exceed 13499
nineteen. Such service centers shall be distributed geographically 13500
throughout the state. 13501

(C) The department, in consultation with stakeholders, shall 13502
develop an accountability system for the Ohio regional education 13503
delivery system. The accountability system shall include minimum 13504
standards for operation and the provision of services. It shall 13505
also include benchmarks against performance measures based on each 13506
of the following: 13507

(1) Student achievement; 13508

(2) The effectiveness and efficiency of service delivery; 13509

(3) The quality of implementation of state initiatives; 13510

(4) Satisfaction expressed by school districts and other 13511
entities that use the Ohio regional education delivery system with 13512
the quality of the system. 13513

(D) The department, in consultation with stakeholders, shall 13514
develop accountability systems for educational service centers, 13515
data acquisition sites established under section 3301.075 of the 13516
Revised Code, and educational technology centers. 13517

Sec. 3301.31. As used in this section and sections 3301.32 to 13518

<u>3301.37 of the Revised Code:</u>	13519
<u>(A) "Eligible individual" means an individual eligible for Title IV-A services.</u>	13520 13521
<u>(B) "Head start agency" means any of the following:</u>	13522
<u>(1) An entity in this state that has been approved to be an agency for purposes of the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C. 9831, as amended;</u>	13523 13524 13525
<u>(2) A Title IV-A head start agency;</u>	13526
<u>(3) A Title IV-A head start plus agency.</u>	13527
<u>(C) "Head start program" has the same meaning as in section 5104.01 of the Revised Code.</u>	13528 13529
<u>(D) "Title IV-A services" means benefits and services that are allowable under Title IV-A of the "Social Security Act," as specified in 42 U.S.C.A 604(a), except that they shall not be benefits and services included in the term "assistance" as defined in 45 C.F.R. 260.31(a) and shall be benefits and services that are excluded from the definition of the term "assistance" under 45 C.F.R. 260.31(b).</u>	13530 13531 13532 13533 13534 13535 13536
<u>(E) "Title IV-A head start agency" means an agency receiving funds to operate a head start program as prescribed in section 3301.34 of the Revised Code.</u>	13537 13538 13539
<u>(F) "Title IV-A head start plus agency" means an agency receiving funds to operate a head start program as prescribed in section 3301.35 of the Revised Code.</u>	13540 13541 13542
<u>Sec. 3301.33. (A) There is hereby established the Title IV-A head start program to provide head start program services to eligible individuals.</u>	13543 13544 13545
<u>(B) There is hereby established the Title IV-A head start plus program to provide year-long head start program services and</u>	13546 13547

child care services to eligible individuals. 13548

(C) The programs established under divisions (A) and (B) of 13549
this section shall be administered by the department of education 13550
in accordance with an interagency agreement entered into with the 13551
department of job and family services under section 5101.801 of 13552
the Revised Code. The programs shall provide Title IV-A services 13553
to eligible individuals who meet eligibility requirements 13554
established in rules and administrative orders adopted by the 13555
department of job and family services under Chapter 5104. of the 13556
Revised Code. The department of job and family services and the 13557
department of education jointly shall adopt policies and 13558
procedures establishing program requirements for eligibility, 13559
services, program administration, fiscal accountability, and other 13560
criteria necessary to comply with the provisions of Title IV-A of 13561
the "Social Security Act," 110 Stat. 2113, 42 U.S.C. 601 (1996), 13562
as amended. 13563

The department of education shall be responsible for 13564
approving all Title IV-A head start agencies and Title IV-A head 13565
start plus agencies for provision of services under the programs 13566
established under this section. An agency that is not approved by 13567
the department shall not be reimbursed for the cost of providing 13568
services under the programs. 13569

Sec. 3301.34. In administering the Title IV-A head start 13570
program established under division (A) of section 3301.33 of the 13571
Revised Code, the department of education shall enter into a 13572
contract with each Title IV-A head start agency establishing the 13573
terms and conditions applicable to the provision of Title IV-A 13574
services for eligible individuals. The contracts shall specify the 13575
respective duties of the Title IV-A head start agencies and the 13576
department of education, reporting requirements, eligibility 13577
requirements, procedures for obtaining verification of eligibility 13578

for Title IV-A services from a county department of job and family services, reimbursement methodology, audit requirements, and other provisions determined necessary. The department of education shall reimburse the Title IV-A head start agencies for Title IV-A services provided to eligible individuals in accordance with the terms of the contract, policies and procedures adopted by the department of education and the department of job and family services under section 3301.33 of the Revised Code, and the interagency agreement entered into by the departments.

The department of education shall ensure that all reimbursements paid to a Title IV-A head start agency are only for Title IV-A services.

The department of education shall ensure that all reimbursements paid to a Title IV-A head start agency are for only those individuals for whom the Title IV-A head start agency has obtained verification of eligibility for Title IV-A services from the appropriate county department of job and family services, as provided for in section 3301.36 of the Revised Code.

Sec. 3301.35. (A) In administering the Title IV-A head start plus program established under division (B) of section 3301.33, the department of education shall enter into a contract with each county department of job and family services to administer the program within its respective county. The county departments shall verify the eligibility for Title IV-A services of individuals and reimburse Title IV-A head start plus agencies for Title IV-A services provided to eligible individuals under the program. The department of education shall reimburse the county departments for allowable payments made to Title IV-A head start plus agencies.

The contract entered into by the department of education and each county department shall specify the duties of the county department and the department of education, reporting

requirements, reimbursement methodology, audit requirements, and 13610
other provisions determined necessary. The department of education 13611
shall reimburse each county department for reimbursements the 13612
county department pays to Title IV-A head start plus agencies for 13613
Title IV-A services in accordance with the terms of the contract 13614
and with policies and procedures adopted by the department of 13615
education and the state department of job and family services 13616
under section 3301.33 of the Revised Code. 13617

Each county department shall deposit all reimbursements 13618
received under this section into the county public assistance 13619
fund. 13620

(B) Each county department shall administer the program 13621
within its respective county in accordance with requirements 13622
established by the state department of job and family services 13623
under section 5101.801 of the Revised Code. The county department 13624
shall ensure that all reimbursements paid to a Title IV-A head 13625
start plus agency are for only Title IV-A services. 13626

The administration of the Title IV-A head start plus program 13627
by the county department shall include all of the following: 13628

(1) Determining eligibility of individuals and establishing 13629
co-payment requirements in accordance with rules adopted by the 13630
state department of job and family services; 13631

(2) Ensuring that any reimbursements paid by the county 13632
department to a Title IV-A head start plus agency comply with 13633
requirements of Title IV-A of the "Social Security Act," 110 Stat. 13634
2113, 42 U.S.C. 601 (1996), as amended, including eligibility of 13635
individuals, reporting requirements, allowable benefits and 13636
services, use of funds, and audit requirements, as specified in 13637
state and federal laws and regulations, United States office of 13638
management and budget circulars, and the Title IV-A state plan; 13639

(3) Monitoring each Title IV-A head start plus agency that 13640

receives funds from the county department. The county department 13641
is responsible for assuring that all Title IV-A funds are used 13642
solely for purposes allowable under federal regulations, section 13643
5101.801 of the Revised Code, and the Title IV-A state plan and 13644
shall take prompt action to recover funds that are not expended 13645
accordingly. 13646

(C) Each county department shall enter into contracts with 13647
Title IV-A head start plus agencies to provide Title IV-A services 13648
to eligible individuals who meet eligibility requirements 13649
established in rules adopted by the department of job and family 13650
services. 13651

The county department shall enter into contracts with only 13652
those agencies that have been approved by the department of 13653
education as a Title IV-A head start plus agency and that have 13654
been licensed in accordance with section 3301.37 of the Revised 13655
Code. Each contract entered into by a county department under this 13656
division shall specify all of the following: 13657

(1) Requirements for financial management and accountability 13658
for the funds, including the prompt repayment of funds that were 13659
not spent in accordance with these requirements; 13660

(2) Requirements applicable to the allowable use of and 13661
accountability for Title IV-A funds; 13662

(3) Requirements for access, inspection, and examination of 13663
the agency's financial and program records by the county 13664
department, the state department of job and family services, the 13665
department of education, the auditor of state, and any other state 13666
or federal agency with authority to inspect and examine such 13667
records; 13668

(4) Audit requirements applicable to funds received under the 13669
contract; 13670

(5) Requirements for the prompt repayment to the county 13671

<u>department of any funds that are the subject of any federal or</u>	13672
<u>state adverse audit findings;</u>	13673
<u>(6) Procedures for adjustments and reconciliation of</u>	13674
<u>overpayments, underpayments, advanced funds, or other accounting</u>	13675
<u>procedures required by the county department, state department of</u>	13676
<u>job and family services, or department of education;</u>	13677
<u>(7) Reimbursement rates;</u>	13678
<u>(8) Billing dates, payment dates, and other reimbursement</u>	13679
<u>procedures established by the county department;</u>	13680
<u>(9) Reporting requirements by and for the county department,</u>	13681
<u>the state department of job and family services, and the</u>	13682
<u>department of education;</u>	13683
<u>(10) Provisions for the county department to withhold</u>	13684
<u>reimbursement, or to suspend, modify, or terminate the contract if</u>	13685
<u>the department of education suspends or removes the agency from</u>	13686
<u>the list of approved Title IV-A head start plus agencies or if the</u>	13687
<u>state department of job and family services denies or revokes a</u>	13688
<u>license for the agency.</u>	13689
<u>Sec. 3301.36. At the request of a Title IV-A head start</u>	13690
<u>agency or Title IV-A head start plus agency, each county</u>	13691
<u>department of job and family services shall provide verification</u>	13692
<u>of eligibility for Title IV-A services for individuals seeking</u>	13693
<u>Title IV-A services from the agency.</u>	13694
<u>Sec. 3301.37. (A) Each entity operating a head start program</u>	13695
<u>shall be licensed by the department of job and family services in</u>	13696
<u>accordance with Chapter 5104. of the Revised Code.</u>	13697
<u>(B) Notwithstanding division (A) of this section, any current</u>	13698
<u>license issued under section 3301.58 of the Revised Code by the</u>	13699
<u>department of education to an entity operating a head start</u>	13700

program prior to the effective date of this section is hereby 13701
deemed to be a license issued by the department of job and family 13702
services under Chapter 5104. of the Revised Code. The expiration 13703
date of the license shall be the earlier of the expiration date 13704
specified in the license as issued under section 3301.58 of the 13705
Revised Code or July 1, 2005. In order to continue operation of 13706
its head start program after that expiration date, the entity 13707
shall obtain a license as prescribed in division (A) of this 13708
section. 13709

Sec. ~~3301.33~~ 3301.40. (A) As used in this section, "adult 13710
education" has the meaning as established under the "adult 13711
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as 13712
amended. 13713

(B) Beginning July 1, 1996, the department of education may 13714
distribute state funds to organizations that qualify for federal 13715
funds under the "Adult Education Act," 102 Stat. 302 (1988), 20 13716
1201 to 1213d, as amended. The funds shall be used by qualifying 13717
organizations to provide adult education services. State funds 13718
distributed pursuant to this section shall be distributed in 13719
accordance with the rules adopted by the state board of education 13720
pursuant to this section. 13721

Each organization that receives funds under this section 13722
shall file program performance reports with the department. The 13723
reports shall be filed at times required by state board of 13724
education rule and contain assessments of individual students as 13725
they enter, progress through, and exit the adult education 13726
program; records regarding individual student program 13727
participation time; reports of individual student retention rates; 13728
and any other information required by rule. 13729

(C) The state board of education shall adopt rules for the 13730
distribution of funds under this section. The rules shall include 13731

the following:	13732
(1) Requirements for program performance reports.	13733
(2) Indicators of adult education program quality, including indicators of learner achievement, program environment, program planning, curriculum and instruction, staff development, support services, and recruitment and retention.	13734 13735 13736 13737
(3) A formula for the distribution of funds under this section. The formula shall include as a factor an organization's quantifiable success in meeting the indicators of program quality established pursuant to division (C)(2) of this section.	13738 13739 13740 13741
(4) Standards and procedures for reducing or discontinuing funding to organizations that fail to meet the requirements of this section.	13742 13743 13744
(5) Any other requirements or standards considered appropriate by the board.	13745 13746
Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code:	13747 13748
(A) "Preschool program" means either of the following:	13749
(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.	13750 13751 13752 13753
(2) A child day-care program for preschool children age three or older that is operated by a county MR/DD board.	13754 13755
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	13756 13757
(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.	13758 13759 13760

(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of an eligible nonpublic school.	13761 13762 13763
(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.	13764 13765 13766
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	13767 13768 13769
(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.	13770 13771 13772 13773
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.	13774 13775 13776 13777 13778
(I) "County MR/DD board" means a county board of mental retardation and developmental disabilities.	13779 13780
(J) "School child program" means a child day-care program for only school children that is operated by a school district board of education, county MR/DD board, or eligible nonpublic school.	13781 13782 13783
(K) "School child" and "child day-care" have the same meanings as in section 5104.01 of the Revised Code.	13784 13785
(L) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program.	13786 13787 13788
(M) "Head start" means a program operated in accordance with subchapter II of the "Community Economic Development Act," 95	13789 13790

~~Stat. 489 (1981), 42 U.S.C. 9831, and amendments thereto.~~ 13791

Sec. 3301.53. (A) Not later than July 1, 1988, the state 13792
board of education, in consultation with the director of job and 13793
family services, shall formulate and prescribe by rule adopted 13794
under Chapter 119. of the Revised Code minimum standards to be 13795
applied to preschool programs operated by school district boards 13796
of education, county MR/DD boards, or eligible nonpublic schools, 13797
~~head start grantees, and head start delegate agencies.~~ The rules 13798
shall include the following: 13799

(1) Standards ensuring that the preschool program is located 13800
in a safe and convenient facility that accommodates the enrollment 13801
of the program, is of the quality to support the growth and 13802
development of the children according to the program objectives, 13803
and meets the requirements of section 3301.55 of the Revised Code; 13804

(2) Standards ensuring that supervision, discipline, and 13805
programs will be administered according to established objectives 13806
and procedures; 13807

(3) Standards ensuring that preschool staff members and 13808
nonteaching employees are recruited, employed, assigned, 13809
evaluated, and provided inservice education without discrimination 13810
on the basis of age, color, national origin, race, or sex; and 13811
that preschool staff members and nonteaching employees are 13812
assigned responsibilities in accordance with written position 13813
descriptions commensurate with their training and experience; 13814

(4) A requirement that boards of education intending to 13815
establish a preschool program on or after March 17, 1989, 13816
demonstrate a need for a preschool program that is not being met 13817
by any existing program providing child day-care, prior to 13818
establishing the program; 13819

(5) Requirements that children participating in preschool 13820

programs have been immunized to the extent considered appropriate 13821
by the state board to prevent the spread of communicable disease; 13822

(6) Requirements that the parents of preschool children 13823
complete the emergency medical authorization form specified in 13824
section 3313.712 of the Revised Code. 13825

(B) The state board of education in consultation with the 13826
director of job and family services shall ensure that the rules 13827
adopted by the state board under sections 3301.52 to 3301.58 of 13828
the Revised Code are consistent with and meet or exceed the 13829
requirements of Chapter 5104. of the Revised Code with regard to 13830
child day-care centers. The state board and the director of job 13831
and family services shall review all such rules at least once 13832
every five years. 13833

(C) On or before January 1, 1992, the state board of 13834
education, in consultation with the director of job and family 13835
services, shall adopt rules for school child programs that are 13836
consistent with and meet or exceed the requirements of the rules 13837
adopted for school child day-care centers under Chapter 5104. of 13838
the Revised Code. 13839

Sec. 3301.54. (A)(1) Each preschool program shall be directed 13840
and supervised by a director, a head teacher, an elementary 13841
principal, or a site administrator who is on site and responsible 13842
for supervision of the program. Except as otherwise provided in 13843
division (A)(2), (3), or (4) of this section, this person shall 13844
hold a valid educator license designated as appropriate for 13845
teaching or being an administrator in a preschool setting issued 13846
pursuant to section 3319.22 of the Revised Code and have completed 13847
at least four courses in child development or early childhood 13848
education from an accredited college, university, or technical 13849
college. 13850

(2) If the person was employed prior to July 1, 1988, by a 13851

school district board of education or an eligible nonpublic school 13852
to direct a preschool program, the person shall be considered to 13853
meet the requirements of this section if the person holds a valid 13854
kindergarten-primary certificate described under former division 13855
(A) of section 3319.22 of the Revised Code as it existed on 13856
January 1, 1996. 13857

(3) If the person is employed to direct a preschool program 13858
operated by an eligible, nontax-supported, nonpublic school, the 13859
person shall be considered to meet the requirements of this 13860
section if the person holds a valid teaching certificate issued in 13861
accordance with section 3301.071 of the Revised Code. 13862

~~(4) If the person is a site administrator for a head start 13863
grantee or head start delegate agency, the person shall be 13864
considered to meet the requirements of this section if the person 13865
provides evidence that the person has attained at least a high 13866
school diploma or certification of high school equivalency issued 13867
by the state board of education or a comparable agency of another 13868
state, and that the person meets at least one of the following 13869
requirements: 13870~~

~~(a) Two years of experience working as a child care staff 13871
member in a child day care center or preschool program and at 13872
least four courses in child development or early childhood 13873
education from an accredited college, university, or technical 13874
college, except that a person who has two years of experience 13875
working as a child care staff member in a particular day care 13876
center or preschool program and who has been promoted to or 13877
designated director shall have one year from the time the person 13878
was promoted or designated to complete the required four courses; 13879~~

~~(b) Two years of training in an accredited college, 13880
university, or technical college that includes at least four 13881
courses in child development or early childhood education; 13882~~

~~(c) A child development associate credential issued by the national child development associate credentialing commission;~~ 13883
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~~(d) An associate or higher degree in child development or early childhood education from an accredited college, university, or technical college.~~ 13885
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(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 teacher-coordinator in the student's high school. 13888
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A preschool staff member shall annually complete fifteen hours of inservice training in child development or early childhood education, child abuse recognition and prevention, and first aid, and in the prevention, recognition, and management of communicable diseases, until a total of forty-five hours has been completed, unless the staff member holds an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college, or any type of educator license designated as appropriate for teaching in an associate teaching position in a preschool setting issued by the state board of education pursuant to section 3319.22 of the Revised Code. 13901
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Sec. 3301.55. (A) A school district, county MR/DD board, or 13913

eligible nonpublic school, ~~head start grantee, or head start~~ 13914
~~delegate agency~~ operating a preschool program shall house the 13915
program in buildings that meet the following requirements: 13916

(1) The building is operated by the district, county MR/DD 13917
board, or eligible nonpublic school, ~~head start grantee, or head~~ 13918
~~start delegate agency~~ and has been approved by the division of 13919
industrial compliance in the department of commerce or a certified 13920
municipal, township, or county building department for the purpose 13921
of operating a program for preschool children. Any such structure 13922
shall be constructed, equipped, repaired, altered, and maintained 13923
in accordance with applicable provisions of Chapters 3781. and 13924
3791. and with rules adopted by the board of building standards 13925
under Chapter 3781. of the Revised Code for the safety and 13926
sanitation of structures erected for this purpose. 13927

(2) The building is in compliance with fire and safety laws 13928
and regulations as evidenced by reports of annual school fire and 13929
safety inspections as conducted by appropriate local authorities. 13930

(3) The school is in compliance with rules established by the 13931
state board of education regarding school food services. 13932

(4) The facility includes not less than thirty-five square 13933
feet of indoor space for each child in the program. Safe play 13934
space, including both indoor and outdoor play space, totaling not 13935
less than sixty square feet for each child using the space at any 13936
one time, shall be regularly available and scheduled for use. 13937

(5) First aid facilities and space for temporary placement or 13938
isolation of injured or ill children are provided. 13939

(B) Each school district, county MR/DD board, or eligible 13940
nonpublic school, ~~head start grantee, or head start delegate~~ 13941
~~agency~~ that operates, or proposes to operate, a preschool program 13942
shall submit a building plan including all information specified 13943
by the state board of education to the board not later than the 13944

first day of September of the school year in which the program is 13945
to be initiated. The board shall determine whether the buildings 13946
meet the requirements of this section and section 3301.53 of the 13947
Revised Code, and notify the superintendent of its determination. 13948
If the board determines, on the basis of the building plan or any 13949
other information, that the buildings do not meet those 13950
requirements, it shall cause the buildings to be inspected by the 13951
department of education. The department shall make a report to the 13952
superintendent specifying any aspects of the building that are not 13953
in compliance with the requirements of this section and section 13954
3301.53 of the Revised Code and the time period that will be 13955
allowed the district, county MR/DD board, or school, ~~grantee, or~~ 13956
~~agency~~ to meet the requirements. 13957

Sec. 3301.57. (A) For the purpose of improving programs, 13958
facilities, and implementation of the standards promulgated by the 13959
state board of education under section 3301.53 of the Revised 13960
Code, the state department of education shall provide consultation 13961
and technical assistance to school districts, county MR/DD boards, 13962
and eligible nonpublic schools, ~~head start grantees, and head~~ 13963
~~start delegate agencies~~ operating preschool programs or school 13964
child programs, and inservice training to preschool staff members, 13965
school child program staff members, and nonteaching employees. 13966

(B) The department and the school district board of 13967
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 13968
~~start grantee, or head start delegate agency~~ shall jointly monitor 13969
each preschool program and each school child program. 13970

If the program receives any grant or other funding from the 13971
state or federal government, the department annually shall monitor 13972
all reports on attendance, financial support, and expenditures 13973
according to provisions for use of the funds. 13974

(C) ~~The department of job and family services and the~~ 13975

~~department of education shall enter into a contract pursuant to 13976
which the department of education inspects preschool programs and 13977
school child programs in accordance with sections 3301.52 to 13978
3301.59 of the Revised Code, the rules adopted under those 13979
sections, and any applicable procedures in Chapter 5104. of the 13980
Revised Code and investigates any complaints filed pursuant to 13981
those sections or rules. The contract shall require the department 13982
of job and family services to pay the department of education for 13983
conducting the inspections and investigations an amount equal to 13984
the amount that the department of job and family services would 13985
expend conducting the same number of inspections and 13986
investigations with its employees under Chapter 5104. of the 13987
Revised Code. 13988~~

~~(D)~~ The department of education, at least twice during every 13989
twelve-month period of operation of a preschool program or a 13990
licensed school child program, shall inspect the program and 13991
provide a written inspection report to the superintendent of the 13992
school district, county MR/DD board, eligible nonpublic school, 13993
head start grantee, or head start delegate agency. At least one 13994
inspection shall be unannounced, and all inspections may be 13995
unannounced. No person shall interfere with any inspection 13996
conducted pursuant to this division or to the rules adopted 13997
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 13998

Upon receipt of any complaint that a preschool program or a 13999
licensed school child program is out of compliance with the 14000
requirements in sections 3301.52 to 3301.59 of the Revised Code or 14001
the rules adopted under those sections, the department shall 14002
investigate and may inspect the program. 14003

~~(E)~~(D) If a preschool program or a licensed school child 14004
program is determined to be out of compliance with the 14005
requirements of sections 3301.52 to 3301.59 of the Revised Code or 14006
the rules adopted under those sections, the department of 14007

education shall notify the appropriate superintendent, county MR/DD board, eligible nonpublic school, head start grantee, or head start delegate agency in writing regarding the nature of the violation, what must be done to correct the violation, and by what date the correction must be made. If the correction is not made by the date established by the department, it may commence action under Chapter 119. of the Revised Code to close the program or to revoke the license of the program. If a program does not comply with an order to cease operation issued in accordance with Chapter 119. of the Revised Code, the department shall notify the attorney general, the prosecuting attorney of the county in which the program is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the program is located that the program is operating in violation of sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections and in violation of an order to cease operation issued in accordance with Chapter 119. of the Revised Code. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer shall file a complaint in the court of common pleas of the county in which the program is located requesting the court to issue an order enjoining the program from operating. The court shall grant the requested injunctive relief upon a showing that the program named in the complaint is operating in violation of sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections and in violation of an order to cease operation issued in accordance with Chapter 119. of the Revised Code.

~~(F)~~(E) The department of education shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the

governor, the president and minority leader of the senate, and the 14041
speaker and minority leader of the house of representatives on or 14042
before the first day of January of each year, beginning in 1999. 14043

Sec. 3301.58. (A) The department of education is responsible 14044
for the licensing of preschool programs and school child programs 14045
and for the enforcement of sections 3301.52 to 3301.59 of the 14046
Revised Code and of any rules adopted under those sections. No 14047
school district board of education, county MR/DD board, or 14048
eligible nonpublic school, ~~head start grantee, or head start~~ 14049
~~delegate agency~~ shall operate, establish, manage, conduct, or 14050
maintain a preschool program without a license issued under this 14051
section. A school district board of education, county MR/DD board, 14052
or eligible nonpublic school may obtain a license under this 14053
section for a school child program. The school district board of 14054
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 14055
~~start grantee, or head start delegate agency~~ shall post the 14056
current license for each preschool program and licensed school 14057
child program it operates, establishes, manages, conducts, or 14058
maintains in a conspicuous place in the preschool program or 14059
licensed school child program that is accessible to parents, 14060
custodians, or guardians and employees and staff members of the 14061
program at all times when the program is in operation. 14062

(B) Any school district board of education, county MR/DD 14063
board, or eligible nonpublic school, ~~head start grantee, or head~~ 14064
~~start delegate agency~~ that desires to operate, establish, manage, 14065
conduct, or maintain a preschool program shall apply to the 14066
department of education for a license on a form that the 14067
department shall prescribe by rule. Any school district board of 14068
education, county MR/DD board, or eligible nonpublic school that 14069
desires to obtain a license for a school child program shall apply 14070
to the department for a license on a form that the department 14071
shall prescribe by rule. The department shall provide at no charge 14072

to each applicant for a license under this section a copy of the 14073
requirements under sections 3301.52 to 3301.59 of the Revised Code 14074
and any rules adopted under those sections. The department shall 14075
mail application forms for the renewal of a license at least one 14076
hundred twenty days prior to the date of the expiration of the 14077
license, and the application for renewal of a license shall be 14078
filed with the department at least sixty days before the date of 14079
the expiration of the existing license. The department may 14080
establish application fees by rule adopted under Chapter 119. of 14081
the Revised Code, and all applicants for a license shall pay any 14082
fee established by the department at the time of making an 14083
application for a license. All fees collected pursuant to this 14084
section shall be paid into the state treasury to the credit of the 14085
general revenue fund. 14086

(C) Upon the filing of an application for a license, the 14087
department of education shall investigate and inspect the 14088
preschool program or school child program to determine the license 14089
capacity for each age category of children of the program and to 14090
determine whether the program complies with sections 3301.52 to 14091
3301.59 of the Revised Code and any rules adopted under those 14092
sections. When, after investigation and inspection, the department 14093
of education is satisfied that sections 3301.52 to 3301.59 of the 14094
Revised Code and any rules adopted under those sections are 14095
complied with by the applicant, the department of education shall 14096
issue the program a provisional license as soon as practicable in 14097
the form and manner prescribed by the rules of the department. The 14098
provisional license shall be valid for six months from the date of 14099
issuance unless revoked. 14100

(D) The department of education shall investigate and inspect 14101
a preschool program or school child program that has been issued a 14102
provisional license at least once during operation under the 14103
provisional license. If, after the investigation and inspection, 14104

the department of education determines that the requirements of 141105
sections 3301.52 to 3301.59 of the Revised Code and any rules 141106
adopted under those sections are met by the provisional licensee, 141107
the department of education shall issue a license that is 141108
effective for two years from the date of the issuance of the 141109
provisional license. 141110

(E) Upon the filing of an application for the renewal of a 141111
license by a preschool program or school child program, the 141112
department of education shall investigate and inspect the 141113
preschool program or school child program. If the department of 141114
education determines that the requirements of sections 3301.52 to 141115
3301.59 of the Revised Code and any rules adopted under those 141116
sections are met by the applicant, the department of education 141117
shall renew the license for two years from the date of the 141118
expiration date of the previous license. 141119

(F) The license or provisional license shall state the name 141200
of the school district board of education, county MR/DD board, or 141201
eligible nonpublic school, ~~head start grantee, or head start~~ 141202
~~delegate agency~~ that operates the preschool program or school 141203
child program and the license capacity of the program. The license 141204
shall include any other information required by section 5104.03 of 141205
the Revised Code for the license of a child day-care center. 141206

(G) The department of education may revoke the license of any 141207
preschool program or school child program that is not in 141208
compliance with the requirements of sections 3301.52 to 3301.59 of 141209
the Revised Code and any rules adopted under those sections. 141210

(H) If the department of education revokes a license or 141211
refuses to renew a license to a program, the department shall not 141212
issue a license to the program within two years from the date of 141213
the revocation or refusal. All actions of the department with 141214
respect to licensing preschool programs and school child programs 141215
shall be in accordance with Chapter 119. of the Revised Code. 141216

Sec. 3311.24. (A) Except as provided in division (B) of this 14137
section, if the board of education of a city, exempted village, or 14138
local school district deems it advisable to transfer territory 14139
from such district to an adjoining city, exempted village, or 14140
local school district, or if a petition, signed by seventy-five 14141
per cent of the qualified electors residing within that portion of 14142
a city, exempted village, or local school district proposed to be 14143
transferred voting at the last general election, requests such a 14144
transfer, the board of education of the district in which such 14145
proposal originates shall file such proposal, together with a map 14146
showing the boundaries of the territory proposed to be 14147
transferred, with the state board of education prior to the first 14148
day of April in any even-numbered year. The state board of 14149
education may, if it is advisable, provide for a hearing in any 14150
suitable place in any of the school districts affected by such 14151
proposed transfer of territory. The state board of education or 14152
its representatives shall preside at any such hearing. 14153

A board of education of a city, exempted village, or local 14154
school district that receives a petition of transfer under this 14155
division shall cause the board of elections to check the 14156
sufficiency of signatures on the petition. 14157

Not later than the first day of September the state board of 14158
education shall either approve or disapprove a proposed transfer 14159
of territory filed with it as provided by this section and shall 14160
notify, in writing, the boards of education of the districts 14161
affected by such proposed transfer of territory of its decision. 14162

If the decision of the state board of education is an 14163
approval of the proposed transfer of territory then the board of 14164
education of the district in which the territory is located shall, 14165
within thirty days after receiving the state board of education's 14166
decision, adopt a resolution transferring the territory and shall 14167

forthwith submit a copy of such resolution to the treasurer of the 14168
board of education of the city, exempted village, or local school 14169
district to which the territory is transferred. Such transfer 14170
shall not be complete however, until: 14171

(1) A resolution accepting the transfer has been passed by a 14172
majority vote of the full membership of the board of education of 14173
the city, exempted village, or local school district to which the 14174
territory is transferred; 14175

(2) An equitable division of the funds and indebtedness 14176
between the districts involved has been made by the board of 14177
education making the transfer; 14178

(3) A map showing the boundaries of the territory transferred 14179
has been filed, by the board of education accepting the transfer, 14180
with the county auditor of each county affected by the transfer. 14181

When such transfer is complete the legal title of the school 14182
property in the territory transferred shall be vested in the board 14183
of education or governing board of the school district to which 14184
the territory is transferred. 14185

(B) Whenever the transfer of territory pursuant to this 14186
section is initiated by a board of education, the board shall, 14187
before filing a proposal for transfer with the state board of 14188
education under this section, make a good faith effort to 14189
negotiate the terms of transfer with any other school district 14190
whose territory would be affected by the transfer. Before the 14191
state board may hold a hearing on the transfer, or approve or 14192
disapprove any such transfer, it must receive the following: 14193

(1) A resolution requesting approval of the transfer, passed 14194
by the school district submitting the proposal; 14195

(2) Evidence determined to be sufficient by the state board 14196
to show that good faith negotiations have taken place or that the 14197
district requesting the transfer has made a good faith effort to 14198

hold such negotiations; 14199

(3) If any negotiations took place, a statement signed by all 14200
boards that participated in the negotiations, listing the terms 14201
agreed on and the points on which no agreement could be reached. 14202

Negotiations held pursuant to this section shall be governed 14203
by the rules adopted by the state board under division (D) of 14204
section 3311.06 of the Revised Code. Districts involved in a 14205
transfer under division (B) of this section may agree to share 14206
revenues from the property included in the territory to be 14207
transferred, establish cooperative programs between the 14208
participating districts, and establish mechanisms for the 14209
settlement of any future boundary disputes. 14210

Sec. 3311.52. A cooperative education school district may be 14211
established pursuant to divisions (A) to (C) of this section or 14212
pursuant to section 3311.521 of the Revised Code. 14213

(A) A cooperative education school district may be 14214
established upon the adoption of identical resolutions within a 14215
sixty-day period by a majority of the members of the board of 14216
education of each city, local, and exempted village school 14217
district that is within the territory of a county school financing 14218
district. 14219

A copy of each resolution shall be filed with the board of 14220
education of the educational service center which created the 14221
county school financing district. Upon the filing of the last such 14222
resolution, the educational service center governing board shall 14223
immediately notify each board of education filing such a 14224
resolution of the date on which the last resolution was filed. 14225

Ten days after the date on which the last resolution is filed 14226
with the educational service center governing board or ten days 14227
after the last of any notices required under division (C) of this 14228

section is received by the educational service center governing 14229
board, whichever is later, the county school financing district 14230
shall be dissolved and the new cooperative education school 14231
district and the board of education of the cooperative education 14232
school district shall be established. 14233

On the date that any county school financing district is 14234
dissolved and a cooperative education school district is 14235
established under this section, each of the following shall apply: 14236

(1) The territory of the dissolved district becomes the 14237
territory of the new district. 14238

(2) Any outstanding tax levy in force in the dissolved 14239
district shall be spread over the territory of the new district 14240
and shall remain in force in the new district until the levy 14241
expires or is renewed. 14242

(3) Any funds of the dissolved district shall be paid over in 14243
full to the new district. 14244

(4) Any net indebtedness of the dissolved district shall be 14245
assumed in full by the new district. As used in division (A)(4) of 14246
this section, "net indebtedness" means the difference between the 14247
par value of the outstanding and unpaid bonds and notes of the 14248
dissolved district and the amount held in the sinking fund and 14249
other indebtedness retirement funds for their redemption. 14250

When a county school financing district is dissolved and a 14251
cooperative education school district is established under this 14252
section, the governing board of the educational service center 14253
that created the dissolved district shall give written notice of 14254
this fact to the county auditor and the board of elections of each 14255
county having any territory in the new district. 14256

(B) The resolutions adopted under division (A) of this 14257
section shall include all of the following provisions: 14258

(1) Provision that the governing board of the educational 14259
service center which created the county school financing district 14260
shall be the board of education of the cooperative education 14261
school district, except that provision may be made for the 14262
composition, selection, and terms of office of an alternative 14263
board of education of the cooperative district, which board shall 14264
include at least one member selected from or by the members of the 14265
board of education of each city, local, and exempted village 14266
school district and at least one member selected from or by the 14267
members of the educational service center governing board within 14268
the territory of the cooperative district; 14269

(2) Provision that the treasurer and superintendent of the 14270
educational service center which created the county school 14271
financing district shall be the treasurer and superintendent of 14272
the cooperative education school district, except that provision 14273
may be made for the selection of a treasurer or superintendent of 14274
the cooperative district other than the treasurer or 14275
superintendent of the educational service center, which provision 14276
shall require one of the following: 14277

(a) The selection of one person as both the treasurer and 14278
superintendent of the cooperative district, which provision may 14279
require such person to be the treasurer or superintendent of any 14280
city, local, or exempted village school district or educational 14281
service center within the territory of the cooperative district; 14282

(b) The selection of one person as the treasurer and another 14283
person as the superintendent of the cooperative district, which 14284
provision may require either one or both such persons to be 14285
treasurers or superintendents of any city, local, or exempted 14286
village school districts or educational service center within the 14287
territory of the cooperative district. 14288

(3) A statement of the educational program the board of 14289

education of the cooperative education school district will 14290
conduct, including but not necessarily limited to the type of 14291
educational program, the grade levels proposed for inclusion in 14292
the program, the timetable for commencing operation of the 14293
program, and the facilities proposed to be used or constructed to 14294
be used by the program; 14295

(4) A statement of the annual amount, or the method for 14296
determining that amount, of funds or services or facilities that 14297
each city, local, and exempted village school district within the 14298
territory of the cooperative district is required to pay to or 14299
provide for the use of the board of education of the cooperative 14300
education school district; 14301

(5) Provision for adopting amendments to the provisions of 14302
divisions (B)(2) to (4) of this section. 14303

(C) If the resolutions adopted under division (A) of this 14304
section provide for a board of education of the cooperative 14305
education school district that is not the governing board of the 14306
educational service center that created the county school 14307
financing district, each board of education of each city, local, 14308
or exempted village school district and the governing board of the 14309
educational service center within the territory of the cooperative 14310
district shall, within thirty days after the date on which the 14311
last resolution is filed with the educational service center 14312
governing board under division (A) of this section, select one or 14313
more members of the board of education of the cooperative district 14314
as provided in the resolutions filed with the educational service 14315
center governing board. Each such board shall immediately notify 14316
the educational ~~services~~ service center governing board of each 14317
such selection. 14318

(D) Except for the powers and duties in this chapter and 14319
Chapters 124., 3317., 3318., 3323., and 3331. of the Revised Code, 14320
a cooperative education school district established pursuant to 14321

divisions (A) to (C) of this section or pursuant to section 14322
3311.521 of the Revised Code has all the powers of a city school 14323
district and its board of education has all the powers and duties 14324
of a board of education of a city school district with respect to 14325
the educational program specified in the resolutions adopted under 14326
division (A) of this section. All laws applicable to a city school 14327
district or the board of education or the members of the board of 14328
education of a city school district, except such laws in this 14329
chapter and Chapters 124., 3317., 3318., 3323., and 3331. of the 14330
Revised Code, are applicable to a cooperative education school 14331
district and its board. 14332

The treasurer and superintendent of a cooperative education 14333
school district shall have the same respective duties and powers 14334
as a treasurer and superintendent of a city school district, 14335
except for any powers and duties in this chapter and Chapters 14336
124., 3317., 3318., 3323., and 3331. of the Revised Code. 14337

(E) For purposes of this title, any student included in the 14338
formula ADM or average daily attendance certified for any city, 14339
exempted village, or local school district under section 3317.03 14340
or 3317.034 of the Revised Code by virtue of being counted, in 14341
whole or in part, in the average daily membership or average daily 14342
attendance of a cooperative education school district under 14343
~~division (A)(2)(f) of that~~ either section shall be construed to be 14344
enrolled both in that city, exempted village, or ~~village~~ local 14345
school district and in that cooperative education school district. 14346
This division shall not be construed to mean that any such 14347
individual student may be counted more than once for purposes of 14348
determining the average daily membership or average daily 14349
attendance of any one school district. 14350

Sec. 3313.647. As used in this division, "graduate" means a 14351
person who has received a diploma from a district pursuant to 14352

section 3313.61 of the Revised Code. 14353

Pursuant to rules adopted by the state board of education, a 14354
city, local, exempted village, or joint vocational school district 14355
may establish a policy guaranteeing a specific level of competency 14356
of certain graduates of the district. The guarantee policy shall 14357
specify that any graduate meeting specified criteria established 14358
by the board is capable of performing specified functions at a 14359
level established in the policy. Any employer or potential 14360
employer of a graduate who is guaranteed under such a policy may 14361
submit a written statement to the board of education stating the 14362
guaranteed graduate of its district does not meet the level of 14363
competency specified in the district's guarantee policy. Upon 14364
receipt of such statement the board of education shall provide an 14365
opportunity for additional education to the graduate, regardless 14366
of the graduate's age or place of residence, until such individual 14367
attains the competency level specified in the policy. No fee shall 14368
be charged to any person or government entity for such additional 14369
education. A school board may expend school funds for a guarantee 14370
program; however, no student participating in the program shall be 14371
included in the formula ADM or average daily attendance of the 14372
district as determined under section 3317.03 or 3317.034 of the 14373
Revised Code or included as a participant in any other program, if 14374
such inclusion would result in additional state funds to the 14375
school district. 14376

The state board of education shall adopt rules for the 14377
adoption of a policy under this section and for the additional 14378
education program described under this section. 14379

Sec. 3313.90. As used in this section, "formula ADM" ~~has~~ and 14380
"average daily attendance" ~~have~~ the same ~~meaning~~ meanings as in 14381
section 3317.02 of the Revised Code. Notwithstanding division (D) 14382
of section 3311.19 and division (D) of section 3311.52 of the 14383

Revised Code, the provisions of this section that apply to a city 14384
school district do not apply to any joint vocational or 14385
cooperative education school district. 14386

(A) Each city, local, and exempted village school district 14387
shall, by one of the following means, provide vocational education 14388
adequate to prepare a pupil enrolled therein for an occupation: 14389

(1) Establishing and maintaining a vocational education 14390
program that meets standards adopted by the state board of 14391
education; 14392

(2) Being a member of a joint vocational school district that 14393
meets standards adopted by the state board; 14394

(3) Contracting for vocational education with a joint 14395
vocational school district or another school district that meets 14396
the standards adopted by the state board. 14397

The standards of the state board of education shall include 14398
criteria for the participation by nonpublic students in vocational 14399
education programs without financial assessment, charge, or 14400
tuition to such student except such assessments, charges, or 14401
tuition paid by resident public school students in such programs. 14402
Such nonpublic school students shall be included in the formula 14403
ADM or average daily attendance of the school district maintaining 14404
the vocational education program as part-time students in 14405
proportion to the time spent in the vocational education program. 14406

By the thirtieth day of October of each year, the 14407
superintendent of public instruction shall determine and certify 14408
to the superintendent of each school district subject to this 14409
section either that the district is in compliance with the 14410
requirements of this section for the current school year or that 14411
the district is not in compliance. If the superintendent certifies 14412
that the district is not in compliance, he shall notify the board 14413
of education of the district of the actions necessary to bring the 14414

district into compliance with this section. 14415

In meeting standards established by the state board of 14416
education, school districts, where practicable, shall provide 14417
vocational programs in high schools. A minimum enrollment of 14418
fifteen hundred pupils in grades nine through twelve is 14419
established as a base for comprehensive vocational course 14420
offerings. A school district may meet this requirement alone, 14421
through a cooperative arrangement pursuant to section 3313.92 of 14422
the Revised Code, through school district consolidation, by 14423
membership in a joint vocational school district, by contract with 14424
a school district, by contract with a school licensed by any state 14425
agency established by the Revised Code which school operates its 14426
courses offered for contracting with public schools under 14427
standards as to staffing and facilities comparable to those 14428
prescribed by the state board of education for public schools 14429
provided no instructor in such courses shall be required to be 14430
certificated by the state department of education, or in a 14431
combination of such ways. Exceptions to the minimum requirement of 14432
fifteen hundred pupils may be made by the state board of education 14433
based on sparsity of population or other factors indicating that 14434
comprehensive educational and vocational programs as required by 14435
this section can be provided through an alternate plan. 14436

(B) Approval of state funds for the construction and 14437
operation of vocational facilities in any city, local, or exempted 14438
village school district shall be contingent upon a comprehensive 14439
vocational program plan approved by the state board of education 14440
no later than July 1, 1970. The state board of education shall not 14441
approve a school district plan unless the plan proposed reasonably 14442
meets the vocational needs of other school districts in the 14443
general area of the school districts in the general area of the 14444
school district submitting the plan. The plan shall be submitted 14445
to the state board of education no later than April 1, 1970. Such 14446

plan shall contain: 14447

(1) The organization for vocational education pursuant to the 14448
requirements of this section; 14449

(2) Vocational programs to be offered in the respective 14450
comprehensive high schools, in specialized schools or skill 14451
centers, and in joint vocational schools; 14452

(3) Remodeled, additional, and new vocational facilities 14453
required at the respective locations. 14454

In approving the organization for vocational education the 14455
state board of education shall provide that no city, local, or 14456
exempted village school district is excluded in the statewide 14457
plan. 14458

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 14459
(F), and (G) of this section, when a board of education decides to 14460
dispose of real or personal property that it owns in its corporate 14461
capacity, and that exceeds in value ten thousand dollars, it shall 14462
sell the property at public auction, after giving at least thirty 14463
days' notice of the auction by publication in a newspaper of 14464
general circulation or by posting notices in five of the most 14465
public places in the school district in which the property, if it 14466
is real property, is situated, or, if it is personal property, in 14467
the school district of the board of education that owns the 14468
property. The board may offer real property for sale as an entire 14469
tract or in parcels. 14470

(B) When the board of education has offered real or personal 14471
property for sale at public auction at least once pursuant to 14472
division (A) of this section, and the property has not been sold, 14473
the board may sell it at a private sale. Regardless of how it was 14474
offered at public auction, at a private sale, the board shall, as 14475
it considers best, sell real property as an entire tract or in 14476

parcels, and personal property in a single lot or in several lots. 14477

(C) If a board of education decides to dispose of real or 14478
personal property that it owns in its corporate capacity and that 14479
exceeds in value ten thousand dollars, it may sell the property to 14480
the adjutant general; to any subdivision or taxing authority as 14481
respectively defined in divisions (A) and (C) of section 5705.01 14482
of the Revised Code, township park district, board of park 14483
commissioners established under Chapter 755. of the Revised Code, 14484
or park district established under Chapter 1545. of the Revised 14485
Code; to a wholly or partially tax-supported university, 14486
university branch, or college; or to the board of trustees of a 14487
school district library, upon such terms as are agreed upon. The 14488
sale of real or personal property to the board of trustees of a 14489
school district library is limited, in the case of real property, 14490
to a school district library within whose boundaries the real 14491
property is situated, or, in the case of personal property, to a 14492
school district library whose boundaries lie in whole or in part 14493
within the school district of the selling board of education. 14494

(D) When a board of education decides to trade as a part or 14495
an entire consideration, an item of personal property on the 14496
purchase price of an item of similar personal property, it may 14497
trade the same upon such terms as are agreed upon by the parties 14498
to the trade. 14499

(E) The president and the treasurer of the board of education 14500
shall execute and deliver deeds or other necessary instruments of 14501
conveyance to complete any sale or trade under this section. 14502

(F) When a board of education has identified a parcel of real 14503
property that it determines is needed for school purposes, the 14504
board may, upon a majority vote of the members of the board, 14505
acquire that property by exchanging real property that the board 14506
owns in its corporate capacity for the identified real property or 14507
by using real property that the board owns in its corporate 14508

capacity as part or an entire consideration for the purchase price 14509
of the identified real property. Any exchange or acquisition made 14510
pursuant to this division shall be made by a conveyance executed 14511
by the president and the treasurer of the board. 14512

(G)(1) When a school district board of education decides to 14513
dispose of real property suitable for use as classroom space, 14514
prior to disposing of such property under division (A) through (F) 14515
of this section, it shall first offer that property for sale to 14516
the governing authorities of the start-up community schools, 14517
established under Chapter 3314. of the Revised Code and located 14518
within the territory of the school district, at a price that is 14519
not higher than the appraised fair market value of that property. 14520
If more than one community school governing authority accepts the 14521
offer made by the school district board, the board shall sell the 14522
property to the governing authority that accepted the offer first 14523
in time. If no community school governing authority accepts the 14524
offer within sixty days after the offer is made by the school 14525
district board, the board may dispose of the property in the 14526
applicable manner prescribed under divisions (A) to (F) of this 14527
section. 14528

(2) If disposal of real property is planned as a part of a 14529
school district project under Chapter 3318. of the Revised Code, 14530
the Ohio school facilities commission shall not release any state 14531
funds to a school district until the district has complied with 14532
the provisions of division (G)(1) of this section. 14533

Sec. 3313.48. The board of education of each city, exempted 14534
village, local, and joint vocational school district shall provide 14535
for the free education of the youth of school age within the 14536
district under its jurisdiction, at such places as will be most 14537
convenient for the attendance of the largest number thereof. 14538
~~Except as provided in section 3313.481 of the Revised Code, each 14539~~

Each school so provided and each nonpublic school shall be open 14540
for instruction with pupils in attendance for not less than ~~one~~ 14541
~~hundred eighty-two days~~ four hundred fifty-five hours in the case 14542
of pupils in kindergarten unless such pupils are provided all-day 14543
kindergarten, as defined in section 3317.029 of the Revised Code, 14544
in which case the pupils shall be in attendance for nine hundred 14545
ten hours; nine hundred ten hours in the case of pupils in grades 14546
one through eight; and one thousand one hours in the case of 14547
pupils in grades nine through twelve in each school year, which 14548
may include all of the following: 14549

(A) Up to ~~four school days~~ ten hours per year ~~in which~~ 14550
~~classes are dismissed one half day early or the equivalent amount~~ 14551
~~of time during a different number of days~~ during which pupils 14552
would otherwise be in attendance but are not required to attend 14553
for the purpose of individualized parent-teacher conferences and 14554
reporting periods; 14555

(B) Up to ~~two days~~ ten hours per year for professional 14556
meetings of teachers when such ~~days~~ hours occur during a regular 14557
school week and schools are not in session; 14558

(C) ~~The number of days the school is closed as a result of~~ 14559
~~public calamity, as provided in section 3317.01 of the Revised~~ 14560
~~Code~~ Morning and afternoon recess periods of not more than fifteen 14561
minutes duration per period for pupils in grades kindergarten 14562
through six. 14563

~~The state board of education shall adopt standards for~~ 14564
~~defining "school day" as used in sections 3313.48 and 3317.01 of~~ 14565
~~the Revised Code.~~ 14566

~~Except as otherwise provided in this section, each day for~~ 14567
~~grades seven through twelve shall consist of not less than five~~ 14568
~~o'clock hours with pupils in attendance, except in such emergency~~ 14569
~~situations, including lack of classroom space, as are approved by~~ 14570

~~the state board of education. Except as otherwise provided in this 14571
section, each day for grades one through six shall consist of not 14572
less than five clock hours with pupils in attendance which may 14573
include fifteen minute morning and afternoon recess periods, 14574
except in such emergency situations, including lack of classroom 14575
space, as are approved by the state board of education. 14576~~

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 14577
the term "school day" is used, unless otherwise specified, that 14578
term shall be construed to mean the time during a calendar day 14579
that a school is open for instruction pursuant to the schedule 14580
adopted by the board of education of the school district or the 14581
governing authority of the nonpublic school in accordance with 14582
section 3313.48 of the Revised Code. 14583

Sec. 3313.533. (A) The board of education of a city, exempted 14584
village, or local school district may adopt a resolution to 14585
establish and maintain an alternative school in accordance with 14586
this section. The resolution shall specify, but not necessarily be 14587
limited to, all of the following: 14588

(1) The purpose of the school, which purpose shall be to 14589
serve students who are on suspension, who are having truancy 14590
problems, who are experiencing academic failure, who have a 14591
history of class disruption, or who are exhibiting other academic 14592
or behavioral problems specified in the resolution; 14593

(2) The grades served by the school, which may include any of 14594
grades kindergarten through twelve; 14595

(3) A requirement that the school be operated in accordance 14596
with this section. The board of education adopting the resolution 14597
under division (A) of this section shall be the governing board of 14598
the alternative school. The board shall develop and implement a 14599
plan for the school in accordance with the resolution establishing 14600

the school and in accordance with this section. Each plan shall 14601
include, but not necessarily be limited to, all of the following: 14602

(a) Specification of the reasons for which students will be 14603
accepted for assignment to the school and any criteria for 14604
admission that are to be used by the board to approve or 14605
disapprove the assignment of students to the school; 14606

(b) Specification of the criteria and procedures that will be 14607
used for returning students who have been assigned to the school 14608
back to the regular education program of the district; 14609

(c) An evaluation plan for assessing the effectiveness of the 14610
school and its educational program and reporting the results of 14611
the evaluation to the public. 14612

(B) Notwithstanding any provision of Title XXXIII of the 14613
Revised Code to the contrary, the alternative school plan may 14614
include any of the following: 14615

(1) A requirement that on each school day students must 14616
attend school or participate in other programs specified in the 14617
plan or by the chief administrative officer of the school for a 14618
period equal to the minimum school day set by the ~~state~~ board of 14619
education under section 3313.48 of the Revised Code plus any 14620
additional time required in the plan or by the chief 14621
administrative officer; 14622

(2) Restrictions on student participation in extracurricular 14623
or interscholastic activities; 14624

(3) A requirement that students wear uniforms prescribed by 14625
the district board of education. 14626

(C) In accordance with the alternative school plan, the 14627
district board of education may employ teachers and nonteaching 14628
employees necessary to carry out its duties and fulfill its 14629
responsibilities or may contract with a nonprofit or for profit 14630

entity to operate the alternative school, including the provision 14631
of personnel, supplies, equipment, or facilities. 14632

(D) An alternative school may be established in all or part 14633
of a school building. 14634

(E) If a district board of education elects under this 14635
section, or is required by section 3313.534 of the Revised Code, 14636
to establish an alternative school, the district board may join 14637
with the board of education of one or more other districts to form 14638
a joint alternative school by forming a cooperative education 14639
school district under section 3311.52 or 3311.521 of the Revised 14640
Code, or a joint educational program under section 3313.842 of the 14641
Revised Code. The authority to employ personnel or to contract 14642
with a nonprofit or for profit entity under division (C) of this 14643
section applies to any alternative school program established 14644
under this division. 14645

(F) Any individual employed as a teacher at an alternative 14646
school operated by a nonprofit or for profit entity under this 14647
section shall be licensed and shall be subject to background 14648
checks, as described in section 3319.39 of the Revised Code, in 14649
the same manner as an individual employed by a school district. 14650

(G) Division (G) of this section applies only to any 14651
alternative school that is operated by a nonprofit or for profit 14652
entity under contract with the school district. 14653

(1) In addition to the specifications authorized under 14654
division (B) of this section, any plan adopted under that division 14655
for an alternative school to which division (G) of this section 14656
also applies shall include the following: 14657

(a) A description of the educational program provided at the 14658
alternative school, which shall include: 14659

(i) Provisions for the school to be configured in clusters or 14660
small learning communities; 14661

(ii) Provisions for the incorporation of education technology	14662
into the curriculum;	14663
(iii) Provisions for accelerated learning programs in reading	14664
and mathematics.	14665
(b) A method to determine the reading and mathematics level	14666
of each student assigned to the alternative school and a method to	14667
continuously monitor each student's progress in those areas. The	14668
methods employed under this division shall be aligned with the	14669
curriculum adopted by the school district board of education under	14670
section 3313.60 of the Revised Code.	14671
(c) A plan for social services to be provided at the	14672
alternative school, such as, but not limited to, counseling	14673
services, psychological support services, and enrichment programs;	14674
(d) A plan for a student's transition from the alternative	14675
school back to a school operated by the school district;	14676
(e) A requirement that the alternative school maintain	14677
financial records in a manner that is compatible with the form	14678
prescribed for school districts by the auditor of state to enable	14679
the district to comply with any rules adopted by the auditor of	14680
state.	14681
(2) Notwithstanding division (A)(2) of this section, any	14682
alternative school to which division (G) of this section applies	14683
shall include only grades six through twelve.	14684
(3) Notwithstanding anything in division (A)(3)(a) of this	14685
section to the contrary, the characteristics of students who may	14686
be assigned to an alternative school to which division (G) of this	14687
section applies shall include only disruptive and low-performing	14688
students.	14689
(H) When any district board of education determines to	14690
contract with a nonprofit or for profit entity to operate an	14691

alternative school under this section, the board shall use the 14692
procedure set forth in this division. 14693

(1) The board shall publish notice of a request for proposals 14694
in a newspaper of general circulation in the district once each 14695
week for a period of at least two consecutive weeks prior to the 14696
date specified by the board for receiving proposals. Notices of 14697
requests for proposals shall contain a general description of the 14698
subject of the proposed contract and the location where the 14699
request for proposals may be obtained. The request for proposals 14700
shall include all of the following information: 14701

(a) Instructions and information to respondents concerning 14702
the submission of proposals, including the name and address of the 14703
office where proposals are to be submitted; 14704

(b) Instructions regarding communications, including at least 14705
the names, titles, and telephone numbers of persons to whom 14706
questions concerning a proposal may be directed; 14707

(c) A description of the performance criteria that will be 14708
used to evaluate whether a respondent to which a contract is 14709
awarded is meeting the district's educational standards or the 14710
method by which such performance criteria will be determined; 14711

(d) Factors and criteria to be considered in evaluating 14712
proposals, the relative importance of each factor or criterion, 14713
and a description of the evaluation procedures to be followed; 14714

(e) Any terms or conditions of the proposed contract, 14715
including any requirement for a bond and the amount of such bond; 14716

(f) Documents that may be incorporated by reference into the 14717
request for proposals, provided that the request for proposals 14718
specifies where such documents may be obtained and that such 14719
documents are readily available to all interested parties. 14720

(2) After the date specified for receiving proposals, the 14721

board shall evaluate the submitted proposals and may hold 14722
discussions with any respondent to ensure a complete understanding 14723
of the proposal and the qualifications of such respondent to 14724
execute the proposed contract. Such qualifications shall include, 14725
but are not limited to, all of the following: 14726

(a) Demonstrated competence in performance of the required 14727
services as indicated by effective implementation of educational 14728
programs in reading and mathematics and at least three years of 14729
experience successfully serving a student population similar to 14730
the student population assigned to the alternative school; 14731

(b) Demonstrated performance in the areas of cost 14732
containment, the provision of educational services of a high 14733
quality, and any other areas determined by the board; 14734

(c) Whether the respondent has the resources to undertake the 14735
operation of the alternative school and to provide qualified 14736
personnel to staff the school; 14737

(d) Financial responsibility. 14738

(3) The board shall select for further review at least three 14739
proposals from respondents the board considers qualified to 14740
operate the alternative school in the best interests of the 14741
students and the district. If fewer than three proposals are 14742
submitted, the board shall select each proposal submitted. The 14743
board may cancel a request for proposals or reject all proposals 14744
at any time prior to the execution of a contract. 14745

The board may hold discussions with any of the three selected 14746
respondents to clarify or revise the provisions of a proposal or 14747
the proposed contract to ensure complete understanding between the 14748
board and the respondent of the terms under which a contract will 14749
be entered. Respondents shall be accorded fair and equal treatment 14750
with respect to any opportunity for discussion regarding 14751
clarifications or revisions. The board may terminate or 14752

discontinue any further discussion with a respondent upon written notice. 14753
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(4) Upon further review of the three proposals selected by the board, the board shall award a contract to the respondent the board considers to have the most merit, taking into consideration the scope, complexity, and nature of the services to be performed by the respondent under the contract. 14755
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(5) Except as provided in division (H)(6) of this section, the request for proposals, submitted proposals, and related documents shall become public records under section 149.43 of the Revised Code after the award of the contract. 14760
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(6) Any respondent may request in writing that the board not disclose confidential or proprietary information or trade secrets contained in the proposal submitted by the respondent to the board. Any such request shall be accompanied by an offer of indemnification from the respondent to the board. The board shall determine whether to agree to the request and shall inform the respondent in writing of its decision. If the board agrees to nondisclosure of specified information in a proposal, such information shall not become a public record under section 149.43 of the Revised Code. If the respondent withdraws its proposal at any time prior to the execution of a contract, the proposal shall not be a public record under section 149.43 of the Revised Code. 14764
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(I) Upon a recommendation from the department and in accordance with section 3301.16 of the Revised Code, the state board of education may revoke the charter of any alternative school operated by a school district that violates this section. 14776
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Sec. 3313.62. The school year shall begin on the first day of July of each calendar year and close on the thirtieth day of June of the succeeding calendar year. ~~A school week shall consist of five days, and a school month of four school weeks.~~ 14780
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Sec. 3313.979. Each scholarship ~~or grant~~ to be used for 14784
payments to a registered private school ~~or to an approved tutorial~~ 14785
~~assistance provider~~ is payable to the parents of the student 14786
entitled to the scholarship ~~or grant~~. Each scholarship to be used 14787
for payments to a public school in an adjacent school district is 14788
payable to the school district of attendance by the superintendent 14789
of public instruction. Each grant to be used for payments to an 14790
approved tutorial assistance provider is payable to the approved 14791
tutorial assistance provider. 14792

(A)(1) By the fifteenth day of each month of the school year 14793
that any scholarship students are enrolled in a registered private 14794
school, the chief administrator of that school shall notify the 14795
state superintendent of: 14796

(a) The number of students who were reported to the school 14797
district as having been admitted by that private school pursuant 14798
to division (A)(2)(b) of section 3313.978 of the Revised Code and 14799
who were still enrolled in the private school as of the first day 14800
of such month, and the numbers of such students who qualify for 14801
seventy-five and ninety per cent of the scholarship amount; 14802

(b) The number of students who were reported to the school 14803
district as having been admitted by another private school 14804
pursuant to division (A)(2)(b) of section 3313.978 of the Revised 14805
Code and since the date of admission have transferred to the 14806
school providing the notification under division (A)(1) of this 14807
section, and the numbers of such students who qualify for 14808
seventy-five and ninety per cent of the scholarship amount. 14809

(2) From time to time, the state superintendent shall make a 14810
payment to the parent of each student entitled to a scholarship. 14811
Each payment shall include for each student reported under 14812
division (A)(1) of this section, a portion of seventy-five or 14813
ninety per cent, as applicable, of the scholarship amount 14814

specified in divisions (C)(1) and (2) of section 3313.978 of the Revised Code. This amount shall be proportionately reduced in the case of any such student who is not enrolled in a registered private school for the entire school year.

(3) The first payment under this division shall be made by the last day of November and shall equal one-third of seventy-five or ninety per cent, as applicable, of the estimated total amount that will be due to the parent for the school year pursuant to division (A)(2) of this section.

(B) The state superintendent, on behalf of the parents of a scholarship student enrolled in a public school in an adjacent school district pursuant to section 3327.06 of the Revised Code, shall make the tuition payments required by that section to the school district admitting the student, except that, notwithstanding sections 3323.13, 3323.14, and 3327.06 of the Revised Code, the total payments in any school year shall not exceed seventy-five or ninety per cent, as applicable, of the scholarship amount provided in divisions (C)(1) and (2) of section 3313.978 of the Revised Code.

(C) Whenever an approved provider provides tutorial assistance to a student, the state superintendent shall pay the ~~parent~~ approved provider for such costs upon receipt of a statement ~~from the parent~~ specifying the services provided and the costs of the services, which statement shall be signed by the provider and verified by the chief administrator having supervisory control over the tutoring site. The total payments to any ~~parent~~ approved provider under this division for all provider services to any individual student in any school year shall not exceed seventy-five or ninety per cent, as applicable, of the grant amount provided in division (C)(3) of section 3313.978 of the Revised Code.

Sec. 3313.981. (A) The state board shall adopt rules 14846
requiring all of the following: 14847

(1) The board of education of each city, exempted village, 14848
and local school district to annually report to the department of 14849
education all of the following: 14850

(a) The number of adjacent district or other district 14851
students, as applicable, and adjacent district or other district 14852
joint vocational students, as applicable, enrolled in the district 14853
and the number of native students enrolled in adjacent or other 14854
districts, in accordance with a policy adopted under division (B) 14855
of section 3313.98 of the Revised Code; 14856

(b) Each adjacent district or other district student's or 14857
adjacent district or other district joint vocational student's 14858
date of enrollment in the district; 14859

(c) The full-time equivalent number of adjacent district or 14860
other district students enrolled in vocational education programs 14861
or classes described in division (A) of section 3317.014 of the 14862
Revised Code and the full-time equivalent number of such students 14863
enrolled in vocational education programs or classes described in 14864
division (B) of that section; 14865

(d) Each native student's date of enrollment in an adjacent 14866
or other district. 14867

(2) The board of education of each joint vocational school 14868
district to annually report to the department all of the 14869
following: 14870

(a) The number of adjacent district or other district joint 14871
vocational students, as applicable, enrolled in the district; 14872

(b) The full-time equivalent number of adjacent district or 14873
other district joint vocational students enrolled in vocational 14874
education programs or classes described in division (A) of section 14875

3317.014 of the Revised Code and the full-time equivalent number 14876
of such students enrolled in vocational education programs or 14877
classes described in division (B) of that section; 14878

(c) For each adjacent district or other district joint 14879
vocational student, the city, exempted village, or local school 14880
district in which the student is also enrolled. 14881

(3) Prior to the first full school week in October each year, 14882
the superintendent of each city, local, or exempted village school 14883
district that admits adjacent district or other district students 14884
or adjacent district or other district joint vocational students 14885
in accordance with a policy adopted under division (B) of section 14886
3313.98 of the Revised Code to notify each adjacent or other 14887
district where those students are entitled to attend school under 14888
section 3313.64 or 3313.65 of the Revised Code of the number of 14889
the adjacent or other district's native students who are enrolled 14890
in the superintendent's district under the policy. 14891

The rules shall provide for the method of counting students 14892
who are enrolled for part of a school year in an adjacent or other 14893
district or as an adjacent district or other district joint 14894
vocational student. 14895

(B) From the payments made to a city, exempted village, or 14896
local school district under Chapter 3317. of the Revised Code, the 14897
department of education shall annually subtract both of the 14898
following: 14899

(1) An amount equal to the number of the district's native 14900
students reported under division (A)(1) of this section who are 14901
enrolled in adjacent or other school districts pursuant to 14902
policies adopted by such districts under division (B) of section 14903
3313.98 of the Revised Code multiplied by the adjusted formula 14904
amount for the district; 14905

(2) The excess costs computed in accordance with division (E) 14906

of this section for any such native students receiving special 14907
education and related services in adjacent or other school 14908
districts or as an adjacent district or other district joint 14909
vocational student; 14910

(3) For the full-time equivalent number of the district's 14911
native students reported under division (A)(1)(c) or (2)(b) of 14912
this section as enrolled in vocational education programs or 14913
classes described in section 3317.014 of the Revised Code, an 14914
amount equal to the formula amount times the applicable multiple 14915
prescribed by that section. 14916

(C) To the payments made to a city, exempted village, or 14917
local school district under Chapter 3317. of the Revised Code, the 14918
department of education shall annually add all of the following: 14919

(1) An amount equal to the adjusted formula amount for the 14920
district multiplied by the remainder obtained by subtracting the 14921
number of adjacent district or other district joint vocational 14922
students from the number of adjacent district or other district 14923
students enrolled in the district, as reported under division 14924
(A)(1) of this section; 14925

(2) The excess costs computed in accordance with division (E) 14926
of this section for any adjacent district or other district 14927
students, except for any adjacent or other district joint 14928
vocational students, receiving special education and related 14929
services in the district; 14930

(3) For the full-time equivalent number of the adjacent or 14931
other district students who are not adjacent district or other 14932
district joint vocational students and are reported under division 14933
(A)(1)(c) of this section as enrolled in vocational education 14934
programs or classes described in section 3317.014 of the Revised 14935
Code, an amount equal to the formula amount times the applicable 14936
multiple prescribed by that section; 14937

(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to one-fourth of the adjusted formula amount for the district.

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(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:

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(1) An amount equal to the adjusted formula amount of the city, exempted village, or local school district in which the student is also enrolled;

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(2) An amount equal to the full-time equivalent number of students reported pursuant to division (A)(2)(b) of this section times the formula amount times the applicable multiple prescribed by section 3317.014 of the Revised Code.

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(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows:

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(a) Subtract the adjusted formula amount for the district from the actual costs to educate the student;

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(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student.

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(2) The board shall report the excess costs computed under this division to the department of education.

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(3) If any student for whom excess costs are computed under

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division (E)(1) of this section is an adjacent or other district 14968
joint vocational student, the department of education shall add 14969
the amount of such excess costs to the payments made under Chapter 14970
3317. of the Revised Code to the joint vocational school district 14971
enrolling the student. 14972

(F) As provided in division (D)(1)(b) of section 3317.03 and 14973
division (A)(2)(d) of section 3317.034 of the Revised Code, no 14974
joint vocational school district shall count any adjacent or other 14975
district joint vocational student enrolled in the district in its 14976
formula ADM or average daily attendance certified under section 14977
3317.03 or 3317.034 of the Revised Code. 14978

(G) No city, exempted village, or local school district shall 14979
receive a payment under division (C) of this section for a 14980
student, and no joint vocational school district shall receive a 14981
payment under division (D) of this section for a student, ~~if~~ for 14982
the same school ~~year~~ month that the student is counted in the 14983
district's ~~formula ADM~~ average daily attendance certified under 14984
section ~~3317.03~~ 3317.034 of the Revised Code. 14985

(H) Upon request of a parent, and provided the board offers 14986
transportation to native students of the same grade level and 14987
distance from school under section 3327.01 of the Revised Code, a 14988
city, exempted village, or local school board enrolling an 14989
adjacent or other district student shall provide transportation 14990
for the student within the boundaries of the board's district, 14991
except that the board shall be required to pick up and drop off a 14992
nonhandicapped student only at a regular school bus stop 14993
designated in accordance with the board's transportation policy. 14994
Pursuant to rules of the state board of education, such board may 14995
reimburse the parent from funds received under division (D) of 14996
section 3317.022 of the Revised Code for the reasonable cost of 14997
transportation from the student's home to the designated school 14998
bus stop if the student's family has an income below the federal 14999

poverty line.	15000
Sec. 3314.02. (A) As used in this chapter:	15001
(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.	15002 15003 15004 15005 15006
(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.	15007 15008 15009 15010
(3) "Challenged school district" means any of the following:	15011
(a) A school district that is part of the pilot project area;	15012
(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;	15013 15014 15015
(c) A big eight school district;	15016
(d) An urban school district.	15017
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	15018 15019
(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;	15020 15021 15022 15023
(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.	15024 15025 15026
(5) "New start-up school" means a community school other than one created by converting all or part of an existing public	15027 15028

school, as designated in the school's contract pursuant to 15029
division (A)(17) of section 3314.03 of the Revised Code. 15030

(6) "Urban school district" means one of the state's 15031
twenty-one urban school districts as defined in division (O) of 15032
section 3317.02 of the Revised Code as that section existed prior 15033
to July 1, 1998. 15034

(7) "Internet- or computer-based community school" means a 15035
community school established under this chapter in which the 15036
enrolled students ~~work~~ participate primarily ~~from their residences~~ 15037
~~on assignments in non-classroom-based learning opportunities~~ 15038
provided via ~~an internet~~ or internet-based, other computer-based 15039
instructional ~~method that does not rely on regular classroom~~ 15040
~~instruction methods, or noncomputer-based instructional methods.~~ 15041

(B) Any person or group of individuals may initially propose 15042
under this division the conversion of all or a portion of a public 15043
school to a community school. No conversion community school shall 15044
be an internet- or computer-based community school. The proposal 15045
shall be made to the board of education of the city, local, or 15046
exempted village school district in which the public school is 15047
proposed to be converted. Upon receipt of a proposal, a board may 15048
enter into a preliminary agreement with the person or group 15049
proposing the conversion of the public school, indicating the 15050
intention of the board of education to support the conversion to a 15051
community school. A proposing person or group that has a 15052
preliminary agreement under this division may proceed to finalize 15053
plans for the school, establish a governing authority for the 15054
school, and negotiate a contract with the board of education. 15055
Provided the proposing person or group adheres to the preliminary 15056
agreement and all provisions of this chapter, the board of 15057
education shall negotiate in good faith to enter into a contract 15058
in accordance with section 3314.03 of the Revised Code and 15059
division (C) of this section. 15060

(C)(1) Any person or group of individuals may propose under 15061
this division the establishment of a new start-up school to be 15062
located in a challenged school district. The proposal may be made 15063
to any of the following entities: 15064

(a) The board of education of the district in which the 15065
school is proposed to be located; 15066

(b) The board of education of any joint vocational school 15067
district with territory in the county in which is located the 15068
majority of the territory of the district in which the school is 15069
proposed to be located; 15070

(c) The board of education of any other city, local, or 15071
exempted village school district having territory in the same 15072
county where the district in which the school is proposed to be 15073
located has the major portion of its territory; 15074

(d) The governing board of any educational service center ~~as~~ 15075
~~long as the proposed school will be located in a county within the~~ 15076
~~territory of the service center or in a county contiguous to such~~ 15077
~~county;~~ 15078

(e) A sponsoring authority designated by the board of 15079
trustees of any of the thirteen state universities listed in 15080
section 3345.011 of the Revised Code or the board of trustees 15081
itself as long as a mission of the proposed school to be specified 15082
in the contract under division (A)(2) of section 3314.03 of the 15083
Revised Code and as approved by the department of education under 15084
division (B)(2) of section 3314.015 of the Revised Code will be 15085
the practical demonstration of teaching methods, educational 15086
technology, or other teaching practices that are included in the 15087
curriculum of the university's teacher preparation program 15088
approved by the state board of education; 15089

(f) Any qualified tax-exempt entity under section 501(c)(3) 15090
of the Internal Revenue Code as long as all of the following 15091

conditions are satisfied:	15092
(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.	15093 15094
(ii) The entity has assets of at least five hundred thousand dollars.	15095 15096
(iii) The department of education has determined that the entity is an education-oriented entity under division (B)(3) of section 3314.015 of the Revised Code.	15097 15098 15099
Until July 1, 2005, any entity described in division (C)(1)(f) of this section may sponsor only schools that formerly were sponsored by the state board of education under division (C)(1)(d) of this section, as it existed prior to the effective date of this amendment <u>April 8, 2003</u> . After July 1, 2005, such entity may sponsor any new or existing school.	15100 15101 15102 15103 15104 15105
Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group.	15106 15107 15108
(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.	15109 15110 15111 15112 15113 15114 15115 15116 15117 15118
(3) A new start-up school that is established in a school district while that district is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code may continue in existence once the school	15119 15120 15121 15122

district is no longer in a state of academic emergency or academic 15123
watch, provided there is a valid contract between the school and a 15124
sponsor. 15125

(4) A copy of every preliminary agreement entered into under 15126
this division shall be filed with the superintendent of public 15127
instruction. 15128

(D) A majority vote of the board of a sponsoring entity and a 15129
majority vote of the members of the governing authority of a 15130
community school shall be required to adopt a contract and convert 15131
the public school to a community school or establish the new 15132
start-up school. Up to the statewide limit prescribed in section 15133
3314.013 of the Revised Code, an unlimited number of community 15134
schools may be established in any school district provided that a 15135
contract is entered into for each community school pursuant to 15136
this chapter. 15137

(E) As used in this division, "immediate relatives" are 15138
limited to spouses, children, parents, grandparents, siblings, and 15139
in-laws. 15140

Each new start-up community school established under this 15141
chapter shall be under the direction of a governing authority 15142
which shall consist of a board of not less than five individuals 15143
who are not owners or employees, or immediate relatives of owners 15144
or employees, of any for-profit firm that operates or manages a 15145
school for the governing authority. 15146

No person shall serve on the governing authority or operate 15147
the community school under contract with the governing authority 15148
so long as the person owes the state any money or is in a dispute 15149
over whether the person owes the state any money concerning the 15150
operation of a community school that has closed. 15151

(F) Nothing in this chapter shall be construed to permit the 15152
establishment of a community school in more than one school 15153

district under the same contract. 15154

Sec. 3314.03. A copy of every contract entered into under 15155
this section shall be filed with the superintendent of public 15156
instruction. 15157

(A) Each contract entered into between a sponsor and the 15158
governing authority of a community school shall specify the 15159
following: 15160

(1) That the school shall be established as either of the 15161
following: 15162

(a) A nonprofit corporation established under Chapter 1702. 15163
of the Revised Code, if established prior to ~~the effective date of~~ 15164
~~this amendment~~ April 8, 2003; 15165

(b) A public benefit corporation established under Chapter 15166
1702. of the Revised Code, if established after ~~the effective date~~ 15167
~~of this amendment~~ April 8, 2003; 15168

(2) The education program of the school, including the 15169
school's mission, the characteristics of the students the school 15170
is expected to attract, the ages and grades of students, and the 15171
focus of the curriculum; 15172

(3) The academic goals to be achieved and the method of 15173
measurement that will be used to determine progress toward those 15174
goals, which shall include the statewide achievement tests; 15175

(4) Performance standards by which the success of the school 15176
will be evaluated by the sponsor; 15177

(5) The admission standards of section 3314.06 of the Revised 15178
Code; 15179

(6)(a) Dismissal procedures; 15180

(b) A requirement that the governing authority adopt an 15181
attendance policy that includes a procedure for automatically 15182

withdrawing a student from the school if the student without a 15183
legitimate excuse fails to participate in one hundred five 15184
~~cumulative~~ consecutive hours of the learning opportunities offered 15185
to the student. Such a policy shall provide for withdrawing the 15186
student by the end of the thirtieth day after the student has 15187
failed to participate as required under this division. 15188

(7) The ways by which the school will achieve racial and 15189
ethnic balance reflective of the community it serves; 15190

(8) Requirements for financial audits by the auditor of 15191
state. The contract shall require financial records of the school 15192
to be maintained in the same manner as are financial records of 15193
school districts, pursuant to rules of the auditor of state, and 15194
the audits shall be conducted in accordance with section 117.10 of 15195
the Revised Code. 15196

(9) The facilities to be used and their locations; 15197

(10) Qualifications of teachers, including a requirement that 15198
the school's classroom teachers be licensed in accordance with 15199
sections 3319.22 to 3319.31 of the Revised Code, except that a 15200
community school may engage noncertificated persons to teach up to 15201
twelve hours per week pursuant to section 3319.301 of the Revised 15202
Code; 15203

(11) That the school will comply with the following 15204
requirements: 15205

(a) The school will provide learning opportunities to a 15206
minimum of twenty-five students for a minimum of nine hundred 15207
twenty hours per school year; 15208

(b) The governing authority will purchase liability 15209
insurance, or otherwise provide for the potential liability of the 15210
school; 15211

(c) The school will be nonsectarian in its programs, 15212

admission policies, employment practices, and all other 15213
operations, and will not be operated by a sectarian school or 15214
religious institution; 15215

(d) The school will comply with sections 9.90, 9.91, 109.65, 15216
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 15217
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 15218
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 15219
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 15220
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 15221
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 15222
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 15223
4123., 4141., and 4167. of the Revised Code as if it were a school 15224
district and will comply with section 3301.0714 of the Revised 15225
Code in the manner specified in section 3314.17 of the Revised 15226
Code; 15227

(e) The school shall comply with Chapter 102. of the Revised 15228
Code except that nothing in that chapter shall prohibit a member 15229
of the school's governing board from also being an employee of the 15230
school and nothing in that chapter or section 2921.42 of the 15231
Revised Code shall prohibit a member of the school's governing 15232
board from having an interest in a contract into which the 15233
governing board enters that is not a contract with a for-profit 15234
firm for the operation or management of a school under the 15235
auspices of the governing authority; 15236

(f) The school will comply with sections 3313.61, 3313.611, 15237
and 3313.614 of the Revised Code, except that the requirement in 15238
sections 3313.61 and 3313.611 of the Revised Code that a person 15239
must successfully complete the curriculum in any high school prior 15240
to receiving a high school diploma may be met by completing the 15241
curriculum adopted by the governing authority of the community 15242
school rather than the curriculum specified in Title XXXIII of the 15243
Revised Code or any rules of the state board of education; 15244

(g) The school governing authority will submit within four 15245
months after the end of each school year a report of its 15246
activities and progress in meeting the goals and standards of 15247
divisions (A)(3) and (4) of this section and its financial status 15248
to the sponsor, the parents of all students enrolled in the 15249
school, and the legislative office of education oversight. The 15250
school will collect and provide any data that the legislative 15251
office of education oversight requests in furtherance of any study 15252
or research that the general assembly requires the office to 15253
conduct, including the studies required under Section 50.39 of Am. 15254
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 15255
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 15256

(12) Arrangements for providing health and other benefits to 15257
employees; 15258

(13) The length of the contract, which shall begin at the 15259
beginning of an academic year. No contract shall exceed five years 15260
unless such contract has been renewed pursuant to division (E) of 15261
this section. 15262

(14) The governing authority of the school, which shall be 15263
responsible for carrying out the provisions of the contract; 15264

(15) A financial plan detailing an estimated school budget 15265
for each year of the period of the contract and specifying the 15266
total estimated per pupil expenditure amount for each such year. 15267
The plan shall specify for each year the base formula amount that 15268
will be used for purposes of funding calculations under section 15269
3314.08 of the Revised Code. This base formula amount for any year 15270
shall not exceed the formula amount defined under section 3317.02 15271
of the Revised Code. The plan may also specify for any year a 15272
percentage figure to be used for reducing the per pupil amount of 15273
disadvantaged pupil impact aid calculated pursuant to section 15274
3317.029 of the Revised Code the school is to receive that year 15275

under section 3314.08 of the Revised Code.	15276
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	15277 15278 15279
(17) Whether the school is to be created by converting all or part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	15280 15281 15282 15283 15284 15285 15286 15287 15288
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	15289 15290 15291
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in section 3314.06 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	15292 15293 15294 15295 15296 15297
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	15298 15299
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	15300 15301
(c) Permit the enrollment of students who reside in any other district in the state.	15302 15303
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in	15304 15305

accordance with the provisions of division (C) of section 3314.015	15306
of the Revised Code;	15307
(21) A provision recognizing the sponsor's authority to	15308
assume the operation of a school under the conditions specified in	15309
division (B) of section 3314.073 of the Revised Code;	15310
(22) A provision recognizing both of the following:	15311
(a) The authority of public health and safety officials to	15312
inspect the facilities of the school and to order the facilities	15313
closed if those officials find that the facilities are not in	15314
compliance with health and safety laws and regulations;	15315
(b) The authority of the department of education as the	15316
community school oversight body to suspend the operation of the	15317
school under section 3314.072 of the Revised Code if the	15318
department has evidence of conditions or violations of law at the	15319
school that pose an imminent danger to the health and safety of	15320
the school's students and employees and the sponsor refuses to	15321
take such action;	15322
(23) A description of the learning opportunities that will be	15323
offered to students including both classroom-based and	15324
non-classroom-based learning opportunities that is in compliance	15325
with criteria for student participation established by the	15326
department under division (L)(2) of section 3314.08 of the Revised	15327
Code.	15328
(B) The community school shall also submit to the sponsor a	15329
comprehensive plan for the school. The plan shall specify the	15330
following:	15331
(1) The process by which the governing authority of the	15332
school will be selected in the future;	15333
(2) The management and administration of the school;	15334
(3) If the community school is a currently existing public	15335

school, alternative arrangements for current public school	15336
students who choose not to attend the school and teachers who	15337
choose not to teach in the school after conversion;	15338
(4) The instructional program and educational philosophy of	15339
the school;	15340
(5) Internal financial controls.	15341
(C) A contract entered into under section 3314.02 of the	15342
Revised Code between a sponsor and the governing authority of a	15343
community school may provide for the community school governing	15344
authority to make payments to the sponsor, which is hereby	15345
authorized to receive such payments as set forth in the contract	15346
between the governing authority and the sponsor. The total amount	15347
of such payments for oversight and monitoring of the school shall	15348
not exceed three per cent of the total amount of payments for	15349
operating expenses that the school receives from the state.	15350
(D) The contract shall specify the duties of the sponsor	15351
which shall be in accordance with the written agreement entered	15352
into with the department of education under division (B) of	15353
section 3314.015 of the Revised Code and shall include the	15354
following:	15355
(1) Monitor the community school's compliance with all laws	15356
applicable to the school and with the terms of the contract;	15357
(2) Monitor and evaluate the academic and fiscal performance	15358
and the organization and operation of the community school on at	15359
least an annual basis;	15360
(3) Report on an annual basis the results of the evaluation	15361
conducted under division (D)(2) of this section to the department	15362
of education and to the parents of students enrolled in the	15363
community school;	15364
(4) Provide technical assistance to the community school in	15365

complying with laws applicable to the school and terms of the 15366
contract; 15367

(5) Take steps to intervene in the school's operation to 15368
correct problems in the school's overall performance, declare the 15369
school to be on probationary status pursuant to section 3314.073 15370
of the Revised Code, suspend the operation of the school pursuant 15371
to section 3314.072 of the Revised Code, or terminate the contract 15372
of the school pursuant to section 3314.07 of the Revised Code as 15373
determined necessary by the sponsor; 15374

(6) Have in place a plan of action to be undertaken in the 15375
event the community school experiences financial difficulties or 15376
closes prior to the end of a school year. 15377

(E) Upon the expiration of a contract entered into under this 15378
section, the sponsor of a community school may, with the approval 15379
of the governing authority of the school, renew that contract for 15380
a period of time determined by the sponsor, but not ending earlier 15381
than the end of any school year, if the sponsor finds that the 15382
school's compliance with applicable laws and terms of the contract 15383
and the school's progress in meeting the academic goals prescribed 15384
in the contract have been satisfactory. Any contract that is 15385
renewed under this division remains subject to the provisions of 15386
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 15387

Sec. 3314.041. The governing authority of each community 15388
school and any operator of such school shall ~~place in a~~ 15389
~~conspicuous manner in all documents that are distributed~~ 15390
distribute to parents of students of the school ~~or to the general~~ 15391
~~public~~ upon their enrollment in the school the following statement 15392
in writing: 15393

"The (here fill in name of the school) school 15394
is a community school established under Chapter 3314. of the 15395
Revised Code. The school is a public school and students enrolled 15396

in and attending the school are required to take proficiency tests 15397
and other examinations prescribed by law. In addition, there may 15398
be other requirements for students at the school that are 15399
prescribed by law. Students who have been excused from the 15400
compulsory attendance law for the purpose of home education as 15401
defined by the Administrative Code shall no longer be excused for 15402
that purpose upon their enrollment in a community school. For more 15403
information about this matter contact the school administration or 15404
the Ohio Department of Education." 15405

Sec. 3314.07. (A) The expiration of the contract for a 15406
community school between a sponsor and a school shall be the date 15407
provided in the contract. A successor contract may be entered into 15408
pursuant to division (E) of section 3314.03 of the Revised Code 15409
unless the contract is terminated or not renewed pursuant to this 15410
section. 15411

(B)(1) A sponsor may choose not to renew a contract at its 15412
expiration or may choose to terminate a contract prior to its 15413
expiration for any of the following reasons: 15414

(a) Failure to meet student performance requirements stated 15415
in the contract; 15416

(b) Failure to meet generally accepted standards of fiscal 15417
management; 15418

(c) Violation of any provision of the contract or applicable 15419
state or federal law; 15420

(d) Other good cause. 15421

(2) A sponsor may choose to terminate a contract prior to its 15422
expiration if the sponsor has suspended the operation of the 15423
contract under section 3314.072 of the Revised Code. 15424

(3) At least ninety days prior to the termination or 15425
nonrenewal of a contract, the sponsor shall notify the school of 15426

the proposed action in writing. The notice shall include the 15427
reasons for the proposed action in detail, the effective date of 15428
the termination or nonrenewal, and a statement that the school 15429
may, within fourteen days of receiving the notice, request an 15430
informal hearing before the sponsor. Such request must be in 15431
writing. The informal hearing shall be held within seventy days of 15432
the receipt of a request for the hearing. Promptly following the 15433
informal hearing, the sponsor shall issue a written decision 15434
either affirming or rescinding the decision to terminate or not 15435
renew the contract. 15436

(4) A decision by the sponsor to terminate a contract may be 15437
appealed to the state board of education. The decision by the 15438
state board pertaining to an appeal under this division is final. 15439
If the sponsor is the state board, its decision to terminate a 15440
contract under division (B)(3) of this section shall be final. 15441

(5) The termination of a contract under this section shall be 15442
effective upon the occurrence of the later of the following 15443
events: 15444

(a) Ninety days following the date the sponsor notifies the 15445
school of its decision to terminate the contract as prescribed in 15446
division (B)(3) of this section; 15447

(b) If an informal hearing is requested under division (B)(3) 15448
of this section and as a result of that hearing the sponsor 15449
affirms its decision to terminate the contract, the effective date 15450
of the termination specified in the notice issued under division 15451
(B)(3) of this section, or if that decision is appealed to the 15452
state board under division (B)(4) of this section and the state 15453
board affirms that decision, the date established in the 15454
resolution of the state board affirming the sponsor's decision. 15455

(6) Any community school whose contract is terminated under 15456
this division shall not enter into a contract with any other 15457

sponsor. 15458

(C) A child attending a community school whose contract has 15459
been terminated, nonrenewed, or suspended or that closes for any 15460
reason shall be admitted to the schools of the district in which 15461
the child is entitled to attend under section 3313.64 or 3313.65 15462
of the Revised Code. Any deadlines established for the purpose of 15463
admitting students under section 3313.97 or 3313.98 of the Revised 15464
Code shall be waived for students to whom this division pertains. 15465

(D) If a community school does not intend to renew a contract 15466
with its sponsor, the community school shall notify its sponsor in 15467
writing of that fact at least one hundred eighty days prior to the 15468
expiration of the contract. Such a community school may enter into 15469
a contract with a new sponsor in accordance with section 3314.03 15470
of the Revised Code upon the expiration of the previous contract. 15471

(E) A sponsor of a community school and the officers, 15472
directors, or employees of such a sponsor are not liable in 15473
damages in a tort or other civil action for harm allegedly arising 15474
from either of the following: 15475

(1) A failure of the community school or any of its officers, 15476
directors, or employees to perform any statutory or common law 15477
duty or responsibility or any other legal obligation; 15478

(2) An action or omission of the community school or any of 15479
its officers, directors, or employees that results in harm. 15480

~~(E)~~(F) As used in this section: 15481

(1) "Harm" means injury, death, or loss to person or 15482
property. 15483

(2) "Tort action" means a civil action for damages for 15484
injury, death, or loss to person or property other than a civil 15485
action for damages for a breach of contract or another agreement 15486
between persons. 15487

Sec. 3314.08. (A) As used in this section:	15488
(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.	15489 15490 15491
(2) "Cost-of-doing-business factor" has the same meaning as in section 3317.02 of the Revised Code.	15492 15493
(3) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.	15494 15495
(4) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a handicap described in that section.	15496 15497 15498
(5) "Applicable vocational education weight" means:	15499
(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;	15500 15501 15502
(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.	15503 15504 15505
(6) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.	15506 15507 15508
(7) A community school student is "included in the DPIA student count" of a school district if the student is entitled to attend school in the district and:	15509 15510 15511
(a) For school years prior to fiscal year 2004, the student's family receives assistance under the Ohio works first program.	15512 15513
(b) For school years in and after fiscal year 2004, the student's family income does not exceed the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, and	15514 15515 15516

the student's family receives family assistance, as defined in 15517
section 3317.029 of the Revised Code. 15518

(8) "DPIA reduction factor" means the percentage figure, if 15519
any, for reducing the per pupil amount of disadvantaged pupil 15520
impact aid a community school is entitled to receive pursuant to 15521
divisions (D)(5) and (6) of this section in any year, as specified 15522
in the school's financial plan for the year pursuant to division 15523
(A)(15) of section 3314.03 of the Revised Code. 15524

(9) "All-day kindergarten" has the same meaning as in section 15525
3317.029 of the Revised Code. 15526

(10) "SF-3 payment" means the sum of the payments to a school 15527
district in a fiscal year under divisions (A), (C)(1), (C)(4), 15528
(D), (E), and (F) of section 3317.022, divisions (J), (P), and (R) 15529
of section 3317.024, and sections 3317.029, 3317.0212, 3317.0213, 15530
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 15531
the Revised Code after making the adjustments required by sections 15532
3313.981 and 3313.979, divisions (B), (C), (D), (E), (K), (L), and 15533
(M) of section 3317.023, and division (C) of section 3317.20 of 15534
the Revised Code. 15535

(B) The state board of education shall adopt rules requiring 15536
both of the following: 15537

(1) The board of education of each city, exempted village, 15538
and local school district to annually report the number of 15539
students entitled to attend school in the district who are 15540
enrolled in grades one through twelve in a community school 15541
established under this chapter, the number of students entitled to 15542
attend school in the district who are enrolled in kindergarten in 15543
a community school, the number of those kindergartners who are 15544
enrolled in all-day kindergarten in their community school, and 15545
for each child, the community school in which the child is 15546
enrolled. 15547

(2) The governing authority of each community school established under this chapter to annually report all of the following:	15548 15549 15550
(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;	15551 15552 15553 15554
(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;	15555 15556 15557 15558
(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;	15559 15560 15561 15562
(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;	15563 15564 15565 15566 15567
(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 community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district;	15568 15569 15570 15571 15572 15573 15574 15575 15576 15577
(f) The number of enrolled preschool handicapped students	15578

receiving special education services in a state-funded unit;	15579
(g) The community school's base formula amount;	15580
(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;	15581 15582
(i) Any DPIA reduction factor that applies to a school year.	15583
(C) From the payments <u>SF-3 payment</u> made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code and, if necessary, <u>from the payment made to the district under sections 321.14 321.24 and 323.156 of the Revised Code</u> , the department of education shall annually subtract all the sum of the following: <u>amounts described in divisions (C)(1) to (5) of this section. However, the aggregate amount deducted under this division shall not exceed the sum of the district's SF-3 payment and its payment under sections 321.24 and 323.156 of the Revised Code.</u>	15584 15585 15586 15587 15588 15589 15590 15591 15592 15593
(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a), (b), and (e) of this section who are enrolled in grades one through twelve, and one-half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the base formula amount of that community school as adjusted by the school district's cost-of-doing-business factor.	15594 15595 15596 15597 15598 15599 15600 15601 15602
(2) The sum of the amounts calculated under divisions (C)(2)(a) and (b) of this section:	15603 15604
(a) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in a community school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, the product of	15605 15606 15607 15608 15609

the applicable special education weight times the community 15610
school's base formula amount; 15611

(b) For each of the district's students reported under 15612
division (B)(2)(c) of this section as enrolled in kindergarten in 15613
a community school and receiving special education and related 15614
services pursuant to an IEP for a handicap described in section 15615
3317.013 of the Revised Code, one-half of the amount calculated as 15616
prescribed in division (C)(2)(a) of this section. 15617

(3) For each of the district's students reported under 15618
division (B)(2)(d) of this section for whom payment is made under 15619
division (D)(4) of this section, the amount of that payment; 15620

(4) An amount equal to the sum of the amounts obtained when, 15621
for each community school where the district's students are 15622
enrolled, the number of the district's students enrolled in that 15623
community school who are included in the district's DPIA student 15624
count is multiplied by the per pupil amount of disadvantaged pupil 15625
impact aid the school district receives that year pursuant to 15626
division (B) or (C) of section 3317.029 of the Revised Code, as 15627
adjusted by any DPIA reduction factor of that community school. If 15628
the district receives disadvantaged pupil impact aid under 15629
division (B) of that section, the per pupil amount of that aid is 15630
the quotient of the amount the district received under that 15631
division divided by the district's DPIA student count, as defined 15632
in that section. If the district receives disadvantaged pupil 15633
impact aid under division (C) of section 3317.029 of the Revised 15634
Code, the per pupil amount of that aid is the per pupil dollar 15635
amount prescribed for the district in division (C)(1) or (2) of 15636
that section. 15637

(5) An amount equal to the sum of the amounts obtained when, 15638
for each community school where the district's students are 15639
enrolled, the district's per pupil amount of aid received under 15640
division (E) of section 3317.029 of the Revised Code, as adjusted 15641

by any DPIA reduction factor of the community school, is 15642
multiplied by the sum of the following: 15643

(a) The number of the district's students reported under 15644
division (B)(2)(a) of this section who are enrolled in grades one 15645
to three in that community school and who are not receiving 15646
special education and related services pursuant to an IEP; 15647

(b) One-half of the district's students who are enrolled in 15648
all-day or any other kindergarten class in that community school 15649
and who are not receiving special education and related services 15650
pursuant to an IEP; 15651

(c) One-half of the district's students who are enrolled in 15652
all-day kindergarten in that community school and who are not 15653
receiving special education and related services pursuant to an 15654
IEP. 15655

The district's per pupil amount of aid under division (E) of 15656
section 3317.029 of the Revised Code is the quotient of the amount 15657
the district received under that division divided by the 15658
district's kindergarten through third grade ADM, as defined in 15659
that section. 15660

(6) An amount equal to the per pupil state parity aid funding 15661
calculated for the school district under either division (C) or 15662
(D) of section 3317.0217 of the Revised Code multiplied by the sum 15663
of the number of students in grades one through twelve, and 15664
one-half of the number of students in kindergarten, who are 15665
entitled to attend school in the district and are enrolled in a 15666
community school as reported under division (B)(1) of this 15667
section. 15668

(D) The department shall annually pay to a community school 15669
established under this chapter ~~all the sum~~ of the ~~following~~ 15670
amounts described in divisions (D)(1) to (6) of this section. 15671
However, the sum of the payments to all community schools under 15672

divisions (D)(1), (2), (4), (5), and (6) of this section for the 15673
students entitled to attend school in any particular school 15674
district shall not exceed the sum of that district's SF-3 payment 15675
and its payment under sections 321.24 and 323.156 of the Revised 15676
Code. If the sum of the payments calculated under those divisions 15677
for the students entitled to attend school in a particular school 15678
district exceeds the sum of that district's SF-3 payment and its 15679
payment under sections 321.24 and 323.156 of the Revised Code, the 15680
department shall calculate and apply a proration factor to the 15681
payments to all community schools under those divisions for the 15682
students entitled to attend school in that district. 15683

(1) An amount equal to the sum of the amounts obtained when 15684
the number of students enrolled in grades one through twelve, plus 15685
one-half of the kindergarten students in the school, reported 15686
under divisions (B)(2)(a), (b), and (e) of this section who are 15687
not receiving special education and related services pursuant to 15688
an IEP for a handicap described in section 3317.013 of the Revised 15689
Code is multiplied by the community school's base formula amount, 15690
as adjusted by the cost-of-doing-business factor of the school 15691
district in which the student is entitled to attend school; 15692

(2) The greater of the following: 15693

(a) The aggregate amount that the department paid to the 15694
community school in fiscal year 1999 for students receiving 15695
special education and related services pursuant to IEPs, excluding 15696
federal funds and state disadvantaged pupil impact aid funds; 15697

(b) The sum of the amounts calculated under divisions 15698
(D)(2)(b)(i) and (ii) of this section: 15699

(i) For each student reported under division (B)(2)(c) of 15700
this section as enrolled in the school in grades one through 15701
twelve and receiving special education and related services 15702
pursuant to an IEP for a handicap described in section 3317.013 of 15703

the Revised Code, the following amount: 15704
 (the community school's base formula amount 15705
 X the cost-of-doing-business factor 15706
 of the district where the student 15707
 is entitled to attend school) + 15708
 (the applicable special education weight X 15709
 the community school's base formula amount); 15710

(ii) For each student reported under division (B)(2)(c) of 15711
this section as enrolled in kindergarten and receiving special 15712
education and related services pursuant to an IEP for a handicap 15713
described in section 3317.013 of the Revised Code, one-half of the 15714
amount calculated under the formula prescribed in division 15715
(D)(2)(b)(i) of this section. 15716

(3) An amount received from federal funds to provide special 15717
education and related services to students in the community 15718
school, as determined by the superintendent of public instruction. 15719

(4) For each student reported under division (B)(2)(d) of 15720
this section as enrolled in vocational education programs or 15721
classes that are described in section 3317.014 of the Revised 15722
Code, are provided by the community school, and are comparable as 15723
determined by the superintendent of public instruction to school 15724
district vocational education programs and classes eligible for 15725
state weighted funding under section 3317.014 of the Revised Code, 15726
an amount equal to the applicable vocational education weight 15727
times the community school's base formula amount times the 15728
percentage of time the student spends in the vocational education 15729
programs or classes. 15730

(5) An amount equal to the sum of the amounts obtained when, 15731
for each school district where the community school's students are 15732
entitled to attend school, the number of that district's students 15733
enrolled in the community school who are included in the 15734
district's DPIA student count is multiplied by the per pupil 15735

amount of disadvantaged pupil impact aid that school district 15736
receives that year pursuant to division (B) or (C) of section 15737
3317.029 of the Revised Code, as adjusted by any DPIA reduction 15738
factor of the community school. The per pupil amount of aid shall 15739
be determined as described in division (C)(4) of this section. 15740

(6) An amount equal to the sum of the amounts obtained when, 15741
for each school district where the community school's students are 15742
entitled to attend school, the district's per pupil amount of aid 15743
received under division (E) of section 3317.029 of the Revised 15744
Code, as adjusted by any DPIA reduction factor of the community 15745
school, is multiplied by the sum of the following: 15746

(a) The number of the district's students reported under 15747
division (B)(2)(a) of this section who are enrolled in grades one 15748
to three in that community school and who are not receiving 15749
special education and related services pursuant to an IEP; 15750

(b) One-half of the district's students who are enrolled in 15751
all-day or any other kindergarten class in that community school 15752
and who are not receiving special education and related services 15753
pursuant to an IEP; 15754

(c) One-half of the district's students who are enrolled in 15755
all-day kindergarten in that community school and who are not 15756
receiving special education and related services pursuant to an 15757
IEP. 15758

The district's per pupil amount of aid under division (E) of 15759
section 3317.029 of the Revised Code shall be determined as 15760
described in division (C)(5) of this section. 15761

(7) An amount equal to the sum of the amounts obtained when, 15762
for each school district where the community school's students are 15763
entitled to attend school, the district's per pupil amount of 15764
state parity aid funding calculated under either division (C) or 15765
(D) of section 3317.0217 of the Revised Code is multiplied by the 15766

sum of the number of that district's students enrolled in grades 15767
one through twelve, and one-half of the number of that district's 15768
students enrolled in kindergarten, in the community school as 15769
reported under division (B)(2)(a) and (b) of this section. 15770

(E)(1) If a community school's costs for a fiscal year for a 15771
student receiving special education and related services pursuant 15772
to an IEP for a handicap described in divisions (B) to (F) of 15773
section 3317.013 of the Revised Code exceed the threshold 15774
catastrophic cost for serving the student as specified in division 15775
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 15776
submit to the superintendent of public instruction documentation, 15777
as prescribed by the superintendent, of all its costs for that 15778
student. Upon submission of documentation for a student of the 15779
type and in the manner prescribed, the department shall pay to the 15780
community school an amount equal to the school's costs for the 15781
student in excess of the threshold catastrophic costs. 15782

(2) The community school shall only report under division 15783
(E)(1) of this section, and the department shall only pay for, the 15784
costs of educational expenses and the related services provided to 15785
the student in accordance with the student's individualized 15786
education program. Any legal fees, court costs, or other costs 15787
associated with any cause of action relating to the student may 15788
not be included in the amount. 15789

(F) A community school may apply to the department of 15790
education for preschool handicapped or gifted unit funding the 15791
school would receive if it were a school district. Upon request of 15792
its governing authority, a community school that received unit 15793
funding as a school district-operated school before it became a 15794
community school shall retain any units awarded to it as a school 15795
district-operated school provided the school continues to meet 15796
eligibility standards for the unit. 15797

A community school shall be considered a school district and 15798

its governing authority shall be considered a board of education 15799
for the purpose of applying to any state or federal agency for 15800
grants that a school district may receive under federal or state 15801
law or any appropriations act of the general assembly. The 15802
governing authority of a community school may apply to any private 15803
entity for additional funds. 15804

(G) A board of education sponsoring a community school may 15805
utilize local funds to make enhancement grants to the school or 15806
may agree, either as part of the contract or separately, to 15807
provide any specific services to the community school at no cost 15808
to the school. 15809

(H) A community school may not levy taxes or issue bonds 15810
secured by tax revenues. 15811

(I) No community school shall charge tuition for the 15812
enrollment of any student. 15813

(J)(1)(a) A community school may borrow money to pay any 15814
necessary and actual expenses of the school in anticipation of the 15815
receipt of any portion of the payments to be received by the 15816
school pursuant to division (D) of this section. The school may 15817
issue notes to evidence such borrowing . The proceeds of the notes 15818
shall be used only for the purposes for which the anticipated 15819
receipts may be lawfully expended by the school. 15820

(b) A school may also borrow money for a term not to exceed 15821
fifteen years for the purpose of acquiring facilities. 15822

(2) Except for any amount guaranteed under section 3318.50 of 15823
the Revised Code, the state is not liable for debt incurred by the 15824
governing authority of a community school. 15825

(K) For purposes of determining the number of students for 15826
which divisions (D)(5) and (6) of this section applies in any 15827
school year, a community school may submit to the department of 15828
job and family services, no later than the first day of March, a 15829

list of the students enrolled in the school. For each student on 15830
the list, the community school shall indicate the student's name, 15831
address, and date of birth and the school district where the 15832
student is entitled to attend school. Upon receipt of a list under 15833
this division, the department of job and family services shall 15834
determine, for each school district where one or more students on 15835
the list is entitled to attend school, the number of students 15836
residing in that school district who were included in the 15837
department's report under section 3317.10 of the Revised Code. The 15838
department shall make this determination on the basis of 15839
information readily available to it. Upon making this 15840
determination and no later than ninety days after submission of 15841
the list by the community school, the department shall report to 15842
the state department of education the number of students on the 15843
list who reside in each school district who were included in the 15844
department's report under section 3317.10 of the Revised Code. In 15845
complying with this division, the department of job and family 15846
services shall not report to the state department of education any 15847
personally identifiable information on any student. 15848

(L) The department of education shall adjust the amounts 15849
subtracted and paid under divisions (C) and (D) of this section to 15850
reflect any enrollment of students in community schools for less 15851
than the equivalent of a full school year. The state board of 15852
education within ninety days after ~~the effective date of this~~ 15853
~~amendment~~ April 8, 2003, shall adopt in accordance with Chapter 15854
119. of the Revised Code rules governing the payments to community 15855
schools under this section including initial payments in a school 15856
year and adjustments and reductions made in subsequent periodic 15857
payments to community schools and corresponding deductions from 15858
school district accounts as provided under divisions (C) and (D) 15859
of this section. For purposes of this section: 15860

(1) A student shall be considered enrolled in the community 15861

school for any portion of the school year the student is 15862
participating at a college under Chapter 3365. of the Revised 15863
Code. 15864

(2) A student shall be considered to be enrolled in a 15865
community school during a school year for the period of time 15866
between the date on which the school both has received 15867
documentation of the student's enrollment from a parent and has 15868
commenced participation in learning opportunities as defined in 15869
the contract with the sponsor. For purposes of applying this 15870
division to a community school student, "learning opportunities" 15871
shall be defined in the contract, which shall describe both 15872
classroom-based and non-classroom-based learning opportunities and 15873
shall be in compliance with criteria and documentation 15874
requirements for student participation which shall be established 15875
by the department. Any student's instruction time in 15876
non-classroom-based learning opportunities shall be certified by 15877
an employee of the community school. A student's enrollment shall 15878
be considered to cease on the date on which any of the following 15879
occur: 15880

(a) The community school receives documentation from a parent 15881
terminating enrollment of the student. 15882

(b) The community school is provided documentation of a 15883
student's enrollment in another public or private school. 15884

(c) The community school ceases to offer learning 15885
opportunities to the student pursuant to the terms of the contract 15886
with the sponsor or the operation of any provision of this 15887
chapter. 15888

(3) A student's percentage of full-time equivalency shall be 15889
considered to be the percentage the hours of learning opportunity 15890
offered to that student is of nine hundred and twenty hours. 15891

(M) The department of education shall reduce the amounts paid 15892

under division (D) of this section to reflect payments made to 15893
colleges under division (B) of section 3365.07 of the Revised 15894
Code. 15895

(N)(1) No student shall be considered enrolled in any 15896
internet- or computer-based community school unless ~~the~~ both of 15897
the following conditions are satisfied: 15898

(a) The student possesses or has been provided with all 15899
required hardware and software materials and all such materials 15900
are fully operational and the so that the student is capable of 15901
fully participating in the learning opportunities specified in the 15902
contract between the school and the school's sponsor as required 15903
by division (A)(23) of section 3314.03 of the Revised Code; 15904

(b) The school is in compliance with division (A)(1) or (2) 15905
of section 3314.032 of the Revised Code, relative to such student. 15906
In 15907

(2) In accordance with policies adopted jointly by the 15908
superintendent of public instruction and the auditor of state, the 15909
department shall reduce the amounts otherwise payable under 15910
division (D) of this section to any internet- or computer-based 15911
community school that includes in its program the provision of 15912
computer hardware and software materials to each student, if such 15913
hardware and software materials have not been delivered, 15914
installed, and activated for all students in a timely manner or 15915
other educational materials or services have not been provided 15916
according to the contract between the individual community school 15917
and its sponsor. 15918

The superintendent of public instruction and the auditor of 15919
state shall jointly establish a method for auditing any community 15920
school to which this division pertains to ensure compliance with 15921
this section. 15922

The superintendent, auditor of state, and the governor shall 15923

jointly make recommendations to the general assembly for 15924
legislative changes that may be required to assure fiscal and 15925
academic accountability for such internet- or computer-based 15926
schools. 15927

(O)(1) If the department determines that a review of a 15928
community school's enrollment is necessary, such review shall be 15929
completed and written notice of the findings shall be provided to 15930
the governing authority of the community school and its sponsor 15931
within ninety days of the end of the community school's fiscal 15932
year, unless extended for a period not to exceed thirty additional 15933
days for one of the following reasons: 15934

(a) The department and the community school mutually agree to 15935
the extension. 15936

(b) Delays in data submission caused by either a community 15937
school or its sponsor. 15938

(2) If the review results in a finding that additional 15939
funding is owed to the school, such payment shall be made within 15940
thirty days of the written notice. If the review results in a 15941
finding that the community school owes moneys to the state, the 15942
following procedure shall apply: 15943

(a) Within ten business days of the receipt of the notice of 15944
findings, the community school may appeal the department's 15945
determination to the state board of education or its designee. 15946

(b) The board or its designee shall conduct an informal 15947
hearing on the matter within thirty days of receipt of such an 15948
appeal and shall issue a decision within fifteen days of the 15949
conclusion of the hearing. 15950

(c) If the board has enlisted a designee to conduct the 15951
hearing, the designee shall certify its decision to the board. The 15952
board may accept the decision of the designee or may reject the 15953
decision of the designee and issue its own decision on the matter. 15954

(d) Any decision made by the board under this division is 15955
final. 15956

(3) If it is decided that the community school owes moneys to 15957
the state, the department shall deduct such amount from the 15958
school's future payments in accordance with guidelines issued by 15959
the superintendent of public instruction. 15960

Sec. 3314.083. If the department of education pays a joint 15961
vocational school district under division (G)(4) of section 15962
3317.16 of the Revised Code for excess costs of providing special 15963
education and related services to a handicapped student who is 15964
enrolled in a community school, as calculated under division 15965
(G)(2) of that section, the department shall deduct the amount of 15966
that payment from the amount calculated for payment to the 15967
community school under section 3314.08 of the Revised Code. 15968

Sec. 3316.08. During a school district's fiscal emergency 15969
period, the auditor of state shall determine annually, or at any 15970
other time upon request of the financial planning and supervision 15971
commission, whether the school district will incur an operating 15972
deficit. If the auditor of state determines that a school district 15973
will incur an operating deficit, the auditor of state shall 15974
certify that determination to the superintendent of public 15975
instruction, the financial planning and supervision commission, 15976
and the board of education of the school district. Upon receiving 15977
the auditor of state's certification, the board of education ~~or~~ 15978
and the commission each shall adopt consider adopting a resolution 15979
to submit a ballot question proposing the levy of a tax under 15980
section 5705.194 or 5705.21 or Chapter 5748. of the Revised Code. 15981
After the board of education and the commission consider adopting 15982
a resolution for the levy of such a tax, the board of education 15983
and commission each shall adopt a resolution that explains the 15984

decision to propose or not propose such a levy. Except as 15985
otherwise provided in this division, the tax shall be levied in 15986
the manner prescribed for a tax levied under section 5705.194 or 15987
5705.21 or under Chapter 5748. of the Revised Code. ~~The~~ If the 15988
board of education or commission decides that a tax shall should 15989
be levied, the tax shall be levied for the purpose of paying 15990
current operating expenses of the school district. The question 15991
shall propose that the tax be levied at ~~the~~ a rate required to 15992
~~produce annual revenue sufficient to eliminate the operating~~ 15993
~~deficit as certified by the auditor of state and to repay~~ 15994
~~outstanding loans or other obligations incurred by the board of~~ 15995
~~education for the purpose of reducing or eliminating operating~~ 15996
~~deficits~~ generate an amount that would produce a positive fiscal 15997
year end cash balance not later than the fifth year of the 15998
district's current five-year forecast submitted under section 15999
5705.391 of the Revised Code, as determined by the financial 16000
planning and supervision commission in consultation with the 16001
district treasurer. The rate of a tax levied under section 16002
5705.194 or 5705.21 of the Revised Code shall be determined by the 16003
county auditor, and the rate of a tax levied under section 5748.02 16004
or 5748.08 of the Revised Code shall be determined by the tax 16005
commissioner, upon the request of the commission. The commission 16006
shall determine the election at which the question of the tax 16007
shall appear on the ballot, and the board of education or 16008
commission shall submit a copy of its resolution to the board of 16009
elections not later than seventy-five days prior to the day of 16010
that election. The board of elections conducting the election 16011
shall certify the results of the election to the board of 16012
education and to the financial planning and supervision 16013
commission. 16014

Sec. 3317.01. As used in this section and section 3317.011 of 16015
the Revised Code, "school district," unless otherwise specified, 16016

means any city, local, exempted village, joint vocational, or 16017
cooperative education school district and any educational service 16018
center. 16019

This chapter shall be administered by the state board of 16020
education. The superintendent of public instruction shall 16021
calculate the amounts payable to each school district and shall 16022
certify the amounts payable to each eligible district to the 16023
treasurer of the district as provided by this chapter. No moneys 16024
shall be distributed pursuant to this chapter without the approval 16025
of the controlling board. 16026

The state board of education shall, in accordance with 16027
appropriations made by the general assembly, meet the financial 16028
obligations of this chapter. 16029

Annually, the department of education shall calculate and 16030
report to each school district the district's total state and 16031
local funds for providing an adequate basic education to the 16032
district's nonhandicapped students, utilizing the determination in 16033
section 3317.012 of the Revised Code. In addition, the department 16034
shall calculate and report separately for each school district the 16035
district's total state and local funds for providing an adequate 16036
education for its handicapped students, utilizing the 16037
determinations in both sections 3317.012 and 3317.013 of the 16038
Revised Code. 16039

Not later than the thirty-first day of August of each fiscal 16040
year, the department of education shall provide to each school 16041
district and county MR/DD board a preliminary estimate of the 16042
amount of funding that the department calculates the district will 16043
receive under each of divisions (C)(1) and (4) of section 3317.022 16044
of the Revised Code. No later than the first day of December of 16045
each fiscal year, the department shall update that preliminary 16046
estimate. 16047

Moneys distributed pursuant to this chapter shall be 16048
calculated and paid on a fiscal year basis, beginning with the 16049
first day of July and extending through the thirtieth day of June. 16050
The moneys appropriated for each fiscal year shall be distributed 16051
at least monthly to each school district unless otherwise provided 16052
for. The state board shall submit a yearly distribution plan to 16053
the controlling board at its first meeting in July. The state 16054
board shall submit any proposed midyear revision of the plan to 16055
the controlling board in January. Any year-end revision of the 16056
plan shall be submitted to the controlling board in June. If 16057
moneys appropriated for each fiscal year are distributed other 16058
than monthly, such distribution shall be on the same basis for 16059
each school district. 16060

The total amounts paid each month shall constitute, as nearly 16061
as possible, one-twelfth of the total amount payable for the 16062
entire year. Monthly payments of the district's base cost funding 16063
shall be made by dividing by twelve the amount calculated using 16064
the average daily attendance appropriate for that month under 16065
division (A)(1) of section 3317.022, division (B) of section 16066
3317.16, or division (C) of section 3317.0217 of the Revised Code, 16067
as applicable. Payments made during the first six months of the 16068
fiscal year may be based on an estimate of the amounts payable for 16069
the entire year. Payments made in the last six months shall be 16070
based on the final calculation of the amounts payable to each 16071
school district for that fiscal year. Payments made in the last 16072
six months may be adjusted, if necessary, to correct the amounts 16073
distributed in the first six months, and to reflect enrollment 16074
increases when such are at least three per cent. Except as 16075
otherwise provided, payments under this chapter shall be made only 16076
to those school districts in which: 16077

(A) The school district, except for any educational service 16078
center and any joint vocational or cooperative education school 16079

district, levies for current operating expenses at least twenty 16080
mills. Levies for joint vocational or cooperative education school 16081
districts or county school financing districts, limited to or to 16082
the extent apportioned to current expenses, shall be included in 16083
this qualification requirement. School district income tax levies 16084
under Chapter 5748. of the Revised Code, limited to or to the 16085
extent apportioned to current operating expenses, shall be 16086
included in this qualification requirement to the extent 16087
determined by the tax commissioner under division (D) of section 16088
3317.021 of the Revised Code. 16089

(B) The school year next preceding the fiscal year for which 16090
such payments are authorized meets the requirement of section 16091
3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the 16092
minimum number of days or hours school must be open for 16093
instruction with pupils in attendance, for individualized 16094
parent-teacher conference and reporting periods, and for 16095
professional meetings of teachers. ~~This requirement shall be~~ 16096
~~waived by the superintendent of public instruction if it had been~~ 16097
~~necessary for a school to be closed because of disease epidemic,~~ 16098
~~hazardous weather conditions, inoperability of school buses or~~ 16099
~~other equipment necessary to the school's operation, damage to a~~ 16100
~~school building, or other temporary circumstances due to utility~~ 16101
~~failure rendering the school building unfit for school use,~~ 16102
~~provided that for those school districts operating pursuant to~~ 16103
~~section 3313.48 of the Revised Code the number of days the school~~ 16104
~~was actually open for instruction with pupils in attendance and~~ 16105
~~for individualized parent teacher conference and reporting periods~~ 16106
~~is not less than one hundred seventy five, or for those school~~ 16107
~~districts operating on a trimester plan the number of days the~~ 16108
~~school was actually open for instruction with pupils in attendance~~ 16109
~~not less than seventy nine days in any trimester, for those school~~ 16110
~~districts operating on a quarterly plan the number of days the~~ 16111
~~school was actually open for instruction with pupils in attendance~~ 16112

~~not less than fifty nine days in any quarter, or for those school districts operating on a pentamester plan the number of days the school was actually open for instruction with pupils in attendance not less than forty four days in any pentamester.~~

A school district shall not be considered to have failed to comply with this division ~~or section 3313.481 of the Revised Code~~ because schools were open for instruction but either twelfth grade students were excused from attendance for up to ~~three days~~ sixteen and one-half hours or only a portion of the kindergarten students were in attendance for up to ~~three days~~ fifteen hours in order to allow for the gradual orientation to school of such students.

~~The superintendent of public instruction shall waive the requirements of this section with reference to the minimum number of days or hours school must be in session with pupils in attendance for the school year succeeding the school year in which a board of education initiates a plan of operation pursuant to section 3313.481 of the Revised Code. The minimum requirements of this section shall again be applicable to such a district beginning with the school year commencing the second July succeeding the initiation of one such plan, and for each school year thereafter.~~

~~A school district shall not be considered to have failed to comply with this division or section 3313.48 or 3313.481 of the Revised Code because schools were open for instruction but the length of the regularly scheduled school day, for any number of days during the school year, was reduced by not more than two hours due to hazardous weather conditions.~~

(C) The school district has on file, and is paying in accordance with, a teachers' salary schedule which complies with section 3317.13 of the Revised Code.

A board of education or governing board of an educational

service center which has not conformed with other law and the 16144
rules pursuant thereto, shall not participate in the distribution 16145
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 16146
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 16147
and sufficient reason established to the satisfaction of the state 16148
board of education and the state controlling board. 16149

All funds allocated to school districts under this chapter, 16150
except those specifically allocated for other purposes, shall be 16151
used to pay current operating expenses only. 16152

Sec. 3317.012. (A)(1) The general assembly, having analyzed 16153
school district expenditure and cost data for fiscal year 1999, 16154
performed the calculation described in division (B) of this 16155
section, adjusted the results for inflation, and added the amounts 16156
described in division (A)(2) of this section, hereby determines 16157
that the base cost of an adequate education per pupil for the 16158
fiscal year beginning July 1, 2001, is \$4,814. For the ~~five~~ three 16159
following fiscal years, the base cost per pupil for each of those 16160
years, reflecting an annual rate of inflation of two and 16161
eight-tenths per cent, is \$4,949 for fiscal year 2003, \$5,088 for 16162
fiscal year 2004, and \$5,230 for fiscal year 2005, ~~\$5,376 for~~ 16163
~~fiscal year 2006, and \$5,527 for fiscal year 2007.~~ 16164

(2) The base cost per pupil amounts specified in division 16165
(A)(1) of this section include amounts to reflect the cost to 16166
school districts of increasing the minimum number of high school 16167
academic units required for graduation beginning September 15, 16168
2001, under section 3313.603 of the Revised Code. Analysis of 16169
fiscal year 1999 data revealed that the school districts meeting 16170
the requirements of division (B) of this section on average 16171
required high school students to complete a minimum of nineteen 16172
and eight-tenths units to graduate. The general assembly 16173
determines that the cost of funding the additional two-tenths unit 16174

required by section 3313.603 of the Revised Code is \$12 per pupil 16175
in fiscal year 2002. This amount was added after the calculation 16176
described in division (B) of this section and the adjustment for 16177
inflation from fiscal year 1999 to fiscal year 2002. It is this 16178
total amount, the calculated base cost plus the supplement to pay 16179
for the additional partial unit, that constitutes the base cost 16180
amount specified in division (A)(1) of this section for fiscal 16181
year 2002 and that is inflated to produce the base cost amounts 16182
for fiscal years 2003 through ~~2007~~ 2005. 16183

(B) In determining the base cost stated in division (A) of 16184
this section, capital and debt costs, costs paid for by federal 16185
funds, and costs covered by funds provided for disadvantaged pupil 16186
impact aid and transportation were excluded, as were the effects 16187
on the districts' state funds of the application of the 16188
cost-of-doing-business factors, assuming a seven and one-half per 16189
cent variance. 16190

The base cost for fiscal year 1999 was calculated as the 16191
unweighted average cost per student, on a school district basis, 16192
of educating students who were not receiving vocational education 16193
or services pursuant to Chapter 3323. of the Revised Code and who 16194
were enrolled in a city, exempted village, or local school 16195
district that in fiscal year 1999 met all of the following 16196
criteria: 16197

(1) The district met at least twenty of the following 16198
twenty-seven performance indicators: 16199

(a) A ninety per cent or higher graduation rate; 16200

(b) At least seventy-five per cent of fourth graders 16201
proficient on the mathematics test prescribed under former 16202
division (A)(1) of section 3301.0710 of the Revised Code; 16203

(c) At least seventy-five per cent of fourth graders 16204
proficient on the reading test prescribed under former division 16205

(A)(1) of section 3301.0710 of the Revised Code;	16206
(d) At least seventy-five per cent of fourth graders proficient on the writing test prescribed under former division (A)(1) of section 3301.0710 of the Revised Code;	16207 16208 16209
(e) At least seventy-five per cent of fourth graders proficient on the citizenship test prescribed under former division (A)(1) of section 3301.0710 of the Revised Code;	16210 16211 16212
(f) At least seventy-five per cent of fourth graders proficient on the science test prescribed under <u>former</u> division (A)(1) of section 3301.0710 of the Revised Code;	16213 16214 16215
(g) At least seventy-five per cent of sixth graders proficient on the mathematics test prescribed under <u>former</u> division (A)(2) of section 3301.0710 of the Revised Code;	16216 16217 16218
(h) At least seventy-five per cent of sixth graders proficient on the reading test prescribed under <u>former</u> division (A)(2) of section 3301.0710 of the Revised Code;	16219 16220 16221
(i) At least seventy-five per cent of sixth graders proficient on the writing test prescribed under <u>former</u> division (A)(2) of section 3301.0710 of the Revised Code;	16222 16223 16224
(j) At least seventy-five per cent of sixth graders proficient on the citizenship test prescribed under <u>former</u> division (A)(2) of section 3301.0710 of the Revised Code;	16225 16226 16227
(k) At least seventy-five per cent of sixth graders proficient on the science test prescribed under <u>former</u> division (A)(2) of section 3301.0710 of the Revised Code;	16228 16229 16230
(l) At least seventy-five per cent of ninth graders proficient on the mathematics test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	16231 16232 16233
(m) At least seventy-five per cent of ninth graders proficient on the reading test prescribed under Section 4 of Am.	16234 16235

Sub. S.B. 55 of the 122nd general assembly;	16236
(n) At least seventy-five per cent of ninth graders	16237
proficient on the writing test prescribed under Section 4 of Am.	16238
Sub. S.B. 55 of the 122nd general assembly;	16239
(o) At least seventy-five per cent of ninth graders	16240
proficient on the citizenship test prescribed under Section 4 of	16241
Am. Sub. S.B. 55 of the 122nd general assembly;	16242
(p) At least seventy-five per cent of ninth graders	16243
proficient on the science test prescribed under Section 4 of Am.	16244
Sub. S.B. 55 of the 122nd general assembly;	16245
(q) At least eighty-five per cent of tenth graders proficient	16246
on the mathematics test prescribed under Section 4 of Am. Sub.	16247
S.B. 55 of the 122nd general assembly;	16248
(r) At least eighty-five per cent of tenth graders proficient	16249
on the reading test prescribed under Section 4 of Am. Sub. S.B. 55	16250
of the 122nd general assembly;	16251
(s) At least eighty-five per cent of tenth graders proficient	16252
on the writing test prescribed under Section 4 of Am. Sub. S.B. 55	16253
of the 122nd general assembly;	16254
(t) At least eighty-five per cent of tenth graders proficient	16255
on the citizenship test prescribed under Section 4 of Am. Sub.	16256
S.B. 55 of the 122nd general assembly;	16257
(u) At least eighty-five per cent of tenth graders proficient	16258
on the science test prescribed under Section 4 of Am. Sub. S.B. 55	16259
of the 122nd general assembly;	16260
(v) At least sixty per cent of twelfth graders proficient on	16261
the mathematics test prescribed under former division (A)(3) of	16262
section 3301.0710 of the Revised Code;	16263
(w) At least sixty per cent of twelfth graders proficient on	16264
the reading test prescribed under former division (A)(3) of	16265

section 3301.0710 of the Revised Code; 16266

(x) At least sixty per cent of twelfth graders proficient on 16267
the writing test prescribed under former division (A)(3) of 16268
section 3301.0710 of the Revised Code; 16269

(y) At least sixty per cent of twelfth graders proficient on 16270
the citizenship test prescribed under former division (A)(3) of 16271
section 3301.0710 of the Revised Code; 16272

(z) At least sixty per cent of twelfth graders proficient on 16273
the science test prescribed under former division (A)(3) of 16274
section 3301.0710 of the Revised Code; 16275

(aa) An attendance rate for the year of at least ninety-three 16276
per cent as defined in section 3302.01 of the Revised Code. 16277

In determining whether a school district met any of the 16278
performance standards specified in divisions (B)(1)(a) to (aa) of 16279
this section, the general assembly used a rounding procedure 16280
previously recommended by the department of education. It is the 16281
same rounding procedure the general assembly used in 1998 to 16282
determine whether a district had met the standards of former 16283
divisions (B)(1)(a) to (r) of this section for purposes of 16284
constructing the previous model based on fiscal year 1996 data. 16285

(2) The district was not among the five per cent of all 16286
districts with the highest income, nor among the five per cent of 16287
all districts with the lowest income. 16288

(3) The district was not among the five per cent of all 16289
districts with the highest valuation per pupil, nor among the five 16290
per cent of all districts with the lowest valuation per pupil. 16291

This model for calculating the base cost of an adequate 16292
education is expenditure-based. The general assembly recognizes 16293
that increases in state funding to school districts since fiscal 16294
year 1996, the fiscal year upon which the general assembly based 16295

its model for calculating state funding to school districts for 16296
fiscal years 1999 through 2001, has increased school district base 16297
cost expenditures for fiscal year 1999, the fiscal year upon which 16298
the general assembly based its model for calculating state funding 16299
for fiscal years 2002 through ~~2007~~ 2005. In the case of school 16300
districts included in the fiscal year 1999 model that also had met 16301
the fiscal year 1996 performance criteria of former division 16302
(B)(1) of this section, the increased state funding may have 16303
driven the districts' expenditures beyond the expenditures that 16304
were actually needed to maintain their educational programs at the 16305
level necessary to maintain their ability to meet the fiscal year 16306
1999 performance criteria of current division (B)(1) of this 16307
section. The general assembly has determined to control for this 16308
effect by stipulating in the later model that the fiscal year 1999 16309
base cost expenditures of the districts that also met the 16310
performance criteria of former division (B)(1) of this section 16311
equals their base cost expenditures per pupil for fiscal year 16312
1996, inflated to fiscal year 1999 using an annual rate of 16313
inflation of two and eight-tenths per cent. However, if this 16314
inflated amount exceeded the district's actual fiscal year 1999 16315
base cost expenditures per pupil, the district's actual fiscal 16316
year 1999 base cost expenditures per pupil were used in the 16317
calculation. For districts in the 1999 model that did not also 16318
meet the performance criteria of former division (B)(1) of this 16319
section, the actual 1999 base cost per pupil expenditures were 16320
used in the calculation of the average district per pupil costs of 16321
the model districts. 16322

~~(C) In July of 2005, and in July of every six years 16323
thereafter, the speaker of the house of representatives and the 16324
president of the senate shall each appoint three members to a 16325
committee to reexamine the cost of an adequate education. No more 16326
than two members from any political party shall represent each 16327
house. The director of budget and management and the 16328~~

~~superintendent of public instruction shall serve as nonvoting ex officio members of the committee.~~ 16329
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~~The committee shall select a rational methodology for calculating the costs of an adequate education system for the ensuing six year period, and shall report the methodology and the resulting costs to the general assembly. In performing its function, the committee is not bound by any method used by previous general assemblies to examine and calculate costs and instead may utilize any rational method it deems suitable and reasonable given the educational needs and requirements of the state at that time.~~ 16331
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~~The methodology for determining the cost of an adequate education system shall take into account the basic educational costs that all districts incur in educating regular students, the unique needs of special categories of students, and significant special conditions encountered by certain classifications of school districts.~~ 16340
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~~The committee also shall redetermine, for purposes of updating the parity aid calculation under section 3317.0217 of the Revised Code, the average number of effective operating mills that school districts in the seventieth to ninetieth percentiles of valuations per pupil collect above the revenues required to finance their attributed local shares of the calculated cost of an adequate education.~~ 16346
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~~Any committee appointed pursuant to this section shall make its report to the office of budget and management and the general assembly within one year of its appointment so that the information is available for use by the office and the general assembly in preparing the next biennial appropriations act.~~ 16353
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~~(D)(1) For purposes of this division, an "update year" is the first fiscal year for which the per pupil base cost of an adequate~~ 16358
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~~education is in effect after being recalculated by the general assembly. The first update year is fiscal year 2002. The second update year is fiscal year 2008.~~

~~(2) The general assembly shall recalculate the per pupil base cost of an adequate education every six years after considering the recommendations of the committee appointed under division (C) of this section. At the time of the recalculation, for each of the five fiscal years following the update year, the general assembly shall adjust the base cost recalculated for the update year using an annual rate of inflation that the general assembly determines appropriate.~~

~~(3) The general assembly shall include, in the act appropriating state funds for education programs for a fiscal biennium that begins with an update year, a statement of its determination of the total state share percentage of base cost and parity aid funding for the update year.~~

~~(4) During its biennial budget deliberations, the general assembly shall determine the total state share percentage of base cost and parity aid funding for each fiscal year of the upcoming biennium. This determination shall be based on the latest projections and data provided by the department of education under division (D)(6) of this section prior to the enactment of education appropriations for the upcoming biennium. If, based on those latest projections and data, the general assembly determines that the total state share percentage for either or both nonupdate fiscal years varies more than two and one half percentage points more or less than the total state share percentage for the most recent update year, as previously stated by the general assembly under division (D)(3) of this section, the general assembly shall determine and enact a method that it considers appropriate to restrict the estimated variance for each year to within two and one half percentage points. The general assembly's methods may~~

~~include, but are not required to include and need not be limited to, reexamining the rate of millage charged off as the local share of base cost funding under divisions (A)(1) and (2) of section 3317.022 of the Revised Code. Regardless of any changes in charge off millage rates in years between update years, however, the charge off millage rate for update years shall be twenty three mills, unless the general assembly determines that a different millage rate is more appropriate to share the total calculated base cost between the state and school districts.~~

~~(5) The total state share percentage of base cost and parity aid funding for any fiscal year is calculated as follows:~~

$$\frac{\{(\text{Total state base cost} + \text{total state parity aid funding}) - \text{statewide charge off amount}\}}{(\text{Total state base cost} + \text{total state parity aid funding})}$$

~~Where:~~

~~(a) The total state base cost equals the sum of the base costs for all school districts for the fiscal year.~~

~~(b) The base cost for each school district equals:~~

$$\text{formula amount} \times \text{cost of doing business factor} \times \text{the greater of formula ADM or three year average formula ADM}$$

~~(c) The total state parity aid funding equals the sum of the amounts paid to all school districts for the fiscal year under section 3317.0217 of the Revised Code.~~

~~(d) The statewide charge off amount equals the sum of the charge off amounts for all school districts.~~

~~(e) The charge off amount for each school district is the amount calculated as its local share of base cost funding and deducted from the total calculated base cost to determine the amount of its state payment under divisions (A)(1) and (2) of section 3317.022 of the Revised Code. The charge off amount for~~

~~each school district in fiscal year 2002 is the product of 16423
twenty three mills multiplied by the district's recognized 16424
valuation as adjusted, if applicable, under division (A)(2) of 16425
section 3317.022 of the Revised Code. If however, in any fiscal 16426
year, including fiscal year 2002, a school district's calculated 16427
charge off amount exceeds its base cost calculated as described in 16428
division (D)(5)(b) of this section, the district's charge off 16429
amount shall be deemed to equal its calculated base cost. 16430~~

~~(6) Whenever requested by the chairperson of the standing 16431
committee of the house or representatives or the senate having 16432
primary jurisdiction over appropriations, the legislative budget 16433
officer, or the director of budget and management, the department 16434
of education shall report its latest projections for total base 16435
cost, total parity aid funding, and the statewide charge off 16436
amount, as those terms are defined in division (D)(5) of this 16437
section, for each year of the upcoming fiscal biennium, and all 16438
data it used to make the projections. 16439~~

Sec. 3317.013. This section does not apply to handicapped 16440
preschool students. 16441

Analysis of special education cost data has resulted in a 16442
finding that the average special education additional cost per 16443
pupil, including the costs of related services, can be expressed 16444
as a multiple of the base cost per pupil calculated under section 16445
3317.012 of the Revised Code. The multiples for the following 16446
categories of special education programs, as these programs are 16447
defined for purposes of Chapter 3323. of the Revised Code, and 16448
adjusted as provided in this section, are as follows: 16449

(A) A multiple of 0.2892 for students whose primary or only 16450
identified handicap is a speech and language handicap, as this 16451
term is defined pursuant to Chapter 3323. of the Revised Code; 16452

(B) A multiple of 0.3691 for students identified as specific 16453

learning disabled or developmentally handicapped, as these terms 16454
are defined pursuant to Chapter 3323. of the Revised Code, or 16455
other health handicapped-minor; 16456

(C) A multiple of 1.7695 for students identified as hearing 16457
handicapped, vision impaired, or severe behavior handicapped, as 16458
these terms are defined pursuant to Chapter 3323. of the Revised 16459
Code; 16460

(D) A multiple of 2.3646 for students identified as 16461
orthopedically handicapped, as this term is defined pursuant to 16462
Chapter 3323. of the Revised Code or other health handicapped - 16463
major; 16464

(E) A multiple of 3.1129 for students identified as 16465
multihandicapped, as this term is defined pursuant to Chapter 16466
3323. of the Revised Code; 16467

(F) A multiple of 4.7342 for students identified as autistic, 16468
having traumatic brain injuries, or as both visually and hearing 16469
disabled, as these terms are defined pursuant to Chapter 3323. of 16470
the Revised Code. 16471

In fiscal year ~~2002~~ 2004, the multiples specified in 16472
divisions (A) to (F) of this section shall be adjusted by 16473
multiplying them by ~~0.825~~ 0.88. In fiscal year ~~2003~~ 2005, the 16474
multiples specified in those divisions shall be adjusted by 16475
multiplying them by ~~0.875~~ 0.90. 16476

Not later than May 30, 2004, and May 30, 2005, the department 16477
shall submit to the office of budget and management a report that 16478
specifies for each city, local, exempted village, and joint 16479
vocational school district the fiscal year allocation of the state 16480
and local shares of special education and related services 16481
additional weighted funding and federal special education funds 16482
passed through to the district. 16483

Sec. 3317.02. As used in this chapter:	16484
(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.	16485 16486
(B) "Formula amount" means the base cost for the fiscal year specified in section 3317.012 of the Revised Code.	16487 16488
(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM <u>or average daily attendance</u> .	16489 16490 16491 16492 16493 16494 16495 16496
(D)(1) "Formula ADM" means, for a city, local, or exempted village school district, the number reported pursuant to division (A) of section 3317.03 of the Revised Code, and for a joint vocational school district, the number reported pursuant to division (D) of that section.	16497 16498 16499 16500 16501
(2) "Three-year average formula ADM" means the average of formula ADMs for the current and preceding two fiscal years. However, as applicable in fiscal years 1999 and 2000, the three-year average for city, local, and exempted village school districts shall be determined utilizing the FY 1997 ADM or FY 1998 ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal years 2000 and 2001, the three-year average for joint vocational school districts shall be determined utilizing the average daily membership reported in fiscal years 1998 and 1999 under division (D) of section 3317.03 of the Revised Code in lieu of formula ADM for fiscal years 1998 and 1999.	16502 16503 16504 16505 16506 16507 16508 16509 16510 16511 16512
(E) (3) "FY 1997 ADM" or "FY 1998 ADM" means the school	16513

district's average daily membership reported for the applicable 16514
fiscal year under the version of division (A) of section 3317.03 16515
of the Revised Code in effect during that fiscal year, adjusted as 16516
follows: 16517

~~(1)~~(a) Minus the average daily membership of handicapped 16518
preschool children; 16519

~~(2)~~(b) Minus one-half of the average daily membership 16520
attending kindergarten; 16521

~~(3)~~(c) Minus three-fourths of the average daily membership 16522
attending a joint vocational school district; 16523

~~(4)~~(d) Plus the average daily membership entitled under 16524
section 3313.64 or 3313.65 of the Revised Code to attend school in 16525
the district but receiving educational services in approved units 16526
from an educational service center or another school district 16527
under a compact or a cooperative education agreement, as 16528
determined by the department; 16529

~~(5)~~(e) Minus the average daily membership receiving 16530
educational services from the district in approved units but 16531
entitled under section 3313.64 or 3313.65 of the Revised Code to 16532
attend school in another school district, as determined by the 16533
department. 16534

(E) "Average daily attendance" means the average daily 16535
attendance reported for the prior month under section 3317.034 of 16536
the Revised Code. For purposes of calculating payments under 16537
division (A)(1) of section 3317.022, division (B) of section 16538
3317.16, and section 3317.0217 of the Revised Code in July, 16539
August, and September, the department of education shall use the 16540
average daily attendance reported for the prior May. 16541

(F)(1) "Category one special education ADM" means the average 16542
daily membership of handicapped children receiving special 16543
education services for the handicap specified in division (A) of 16544

section 3317.013 of the Revised Code and reported under division 16545
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 16546

(2) "Category two special education ADM" means the average 16547
daily membership of handicapped children receiving special 16548
education services for those handicaps specified in division (B) 16549
of section 3317.013 of the Revised Code and reported under 16550
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 16551
Code. 16552

(3) "Category three special education ADM" means the average 16553
daily membership of students receiving special education services 16554
for those handicaps specified in division (C) of section 3317.013 16555
of the Revised Code, and reported under division (B)(7) or 16556
(D)(2)(d) of section 3317.03 of the Revised Code. 16557

(4) "Category four special education ADM" means the average 16558
daily membership of students receiving special education services 16559
for those handicaps specified in division (D) of section 3317.013 16560
of the Revised Code and reported under division (B)(8) or 16561
(D)(2)(e) of section 3317.03 of the Revised Code. 16562

(5) "Category five special education ADM" means the average 16563
daily membership of students receiving special education services 16564
for the handicap specified in division (E) of section 3317.013 of 16565
the Revised Code and reported under division (B)(9) or (D)(2)(f) 16566
of section 3317.03 of the Revised Code. 16567

(6) "Category six special education ADM" means the average 16568
daily membership of students receiving special education services 16569
for the handicap specified in division (F) of section 3317.013 of 16570
the Revised Code and reported under division (B)(10) or (D)(2)(g) 16571
of section 3317.03 of the Revised Code. 16572

(7) "Category one vocational education ADM" means the average 16573
daily membership of students receiving vocational education 16574
services described in division (A) of section 3317.014 of the 16575

Revised Code and reported under division (B)(11) or (D)(2)(h) of 16576
section 3317.03 of the Revised Code. 16577

(8) "Category two vocational education ADM" means the average 16578
daily membership of students receiving vocational education 16579
services described in division (B) of section 3317.014 of the 16580
Revised Code and reported under division (B)(12) or (D)(2)(i) of 16581
section 3317.03 of the Revised Code. 16582

(G) "Handicapped preschool child" means a handicapped child, 16583
as defined in section 3323.01 of the Revised Code, who is at least 16584
age three but is not of compulsory school age, as defined in 16585
section 3321.01 of the Revised Code, and who is not currently 16586
enrolled in kindergarten. 16587

(H) "County MR/DD board" means a county board of mental 16588
retardation and developmental disabilities. 16589

(I) "Recognized valuation" means the amount calculated for a 16590
school district pursuant to section 3317.015 of the Revised Code. 16591

(J) "Transportation ADM" means the number of children 16592
reported under division (B)(13) of section 3317.03 of the Revised 16593
Code. 16594

(K) "Average efficient transportation use cost per student" 16595
means a statistical representation of transportation costs as 16596
calculated under division (D)(2) of section 3317.022 of the 16597
Revised Code. 16598

(L) "Taxes charged and payable" means the taxes charged and 16599
payable against real and public utility property after making the 16600
reduction required by section 319.301 of the Revised Code, plus 16601
the taxes levied against tangible personal property. 16602

(M) "Total taxable value" means the sum of the amounts 16603
certified for a city, local, exempted village, or joint vocational 16604
school district under divisions (A)(1) and (2) of section 3317.021 16605

of the Revised Code. 16606

(N) "Cost-of-doing-business factor" means the amount 16607
indicated in this division for the county in which a city, local, 16608
exempted village, or joint vocational school district is located. 16609
If a city, local, or exempted village school district is located 16610
in more than one county, the factor is the amount indicated for 16611
the county to which the district is assigned by the state 16612
department of education. If a joint vocational school district is 16613
located in more than one county, the factor is the amount 16614
indicated for the county in which the joint vocational school with 16615
the greatest formula ADM operated by the district is located. 16616

COST-OF-DOING-BUSINESS 16617

COUNTY	FACTOR AMOUNT	
Adams	1.0061	16619
Allen	1.0236	16620
Ashland	1.0331	16621
Ashtabula	1.0431	16622
Athens	1.0038	16623
Auglaize	1.0272	16624
Belmont	1.0043	16625
Brown	1.0207	16626
Butler	1.0663	16627
Carroll	1.0148	16628
Champaign	1.0413	16629
Clark	1.0443	16630
Clermont	1.0532	16631
Clinton	1.0296	16632
Columbiana	1.0262	16633
Coshocton	1.0200	16634
Crawford	1.0140	16635
Cuyahoga	1.0672	16636
Darke	1.0343	16637
Defiance	1.0165	16638

Delaware	1.0479	16639
Erie	1.0372	16640
Fairfield	1.0354	16641
Fayette	1.0258	16642
Franklin	1.0519	16643
Fulton	1.0361	16644
Gallia	1.0000	16645
Geauga	1.0528	16646
Greene	1.0407	16647
Guernsey	1.0064	16648
Hamilton	1.0750	16649
Hancock	1.0215	16650
Hardin	1.0348	16651
Harrison	1.0081	16652
Henry	1.0338	16653
Highland	1.0129	16654
Hocking	1.0151	16655
Holmes	1.0238	16656
Huron	1.0305	16657
Jackson	1.0118	16658
Jefferson	1.0067	16659
Knox	1.0258	16660
Lake	1.0556	16661
Lawrence	1.0122	16662
Licking	1.0375	16663
Logan	1.0362	16664
Lorain	1.0521	16665
Lucas	1.0406	16666
Madison	1.0437	16667
Mahoning	1.0384	16668
Marion	1.0263	16669
Medina	1.0595	16670
Meigs	1.0018	16671

Mercer	1.0199	16672
Miami	1.0415	16673
Monroe	1.0097	16674
Montgomery	1.0476	16675
Morgan	1.0128	16676
Morrow	1.0276	16677
Muskingum	1.0145	16678
Noble	1.0103	16679
Ottawa	1.0468	16680
Paulding	1.0140	16681
Perry	1.0154	16682
Pickaway	1.0326	16683
Pike	1.0094	16684
Portage	1.0516	16685
Preble	1.0476	16686
Putnam	1.0243	16687
Richland	1.0213	16688
Ross	1.0085	16689
Sandusky	1.0307	16690
Scioto	1.0029	16691
Seneca	1.0223	16692
Shelby	1.0263	16693
Stark	1.0300	16694
Summit	1.0598	16695
Trumbull	1.0381	16696
Tuscarawas	1.0097	16697
Union	1.0446	16698
Van Wert	1.0133	16699
Vinton	1.0070	16700
Warren	1.0659	16701
Washington	1.0075	16702
Wayne	1.0404	16703
Williams	1.0284	16704

Wood	1.0382	16705
Wyandot	1.0188	16706

(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code. 16707
16708
16709

(P) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district. 16710
16711
16712

(Q) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district. 16713
16714
16715
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16720

(R) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state. 16721
16722
16723

(S) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income. 16724
16725
16726

(T) "Medically fragile child" means a child to whom all of the following apply: 16727
16728

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition. 16729
16730
16731

(2) The child requires the services of a registered nurse on a daily basis. 16732
16733

(3) The child is at risk of institutionalization in a 16734

hospital, skilled nursing facility, or intermediate care facility 16735
for the mentally retarded. 16736

(U) A child may be identified as "other health 16737
handicapped-major" if the child's condition meets the definition 16738
of "other health impaired" established in rules adopted by the 16739
state board of education prior to ~~the effective date of this~~ 16740
~~amendment~~ July 1, 2001, and if either of the following apply: 16741

(1) The child is identified as having a medical condition 16742
that is among those listed by the superintendent of public 16743
instruction as conditions where a substantial majority of cases 16744
fall within the definition of "medically fragile child." The 16745
superintendent of public instruction shall issue an initial list 16746
no later than September 1, 2001. 16747

(2) The child is determined by the superintendent of public 16748
instruction to be a medically fragile child. A school district 16749
superintendent may petition the superintendent of public 16750
instruction for a determination that a child is a medically 16751
fragile child. 16752

(V) A child may be identified as "other health 16753
handicapped-minor" if the child's condition meets the definition 16754
of "other health impaired" established in rules adopted by the 16755
state board of education prior to ~~the effective date of this~~ 16756
~~amendment~~ July 1, 2001, but the child's condition does not meet 16757
either of the conditions specified in division (U)(1) or (2) of 16758
this section. 16759

Sec. 3317.022. (A)(1) The department of education shall 16760
compute and distribute state base cost funding to each school 16761
district for the fiscal year in accordance with the following 16762
formula, making any adjustment required by division (A)(2) of this 16763
section and using the information obtained under section 3317.021 16764
of the Revised Code in the calendar year in which the fiscal year 16765

begins. 16766

 Compute the following for each eligible district: 16767

 +[(cost-of-doing-business factor X 16768

 the formula amount X ~~(the greater of formula ADM 16769~~

~~or three year average formula ADM)] 16770~~

average daily attendance) - 16771

 (.023 X recognized valuation) 16772

 If the difference obtained is a negative number, the 16773

 district's computation shall be zero. 16774

 (2)(a) For each school district for which the tax exempt 16775

 value of the district equals or exceeds twenty-five per cent of 16776

 the potential value of the district, the department of education 16777

 shall calculate the difference between the district's tax exempt 16778

 value and twenty-five per cent of the district's potential value. 16779

 (b) For each school district to which division (A)(2)(a) of 16780

 this section applies, the department shall adjust the recognized 16781

 valuation used in the calculation under division (A)(1) of this 16782

 section by subtracting from it the amount calculated under 16783

 division (A)(2)(a) of this section. 16784

 (B) As used in this section: 16785

 (1) The "total special education weight" for a district means 16786

 the sum of the following amounts: 16787

 (a) The district's category one special education ADM 16788

 multiplied by the multiple specified in division (A) of section 16789

 3317.013 of the Revised Code; 16790

 (b) The district's category two special education ADM 16791

 multiplied by the multiple specified in division (B) of section 16792

 3317.013 of the Revised Code; 16793

 (c) The district's category three special education ADM 16794

 multiplied by the multiple specified in division (C) of section 16795

3317.013 of the Revised Code;	16796
(d) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code;	16797 16798 16799
(e) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code;	16800 16801 16802
(f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 3317.013 of the Revised Code.	16803 16804 16805
(2) "State share percentage" means the <u>monthly</u> percentage calculated for a district as follows:	16806 16807
(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.	16808 16809 16810 16811 16812
(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following:	16813 16814 16815
Cost-of-doing-business factor X	16816
the formula amount X (the greater of formula	16817
ADM or three year average formula ADM)	16818
<u>average daily attendance</u>	16819
The resultant number is the district's state share percentage.	16820 16821
(3) "Related services" includes:	16822
(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher	16823 16824 16825

assistants for handicapped children whose handicaps are described	16826
in division (B) of section 3317.013 or division (F)(3) of section	16827
3317.02 of the Revised Code, behavioral intervention, interpreter	16828
services, work study, nursing services, and specialized	16829
integrative services as those terms are defined by the department;	16830
(b) Speech and language services provided to any student with	16831
a handicap, including any student whose primary or only handicap	16832
is a speech and language handicap;	16833
(c) Any related service not specifically covered by other	16834
state funds but specified in federal law, including but not	16835
limited to, audiology and school psychological services;	16836
(d) Any service included in units funded under former	16837
division (O)(1) of section 3317.023 of the Revised Code;	16838
(e) Any other related service needed by handicapped children	16839
in accordance with their individualized education plans.	16840
(4) The "total vocational education weight" for a district	16841
means the sum of the following amounts:	16842
(a) The district's category one vocational education ADM	16843
multiplied by the multiple specified in division (A) of section	16844
3317.014 of the Revised Code;	16845
(b) The district's category two vocational education ADM	16846
multiplied by the multiple specified in division (B) of section	16847
3317.014 of the Revised Code.	16848
(C)(1) The department shall compute and distribute state	16849
special education and related services additional weighted costs	16850
funds to each school district in accordance with the following	16851
formula:	16852
The district's state share percentage	16853
X the formula amount for the year	16854
for which the aid is calculated	16855

X the district's total special education weight	16856
(2) The attributed local share of special education and related services additional weighted costs equals:	16857
(1 - the district's state share percentage) X	16858
the district's total special education weight X	16859
the formula amount	16860
(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:	16861
(i) One-half of the district's costs for the student in excess of the threshold catastrophic cost;	16862
(ii) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.	16863
(b) For purposes of division (C)(3)(a) of this section, the threshold catastrophic cost for serving a student equals:	16864
(i) For a student in the school district's category two, three, four, or five special education ADM, twenty-five thousand dollars in fiscal year 2002 and twenty-five thousand seven hundred dollars in fiscal year <u>years</u> 2003, 2004, and 2005;	16865
(ii) For a student in the district's category six special education ADM, thirty thousand dollars in fiscal year 2002 and	16866

thirty thousand eight hundred forty dollars in fiscal ~~year~~ years
2003, 2004, and 2005. 16887
16888

~~The threshold catastrophic costs for fiscal year 2003
represent a two and eight tenths per cent inflationary increase
over fiscal year 2002.~~ 16889
16890
16891

(c) The district shall only report under division (C)(3)(a) 16892
of this section, and the department shall only pay for, the costs 16893
of educational expenses and the related services provided to the 16894
student in accordance with the student's individualized education 16895
program. Any legal fees, court costs, or other costs associated 16896
with any cause of action relating to the student may not be 16897
included in the amount. 16898

~~(5)(4)~~(a) As used in this division, the "personnel allowance" 16899
means thirty thousand dollars in fiscal years 2002 ~~and~~, 2003, 16900
2004, and 2005. 16901

(b) For the provision of speech services to students, 16902
including students who do not have individualized education 16903
programs prepared for them under Chapter 3323. of the Revised 16904
Code, and for no other purpose, the department of education shall 16905
pay each school district an amount calculated under the following 16906
formula: 16907

(formula ADM divided by 2000) X 16908

the personnel allowance X the state share percentage 16909

(5) In any fiscal year, a school district shall spend for 16910
purposes that the department designates as approved for special 16911
education and related services expenses at least the amount 16912
calculated as follows: 16913

(cost-of-doing-business factor X 16914

formula amount X the sum of categories 16915

one through six special education ADM) + 16916

(total special education weight X formula amount) 16917

The purposes approved by the department for special education 16918
expenses shall include, but shall not be limited to, 16919
identification of handicapped children, compliance with state 16920
rules governing the education of handicapped children and 16921
prescribing the continuum of program options for handicapped 16922
children, and the portion of the school district's overall 16923
administrative and overhead costs that are attributable to the 16924
district's special education student population. 16925

The department shall require school districts to report data 16926
annually to allow for monitoring compliance with division (C)(5) 16927
of this section. The department shall annually report to the 16928
governor and the general assembly the amount of money spent by 16929
each school district for special education and related services. 16930

(D)(1) As used in this division: 16931

(a) "Daily bus miles per student" equals the number of bus 16932
miles traveled per day, divided by transportation base. 16933

(b) "Transportation base" equals total student count as 16934
defined in section 3301.011 of the Revised Code, minus the number 16935
of students enrolled in preschool handicapped units, plus the 16936
number of nonpublic school students included in transportation 16937
ADM. 16938

(c) "Transported student percentage" equals transportation 16939
ADM divided by transportation base. 16940

(d) "Transportation cost per student" equals total operating 16941
costs for board-owned or contractor-operated school buses divided 16942
by transportation base. 16943

(2) Analysis of student transportation cost data has resulted 16944
in a finding that an average efficient transportation use cost per 16945
student can be calculated by means of a regression formula that 16946
has as its two independent variables the number of daily bus miles 16947

per student and the transported student percentage. For fiscal 16948
year 1998 transportation cost data, the average efficient 16949
transportation use cost per student is expressed as follows: 16950

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + 16951 \\ (116.25573 \times \text{transported student percentage}) 16952$$

The department of education shall annually determine the 16953
average efficient transportation use cost per student in 16954
accordance with the principles stated in division (D)(2) of this 16955
section, updating the intercept and regression coefficients of the 16956
regression formula modeled in this division, based on an annual 16957
statewide analysis of each school district's daily bus miles per 16958
student, transported student percentage, and transportation cost 16959
per student data. The department shall conduct the annual update 16960
using data, including daily bus miles per student, transported 16961
student percentage, and transportation cost per student data, from 16962
the prior fiscal year. The department shall notify the office of 16963
budget and management of such update by the fifteenth day of 16964
February of each year. 16965

(3) In addition to funds paid under divisions (A), (C), and 16966
(E) of this section, each district with a transported student 16967
percentage greater than zero shall receive a payment equal to a 16968
percentage of the product of the district's transportation base 16969
from the prior fiscal year times the annually updated average 16970
efficient transportation use cost per student, times an inflation 16971
factor of two and eight tenths per cent to account for the 16972
one-year difference between the data used in updating the formula 16973
and calculating the payment and the year in which the payment is 16974
made. The percentage shall be the following percentage of that 16975
product specified for the corresponding fiscal year: 16976

FISCAL YEAR	PERCENTAGE	
2000	52.5%	16977
2001	55%	16978
		16979

2002	57.5%	16980
2003 and thereafter	The greater of 60% or the district's state share percentage	16981

The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula. 16982
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(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply: 16985
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(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section; 16988
16989
16990

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division. 16991
16992

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula: 16993
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16995

(per rough mile subsidy X total rough road miles) X
density multiplier 16996
16997

where: 16998

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula: 16999
17000

$0.75 - \{0.75 \times [(\text{maximum rough road percentage} -$ 17001

county rough road percentage)/(maximum rough road percentage - 17002
17003

statewide rough road percentage)]}

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state. 17005
17006

(ii) "County rough road percentage" equals the percentage of 17007

the mileage of state, municipal, county, and township roads that 17008
is rated by the department of transportation as type A, B, C, E2, 17009
or F in the county in which the school district is located or, if 17010
the district is located in more than one county, the county to 17011
which it is assigned for purposes of determining its 17012
cost-of-doing-business factor. 17013

(iii) "Statewide rough road percentage" means the percentage 17014
of the statewide total mileage of state, municipal, county, and 17015
township roads that is rated as type A, B, C, E2, or F by the 17016
department of transportation. 17017

(b) "Total rough road miles" means a school district's total 17018
bus miles traveled in one year times its county rough road 17019
percentage. 17020

(c) "Density multiplier" means a figure calculated in 17021
accordance with the following formula: 17022

$$1 - [(\text{minimum student density} - \text{district student} \quad 17023 \\ \text{density}) / (\text{minimum student density} - \quad 17024 \\ \text{statewide student density})] \quad 17025$$

(i) "Minimum student density" means the lowest district 17026
student density in the state. 17027

(ii) "District student density" means a school district's 17028
transportation base divided by the number of square miles in the 17029
district. 17030

(iii) "Statewide student density" means the sum of the 17031
transportation bases for all school districts divided by the sum 17032
of the square miles in all school districts. 17033

(6) In addition to funds paid under divisions (D)(2) to (5) 17034
of this section, each district shall receive in accordance with 17035
rules adopted by the state board of education a payment for 17036
students transported by means other than board-owned or 17037
contractor-operated buses and whose transportation is not funded 17038

under division (J) of section 3317.024 of the Revised Code. The 17039
rules shall include provisions for school district reporting of 17040
such students. 17041

(E)(1) The department shall compute and distribute state 17042
vocational education additional weighted costs funds to each 17043
school district in accordance with the following formula: 17044

state share percentage X 17045
the formula amount X 17046
total vocational education weight 17047

In any fiscal year, a school district receiving funds under 17048
division (E)(1) of this section shall spend those funds only for 17049
the purposes that the department designates as approved for 17050
vocational education expenses. 17051

(2) The department shall compute for each school district 17052
state funds for vocational education associated services in 17053
accordance with the following formula: 17054

state share percentage X .05 X 17055
the formula amount X the sum of categories one and two 17056
vocational education ADM 17057

In any fiscal year, a school district receiving funds under 17058
division (E)(2) of this section, or through a transfer of funds 17059
pursuant to division (L) of section 3317.023 of the Revised Code, 17060
shall spend those funds only for the purposes that the department 17061
designates as approved for vocational education associated 17062
services expenses, which may include such purposes as 17063
apprenticeship coordinators, coordinators for other vocational 17064
education services, vocational evaluation, and other purposes 17065
designated by the department. The department may deny payment 17066
under division (E)(2) of this section to any district that the 17067
department determines is not operating those services or is using 17068
funds paid under division (E)(2) of this section, or through a 17069
transfer of funds pursuant to division (L) of section 3317.023 of 17070

the Revised Code, for other purposes. 17071

(F) Beginning in fiscal year 2003, the actual local share in 17072
any fiscal year for the combination of special education and 17073
related services additional weighted costs funding calculated 17074
under division (C)(1) of this section, transportation funding 17075
calculated under divisions (D)(2) and (3) of this section, and 17076
vocational education and associated services additional weighted 17077
costs funding calculated under divisions (E)(1) and (2) of this 17078
section shall not exceed for any school district the product of 17079
three mills times the district's recognized valuation. Beginning 17080
in fiscal year 2003, the department annually shall pay each school 17081
district as an excess cost supplement any amount by which the sum 17082
of the district's attributed local shares for that funding exceeds 17083
that product. For purposes of calculating the excess cost 17084
supplement: 17085

(1) The attributed local share for special education and 17086
related services additional weighted costs funding is the amount 17087
specified in division (C)(2) of this section. 17088

(2) The attributed local share of transportation funding 17089
equals the difference of the total amount calculated for the 17090
district using the formula developed under division (D)(2) of this 17091
section minus the actual amount paid to the district after 17092
applying the percentage specified in division (D)(3) of this 17093
section. 17094

(3) The attributed local share of vocational education and 17095
associated services additional weighted costs funding is the 17096
amount determined as follows: 17097

(1 - state share percentage) X 17098
[(total vocational education weight X the formula amount) + 17099
the payment under division (E)(2) of this section] 17100

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 17101

Revised Code, the amounts required to be paid to a district under 17102
this chapter shall be adjusted by the amount of the computations 17103
made under divisions (B) to ~~(L)~~(M) of this section. 17104

As used in this section: 17105

(1) "Classroom teacher" means a licensed employee who 17106
provides direct instruction to pupils, excluding teachers funded 17107
from money paid to the district from federal sources; educational 17108
service personnel; and vocational and special education teachers. 17109

(2) "Educational service personnel" shall not include such 17110
specialists funded from money paid to the district from federal 17111
sources or assigned full-time to vocational or special education 17112
students and classes and may only include those persons employed 17113
in the eight specialist areas in a pattern approved by the 17114
department of education under guidelines established by the state 17115
board of education. 17116

(3) "Annual salary" means the annual base salary stated in 17117
the state minimum salary schedule for the performance of the 17118
teacher's regular teaching duties that the teacher earns for 17119
services rendered for the first full week of October of the fiscal 17120
year for which the adjustment is made under division (C) of this 17121
section. It shall not include any salary payments for supplemental 17122
teachers contracts. 17123

(4) "Regular student population" means the formula ADM plus 17124
the number of students reported as enrolled in the district 17125
pursuant to division (A)(1) of section 3313.981 of the Revised 17126
Code; minus the number of students reported under division (A)(2) 17127
of section 3317.03 of the Revised Code; minus the FTE of students 17128
reported under division (B)~~(5)~~, (6), (7), (8), (9), (10), (11), or 17129
(12) of that section who are enrolled in a vocational education 17130
class or receiving special education; and minus one-fourth of the 17131
students enrolled concurrently in a joint vocational school 17132

district.	17133
(5) "State share percentage" has the same meaning as in section 3317.022 of the Revised Code.	17134 17135
(6) "VEPD" means a school district or group of school districts designated by the department of education as being responsible for the planning for and provision of vocational education services to students within the district or group.	17136 17137 17138 17139
(7) "Lead district" means a school district, including a joint vocational school district, designated by the department as a VEPD, or designated to provide primary vocational education leadership within a VEPD composed of a group of districts.	17140 17141 17142 17143
(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:	17144 17145 17146 17147
(1) Divide the number of the district's full-time equivalent classroom teachers employed by one twenty-fifth;	17148 17149
(2) Subtract the quotient in (1) from the district's regular student population;	17150 17151
(3) Multiply the difference in (2) by seven hundred fifty-two dollars.	17152 17153
(C) If a positive amount, add one-half of the amount obtained by multiplying the number of full-time equivalent classroom teachers by:	17154 17155 17156
(1) The mean annual salary of all full-time equivalent classroom teachers employed by the district at their respective training and experience levels minus;	17157 17158 17159
(2) The mean annual salary of all such teachers at their respective levels in all school districts receiving payments under this section.	17160 17161 17162

The number of full-time equivalent classroom teachers used in 17163
this computation shall not exceed one twenty-fifth of the 17164
district's regular student population. In calculating the 17165
district's mean salary under this division, those full-time 17166
equivalent classroom teachers with the highest training level 17167
shall be counted first, those with the next highest training level 17168
second, and so on, in descending order. Within the respective 17169
training levels, teachers with the highest years of service shall 17170
be counted first, the next highest years of service second, and so 17171
on, in descending order. 17172

(D) This division does not apply to a school district that 17173
has entered into an agreement under division (A) of section 17174
3313.42 of the Revised Code. Deduct the amount obtained from the 17175
following computations if the district employs fewer than five 17176
full-time equivalent educational service personnel, including 17177
elementary school art, music, and physical education teachers, 17178
counselors, librarians, visiting teachers, school social workers, 17179
and school nurses for each one thousand pupils in the regular 17180
student population: 17181

(1) Divide the number of full-time equivalent educational 17182
service personnel employed by the district by five 17183
one-thousandths; 17184

(2) Subtract the quotient in (1) from the district's regular 17185
student population; 17186

(3) Multiply the difference in (2) by ninety-four dollars. 17187

(E) If a local school district, or a city or exempted village 17188
school district to which a governing board of an educational 17189
service center provides services pursuant to section 3313.843 of 17190
the Revised Code, deduct the amount of the payment required for 17191
the reimbursement of the governing board under section 3317.11 of 17192
the Revised Code. 17193

(F)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (I) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition or payment under division (A)(1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.

(G) If the district has been certified by the superintendent of public instruction under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under section 3317.022 of the Revised Code.

(H) If the district has received a loan from a commercial lending institution for which payments are made by the superintendent of public instruction pursuant to division (E)(3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(I)(1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such

payments under division (I)(1) of this section, add the amount of 17225
such payments. 17226

(J) If the district is required to pay an amount of funds to 17227
a cooperative education district pursuant to a provision described 17228
by division (B)(4) of section 3311.52 or division (B)(8) of 17229
section 3311.521 of the Revised Code, deduct such amounts as 17230
provided under that provision and credit those amounts to the 17231
cooperative education district for payment to the district under 17232
division (B)(1) of section 3317.19 of the Revised Code. 17233

(K)(1) If a district is educating a student entitled to 17234
attend school in another district pursuant to a shared education 17235
contract, compact, or cooperative education agreement other than 17236
an agreement entered into pursuant to section 3313.842 of the 17237
Revised Code, credit to that educating district on an FTE basis 17238
both of the following: 17239

(a) An amount equal to the formula amount times the cost of 17240
doing business factor of the school district where the student is 17241
entitled to attend school pursuant to section 3313.64 or 3313.65 17242
of the Revised Code; 17243

(b) An amount equal to the formula amount times the state 17244
share percentage times any multiple applicable to the student 17245
pursuant to section 3317.013 or 3317.014 of the Revised Code. 17246

(2) Deduct any amount credited pursuant to division (K)(1) of 17247
this section from amounts paid to the school district in which the 17248
student is entitled to attend school pursuant to section 3313.64 17249
or 3313.65 of the Revised Code. 17250

(3) If the district is required by a shared education 17251
contract, compact, or cooperative education agreement to make 17252
payments to an educational service center, deduct the amounts from 17253
payments to the district and add them to the amounts paid to the 17254
service center pursuant to section 3317.11 of the Revised Code. 17255

(L)(1) If a district, including a joint vocational school district, is a lead district of a VEPD, credit to that district the amounts calculated for all the school districts within that VEPD pursuant to division (E)(2) of section 3317.022 of the Revised Code. 17256
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(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (L)(1) of this section. 17261
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(M) If the department 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, as calculated under division (G)(2) of that section, the department shall deduct the amount of that payment from the city, local, or exempted village school district that is responsible as specified in that section for the excess costs. 17264
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Sec. 3317.024. In addition to the moneys paid to eligible school districts pursuant to section 3317.022 of the Revised Code, moneys appropriated for the education programs in divisions (A) to (H), (J) to (L), (O), (P), and (R) of this section shall be distributed to school districts meeting the requirements of section 3317.01 of the Revised Code; in the case of divisions (J) and (P) of this section, to educational service centers as provided in section 3317.11 of the Revised Code; in the case of divisions (E), (M), and (N) of this section, to county MR/DD boards; in the case of division (R) of this section, to joint vocational school districts; in the case of division (K) of this section, to cooperative education school districts; and in the case of division (Q) of this section, to the institutions defined under section 3317.082 of the Revised Code providing elementary or secondary education programs to children other than children 17272
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receiving special education under section 3323.091 of the Revised Code. The following shall be distributed monthly, quarterly, or annually as may be determined by the state board of education:

(A) A per pupil amount to each school district that establishes a summer school remediation program that complies with rules of the state board of education.

(B) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for capital improvements for such schools. Such amounts shall be determined on the basis of standards adopted by the state board of education.

(C) An amount for each school district operating classes for children of migrant workers who are unable to be in attendance in an Ohio school during the entire regular school year. The amounts shall be determined on the basis of standards adopted by the state board of education, except that payment shall be made only for subjects regularly offered by the school district providing the classes.

(D) An amount for each school district with guidance, testing, and counseling programs approved by the state board of education. The amount shall be determined on the basis of standards adopted by the state board of education.

(E) An amount for the emergency purchase of school buses as provided for in section 3317.07 of the Revised Code;

(F) An amount for each school district required to pay tuition for a child in an institution maintained by the department of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's average daily membership for the preceding school year.

(G) In fiscal year 2000 only, an amount to each school 17318
district for supplemental salary allowances for each licensed 17319
employee except those licensees serving as superintendents, 17320
assistant superintendents, principals, or assistant principals, 17321
whose term of service in any year is extended beyond the term of 17322
service of regular classroom teachers, as described in section 17323
3301.0725 of the Revised Code; 17324

(H) An amount for adult basic literacy education for each 17325
district participating in programs approved by the state board of 17326
education. The amount shall be determined on the basis of 17327
standards adopted by the state board of education. 17328

(I) Notwithstanding section 3317.01 of the Revised Code, but 17329
only until June 30, 1999, to each city, local, and exempted 17330
village school district, an amount for conducting driver education 17331
courses at high schools for which the state board of education 17332
prescribes minimum standards and to joint vocational and 17333
cooperative education school districts and educational service 17334
centers, an amount for conducting driver education courses to 17335
pupils enrolled in a high school for which the state board 17336
prescribes minimum standards. No payments shall be made under this 17337
division after June 30, 1999. 17338

(J) An amount for the approved cost of transporting 17339
developmentally handicapped pupils whom it is impossible or 17340
impractical to transport by regular school bus in the course of 17341
regular route transportation provided by the district or service 17342
center. No district or service center is eligible to receive a 17343
payment under this division for the cost of transporting any pupil 17344
whom it transports by regular school bus and who is included in 17345
the district's transportation ADM. The state board of education 17346
shall establish standards and guidelines for use by the department 17347
of education in determining the approved cost of such 17348
transportation for each district or service center. 17349

(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.

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(L) An amount to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district. The amount shall equal the amount appropriated for the implementation of section 3317.06 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in nonpublic elementary and high schools within the state as determined during the first full week in October of each school year.

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(M) An amount for each county MR/DD board, distributed on the basis of standards adopted by the state board of education, for the approved cost of transportation required for children attending special education programs operated by the county MR/DD board under section 3323.09 of the Revised Code;

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(N) An amount for each county MR/DD board, distributed on the basis of standards adopted by the state board of education, for supportive home services for preschool children;

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(O) An amount for each school district that establishes a mentor teacher program that complies with rules of the state board of education. No school district shall be required to establish or maintain such a program in any year unless sufficient funds are appropriated to cover the district's total costs for the program.

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(P) An amount to each school district or educational service center for the total number of gifted units approved pursuant to section 3317.05 of the Revised Code. The amount for each such unit

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shall be the sum of the minimum salary for the teacher of the 17381
unit, calculated on the basis of the teacher's training level and 17382
years of experience pursuant to the salary schedule prescribed in 17383
the version of section 3317.13 of the Revised Code in effect prior 17384
to ~~the effective date of this amendment~~ July 1, 2001, plus fifteen 17385
per cent of that minimum salary amount, plus two thousand six 17386
hundred seventy-eight dollars. 17387

(Q) An amount to each institution defined under section 17388
3317.082 of the Revised Code providing elementary or secondary 17389
education to children other than children receiving special 17390
education under section 3323.091 of the Revised Code. This amount 17391
for any institution in any fiscal year shall equal the total of 17392
all tuition amounts required to be paid to the institution under 17393
division (A)(1) of section 3317.082 of the Revised Code. 17394

(R) A grant to each school district and joint vocational 17395
school district that operates a "graduation, reality, and 17396
dual-role skills" (GRADS) program for pregnant and parenting 17397
students that is approved by the department. The amount of the 17398
payment shall be the district's state share percentage, as defined 17399
in section 3317.022 or 3317.16 of the Revised Code, times the 17400
GRADS personnel allowance times the full-time-equivalent number of 17401
GRADS teachers approved by the department. The GRADS personnel 17402
allowance is ~~\$46,260~~ \$47,555 in fiscal years ~~2002~~ 2004 and ~~2003~~ 17403
2005. 17404

The state board of education or any other board of education 17405
or governing board may provide for any resident of a district or 17406
educational service center territory any educational service for 17407
which funds are made available to the board by the United States 17408
under the authority of public law, whether such funds come 17409
directly or indirectly from the United States or any agency or 17410
department thereof or through the state or any agency, department, 17411
or political subdivision thereof. 17412

Sec. 3317.029. (A) As used in this section:	17413
(1) "DPIA percentage" means:	17414
(a) In fiscal years prior to fiscal year 2004, the quotient obtained by dividing the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as certified or adjusted under section 3317.10 of the Revised Code, by the district's three-year average formula ADM.	17415 17416 17417 17418 17419 17420 17421
(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.	17422 17423 17424 17425 17426 17427
(2) "Family assistance" means assistance received under one of the following:	17428 17429
(a) The Ohio works first program;	17430
(b) The food stamp program;	17431
(c) The medical assistance program, including the healthy start program, established under Chapter 5111. of the Revised Code;	17432 17433 17434
(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;	17435 17436 17437 17438
(e) The disability <u>financial</u> assistance program established under Chapter 5115. of the Revised Code;	17439 17440
(f) <u>The disability medical assistance program established</u>	17441

<u>under Chapter 5115. of the Revised Code.</u>	17442
(3) "Statewide DPIA percentage" means:	17443
(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.	17444 17445 17446 17447 17448 17449
(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 federal poverty guidelines and that receives family assistance, divided by the sum of the three-year average formula ADMs for all school districts in the state.	17450 17451 17452 17453 17454 17455
(4) "DPIA index" means the quotient obtained by dividing the school district's DPIA percentage by the statewide DPIA percentage.	17456 17457 17458
(5) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.	17459 17460
(6) "DPIA student count" means:	17461
(a) In fiscal years prior to fiscal year 2004, the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as certified under section 3317.10 of the Revised Code;	17462 17463 17464 17465 17466 17467
(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	17468 17469 17470 17471

certified or adjusted under section 3317.10 of the Revised Code.	17472
(7) "Kindergarten ADM" means the number of students reported	17473
under section 3317.03 of the Revised Code as enrolled in	17474
kindergarten.	17475
(8) "Kindergarten through third grade ADM" means the amount	17476
calculated as follows:	17477
(a) Multiply the kindergarten ADM by the sum of one plus the	17478
all-day kindergarten percentage;	17479
(b) Add the number of students in grades one through three;	17480
(c) Subtract from the sum calculated under division (A)(6)(b)	17481
of this section the number of special education students in grades	17482
kindergarten through three.	17483
(9) "Statewide average teacher salary" means forty-two	17484
thousand four hundred sixty-nine dollars in fiscal year 2002, and	17485
forty-three thousand six hundred fifty-eight dollars in fiscal	17486
year 2003, which includes an amount for the value of fringe	17487
benefits.	17488
(10) "All-day kindergarten" means a kindergarten class that	17489
is in session five days per week for not less than the same number	17490
of clock hours each day <u>week</u> as for pupils in grades one through	17491
six.	17492
(11) "All-day kindergarten percentage" means the percentage	17493
of a district's actual total number of students enrolled in	17494
kindergarten who are enrolled in all-day kindergarten.	17495
(12) "Buildings with the highest concentration of need"	17496
means:	17497
(a) In fiscal years prior to fiscal year 2004, the school	17498
buildings in a district with percentages of students in grades	17499
kindergarten through three receiving assistance under Ohio works	17500
first at least as high as the district-wide percentage of students	17501

receiving such assistance. 17502

(b) Beginning in fiscal year 2004, the school buildings in a 17503
district with percentages of students in grades kindergarten 17504
through three receiving family assistance at least as high as the 17505
district-wide percentage of students receiving family assistance. 17506

(c) If, in any fiscal year, the information provided by the 17507
department of job and family services under section 3317.10 of the 17508
Revised Code is insufficient to determine the Ohio works first or 17509
family assistance percentage in each building, "buildings with the 17510
highest concentration of need" has the meaning given in rules that 17511
the department of education shall adopt. The rules shall base the 17512
definition of "buildings with the highest concentration of need" 17513
on family income of students in grades kindergarten through three 17514
in a manner that, to the extent possible with available data, 17515
approximates the intent of this division and division (G) of this 17516
section to designate buildings where the Ohio works first or 17517
family assistance percentage in those grades equals or exceeds the 17518
district-wide Ohio works first or family assistance percentage. 17519

(B) In addition to the amounts required to be paid to a 17520
school district under section 3317.022 of the Revised Code, a 17521
school district shall receive the greater of the amount the 17522
district received in fiscal year 1998 pursuant to division (B) of 17523
section 3317.023 of the Revised Code as it existed at that time or 17524
the sum of the computations made under divisions (C) to (E) of 17525
this section. 17526

(C) A supplemental payment that may be utilized for measures 17527
related to safety and security and for remediation or similar 17528
programs, calculated as follows: 17529

(1) If the DPIA index of the school district is greater than 17530
or equal to thirty-five-hundredths, but less than one, an amount 17531
obtained by multiplying the district's DPIA student count by two 17532

hundred thirty dollars; 17533

(2) If the DPIA index of the school district is greater than 17534
or equal to one, an amount obtained by multiplying the DPIA index 17535
by two hundred thirty dollars and multiplying that product by the 17536
district's DPIA student count. 17537

Except as otherwise provided in division (F) of this section, 17538
beginning with the school year that starts July 1, 2002, each 17539
school district annually shall use at least twenty per cent of the 17540
funds calculated for the district under this division for 17541
intervention services required by section 3313.608 of the Revised 17542
Code. 17543

(D) A payment for all-day kindergarten if the DPIA index of 17544
the school district is greater than or equal to one or if the 17545
district's three-year average formula ADM exceeded seventeen 17546
thousand five hundred, calculated by multiplying the all-day 17547
kindergarten percentage by the kindergarten ADM and multiplying 17548
that product by the formula amount. 17549

(E) A class-size reduction payment based on calculating the 17550
number of new teachers necessary to achieve a lower 17551
student-teacher ratio, as follows: 17552

(1) Determine or calculate a formula number of teachers per 17553
one thousand students based on the DPIA index of the school 17554
district as follows: 17555

(a) If the DPIA index of the school district is less than 17556
six-tenths, the formula number of teachers is 43.478, which is the 17557
number of teachers per one thousand students at a student-teacher 17558
ratio of twenty-three to one; 17559

(b) If the DPIA index of the school district is greater than 17560
or equal to six-tenths, but less than two and one-half, the 17561
formula number of teachers is calculated as follows: 17562

$$43.478 + \{[(\text{DPIA index}-0.6)/ 1.9] \times 23.188\} \quad 17563$$

Where 43.478 is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one; 1.9 is the interval from a DPIA index of six-tenths to a DPIA index of two and one-half; and 23.188 is the difference in the number of teachers per one thousand students at a student-teacher ratio of fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one.

(c) If the DPIA index of the school district is greater than or equal to two and one-half, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one.

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand;

(3) Calculate the number of new teachers as follows:

(a) Multiply the kindergarten through third grade ADM by 43.478, which is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one, and divide that product by one thousand;

(b) Subtract the quotient obtained in division (E)(3)(a) of this section from the product in division (E)(2) of this section.

(4) Multiply the greater of the difference obtained under division (E)(3) of this section or zero by the statewide average teachers salary.

(F) This division applies only to school districts whose DPIA index is one or greater.

(1) Each school district subject to this division shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to

provide all-day kindergarten to at least the number of children in 17594
the district's all-day kindergarten percentage. 17595

(2) Up to an amount equal to the district's DPIA index 17596
multiplied by its DPIA student count multiplied by two hundred 17597
thirty dollars of the money distributed under this section may be 17598
utilized for one or both of the following: 17599

(a) Programs designed to ensure that schools are free of 17600
drugs and violence and have a disciplined environment conducive to 17601
learning; 17602

(b) Remediation for students who have failed or are in danger 17603
of failing any of the tests administered pursuant to section 17604
3301.0710 of the Revised Code. 17605

Beginning with the school year that starts on July 1, 2002, 17606
each school district shall use at least twenty per cent of the 17607
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 17608
this section to provide intervention services required by section 17609
3313.608 of the Revised Code. 17610

(3) Except as otherwise required by division (G) or permitted 17611
under division (K) of this section, all other funds distributed 17612
under this section to districts subject to this division shall be 17613
utilized for the purpose of the third grade guarantee. The third 17614
grade guarantee consists of increasing the amount of instructional 17615
attention received per pupil in kindergarten through third grade, 17616
either by reducing the ratio of students to instructional 17617
personnel or by increasing the amount of instruction and 17618
curriculum-related activities by extending the length of the 17619
school day or the school year. 17620

School districts may implement a reduction of the ratio of 17621
students to instructional personnel through any or all of the 17622
following methods: 17623

(a) Reducing the number of students in a classroom taught by 17624

a single teacher;	17625
(b) Employing full-time educational aides or educational paraprofessionals issued a permit or license under section 3319.088 of the Revised Code;	17626 17627 17628
(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom.	17629 17630
Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. In accordance with section 3319.089 of the Revised Code, a district extending the school day pursuant to this division may utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation.	17631 17632 17633 17634 17635 17636 17637 17638 17639 17640 17641 17642 17643 17644 17645
Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.	17646 17647 17648
(G) Each district subject to division (F) of this section shall not expend any funds received under division (E) of this section in any school buildings that are not buildings with the highest concentration of need, unless there is a ratio of instructional personnel to students of no more than fifteen to one in each kindergarten and first grade class in all buildings with the highest concentration of need. This division does not require	17649 17650 17651 17652 17653 17654 17655

that the funds used in buildings with the highest concentration of need be spent solely to reduce the ratio of instructional personnel to students in kindergarten and first grade. A school district may spend the funds in those buildings in any manner permitted by division (F)(3) of this section, but may not spend the money in other buildings unless the fifteen-to-one ratio required by this division is attained.

(H)(1) By the first day of August of each fiscal year, each school district wishing to receive any funds under division (D) of this section shall submit to the department of education an estimate of its all-day kindergarten percentage. Each district shall update its estimate throughout the fiscal year in the form and manner required by the department, and the department shall adjust payments under this section to reflect the updates.

(2) Annually by the end of December, the department of education, utilizing data from the information system established under section 3301.0714 of the Revised Code and after consultation with the legislative office of education oversight, shall determine for each school district subject to division (F) of this section whether in the preceding fiscal year the district's ratio of instructional personnel to students and its number of kindergarten students receiving all-day kindergarten appear reasonable, given the amounts of money the district received for that fiscal year pursuant to divisions (D) and (E) of this section. If the department is unable to verify from the data available that students are receiving reasonable amounts of instructional attention and all-day kindergarten, given the funds the district has received under this section and that class-size reduction funds are being used in school buildings with the highest concentration of need as required by division (G) of this section, the department shall conduct a more intensive investigation to ensure that funds have been expended as required

by this section. The department shall file an annual report of its findings under this division with the chairpersons of the committees in each house of the general assembly dealing with finance and education.

(I) Any school district with a DPIA index less than one and a three-year average formula ADM exceeding seventeen thousand five hundred shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage. Such a district shall expend at least seventy per cent of the remaining funds received under this section, and any other district with a DPIA index less than one shall expend at least seventy per cent of all funds received under this section, for any of the following purposes:

- (1) The purchase of technology for instructional purposes;
- (2) All-day kindergarten;
- (3) Reduction of class sizes;
- (4) Summer school remediation;
- (5) Dropout prevention programs;
- (6) Guaranteeing that all third graders are ready to progress to more advanced work;
- (7) Summer education and work programs;
- (8) Adolescent pregnancy programs;
- (9) Head start or preschool programs;
- (10) Reading improvement programs described by the department of education;
- (11) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to

learning;	17717
(12) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;	17718 17719 17720 17721 17722 17723
(13) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	17724 17725
Each district shall submit to the department, in such format and at such time as the department shall specify, a report on the programs for which it expended funds under this division.	17726 17727 17728
(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.	17729 17730 17731 17732 17733 17734 17735 17736
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.	17737 17738 17739
(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:	17740 17741 17742 17743
(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.	17744 17745 17746

(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. 3317.0217. The department of education shall ~~annually~~ monthly compute and pay state parity aid to school districts, as follows:

(A) Calculate the local wealth per pupil of each school district, which equals the following sum:

(1) Two-thirds times the quotient of (a) the district's recognized valuation divided by (b) its ~~formula-ADM~~ average daily attendance; plus

(2) One-third times the quotient of (a) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (b) its ~~formula-ADM~~ average daily attendance.

(B) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil.

(C) Compute the per pupil state parity aid funding for each school district in accordance with the following formula:

Payment percentage X (threshold local wealth
per pupil - the district's local

wealth per pupil) X 0.0095 17777

Where: 17778

(1) "Payment percentage," for purposes of division (C) of 17779
this section, equals 20% in fiscal year 2002, 40% in fiscal year 17780
2003, 60% in fiscal year 2004, 80% in fiscal year 2005, and 100% 17781
after fiscal year 2005. 17782

(2) Nine and one-half mills (0.0095) is the general 17783
assembly's determination of the average number of effective 17784
operating mills that districts in the seventieth to ninetieth 17785
percentiles of valuations per pupil collected in fiscal year 2001 17786
above the revenues required to finance their attributed local 17787
shares of the calculated cost of an adequate education. This was 17788
determined by (a) adding the district revenues from operating 17789
property tax levies and income tax levies, (b) subtracting from 17790
that total the sum of (i) twenty-three mills times adjusted 17791
recognized valuation plus (ii) the attributed local shares of 17792
special education, transportation, and vocational education 17793
funding as described in divisions (F)(1) to (3) of section 17794
3317.022 of the Revised Code, and (c) converting the result to an 17795
effective operating property tax rate. 17796

(3) The "threshold local wealth per pupil" is the local 17797
wealth per pupil of the school district with the 17798
four-hundred-ninetieth lowest local wealth per pupil. 17799

If the result of the calculation for a school district under 17800
division (C) of this section is less than zero, the district's per 17801
pupil parity aid shall be zero. 17802

(D) Compute the per pupil alternative parity aid for each 17803
school district that has a combination of an income factor of 1.0 17804
or less, a DPIA index of 1.0 or greater, and a 17805
cost-of-doing-business factor of 1.0375 or greater, in accordance 17806
with the following formula: 17807

Payment percentage X \$60,000 X	17808
(1 - income factor) X 4/15 X 0.023	17809
Where:	17810
(1) "DPIA index" has the same meaning as in section 3317.029 of the Revised Code.	17811 17812
(2) "Payment percentage," for purposes of division (D) of this section, equals 50% in fiscal year 2002 and 100% after fiscal year 2002.	17813 17814 17815
(E) Pay each district that has a combination of an income factor 1.0 or less, a DPIA index of 1.0 or greater, and a cost-of-doing-business factor of 1.0375 or greater, the greater of the following:	17816 17817 17818 17819
(1) The product of the district's per pupil parity aid calculated under division (C) of this section times its formula <u>ADM average daily attendance</u> ;	17820 17821 17822
(2) The product of its per pupil alternative parity aid calculated under division (D) of this section times its formula <u>ADM average daily attendance</u> .	17823 17824 17825
(F) Pay every other district the product of its per pupil parity aid calculated under division (C) of this section times its formula <u>ADM average daily attendance</u> .	17826 17827 17828
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.	17829 17830 17831 17832 17833 17834 17835
Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, any student enrolled in kindergarten more	17836 17837

than half time shall be reported as one-half student under this 17838
section. 17839

(A) The superintendent of each city and exempted village 17840
school district and of each educational service center shall, for 17841
the schools under the superintendent's supervision, certify to the 17842
state board of education on or before the fifteenth day of October 17843
in each year for the first full school week in October the formula 17844
ADM, which shall consist of the average daily membership during 17845
such week of the sum of the following: 17846

(1) On an FTE basis, the number of students in grades 17847
kindergarten through twelve receiving any educational services 17848
from the district, except that the following categories of 17849
students shall not be included in the determination: 17850

(a) Students enrolled in adult education classes; 17851

(b) Adjacent or other district students enrolled in the 17852
district under an open enrollment policy pursuant to section 17853
3313.98 of the Revised Code; 17854

~~(c) Students receiving services in the district pursuant to a 17855
compact, cooperative education agreement, or a contract, but who 17856
are entitled to attend school in another district pursuant to 17857
section 3313.64 or 3313.65 of the Revised Code; 17858~~

~~(d) Students for whom tuition is payable pursuant to sections 17859
3317.081 and 3323.141 of the Revised Code. 17860~~

(2) On an FTE basis, the number of students entitled to 17861
attend school in the district pursuant to section 3313.64 or 17862
3313.65 of the Revised Code, but receiving educational services in 17863
grades kindergarten through twelve from one or more of the 17864
following entities: 17865

(a) A community school pursuant to Chapter 3314. of the 17866
Revised Code, including any participation in a college pursuant to 17867

Chapter 3365. of the Revised Code while enrolled in such community school;	17868 17869
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	17870 17871 17872
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	17873 17874 17875 17876
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	17877 17878 17879
(e) An educational service center or cooperative education district;	17880 17881
(f) Another school district under a cooperative education agreement, compact, or contract.	17882 17883
(3) One-fourth of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;	17884 17885 17886 17887 17888 17889 17890 17891
(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.	17892 17893 17894 17895 17896 17897 17898

(B) To enable the department of education to obtain the data 17899
needed to complete the calculation of payments pursuant to this 17900
chapter, in addition to the formula ADM, each superintendent shall 17901
report separately the following student counts: 17902

(1) The total average daily membership in regular day classes 17903
included in the report under division (A)(1) or (2) of this 17904
section for kindergarten, and each of grades one through twelve in 17905
schools under the superintendent's supervision; 17906

(2) The number of all handicapped preschool children enrolled 17907
as of the first day of December in classes in the district that 17908
are eligible for approval ~~by the state board of education~~ under 17909
division (B) of section 3317.05 of the Revised Code and the number 17910
of those classes, which shall be reported not later than the 17911
fifteenth day of December, in accordance with rules adopted under 17912
that section; 17913

(3) The number of children entitled to attend school in the 17914
district pursuant to section 3313.64 or 3313.65 of the Revised 17915
Code who are participating in a pilot project scholarship program 17916
established under sections 3313.974 to 3313.979 of the Revised 17917
Code as described in division (I)(2)(a) or (b) of this section, 17918
are enrolled in a college under Chapter 3365. of the Revised Code, 17919
except when the student is enrolled in the college while also 17920
enrolled in a community school pursuant to Chapter 3314. of the 17921
Revised Code, are enrolled in an adjacent or other school district 17922
under section 3313.98 of the Revised Code, are enrolled in a 17923
community school established under Chapter 3314. of the Revised 17924
Code, including any participation in a college pursuant to Chapter 17925
3365. of the Revised Code while enrolled in such community school, 17926
or are participating in a program operated by a county MR/DD board 17927
or a state institution; 17928

(4) The number of pupils enrolled in joint vocational 17929

schools;	17930
(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;	17931 17932 17933 17934
(6) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code;	17935 17936 17937 17938
(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;	17939 17940 17941 17942
(8) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;	17943 17944 17945 17946
(9) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	17947 17948 17949 17950
(10) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;	17951 17952 17953 17954
(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center;	17955 17956 17957 17958 17959 17960

(12) The average daily membership of pupils reported under	17961
division (A)(1) or (2) of this section enrolled in category two	17962
vocational education programs or services, described in division	17963
(B) of section 3317.014 of the Revised Code, operated by the	17964
school district or another school district, other than a joint	17965
vocational school district, or by an educational service center;	17966
(13) The average number of children transported by the school	17967
district on board-owned or contractor-owned and -operated buses,	17968
reported in accordance with rules adopted by the department of	17969
education;	17970
(14)(a) The number of children, other than handicapped	17971
preschool children, the district placed with a county MR/DD board	17972
in fiscal year 1998;	17973
(b) The number of handicapped children, other than	17974
handicapped preschool children, placed with a county MR/DD board	17975
in the current fiscal year to receive special education services	17976
for the category one handicap described in division (A) of section	17977
3317.013 of the Revised Code;	17978
(c) The number of handicapped children, other than	17979
handicapped preschool children, placed with a county MR/DD board	17980
in the current fiscal year to receive special education services	17981
for category two handicaps described in division (B) of section	17982
3317.013 of the Revised Code;	17983
(d) The number of handicapped children, other than	17984
handicapped preschool children, placed with a county MR/DD board	17985
in the current fiscal year to receive special education services	17986
for category three handicaps described in division (C) of section	17987
3317.013 of the Revised Code;	17988
(e) The number of handicapped children, other than	17989
handicapped preschool children, placed with a county MR/DD board	17990
in the current fiscal year to receive special education services	17991

for category four handicaps described in division (D) of section 17992
3317.013 of the Revised Code; 17993

(f) The number of handicapped children, other than 17994
handicapped preschool children, placed with a county MR/DD board 17995
in the current fiscal year to receive special education services 17996
for the category five handicap described in division (E) of 17997
section 3317.013 of the Revised Code; 17998

(g) The number of handicapped children, other than 17999
handicapped preschool children, placed with a county MR/DD board 18000
in the current fiscal year to receive special education services 18001
for category six handicaps described in division (F) of section 18002
3317.013 of the Revised Code. 18003

(C)(1) Except as otherwise provided in this section for 18004
kindergarten students, the average daily membership in divisions 18005
(B)(1) to (12) of this section shall be based upon the number of 18006
full-time equivalent students. The state board of education shall 18007
adopt rules defining full-time equivalent students and for 18008
determining the average daily membership therefrom for the 18009
purposes of divisions (A), (B), and (D) of this section. 18010

(2) A student enrolled in a community school established 18011
under Chapter 3314. of the Revised Code shall be counted in the 18012
formula ADM and, if applicable, the category one, two, three, 18013
four, five, or six special education ADM of the school district in 18014
which the student is entitled to attend school under section 18015
3313.64 or 3313.65 of the Revised Code for the same proportion of 18016
the school year that the student is counted in the enrollment of 18017
the community school for purposes of section 3314.08 of the 18018
Revised Code. 18019

(3) No child shall be counted as more than a total of one 18020
child in the sum of the average daily memberships of a school 18021
district under division (A), divisions (B)(1) to (12), or division 18022

(D) of this section, except as follows: 18023

(a) A child with a handicap described in section 3317.013 of 18024
the Revised Code may be counted both in formula ADM and in 18025
category one, two, three, four, five, or six special education ADM 18026
and, if applicable, in category one or two vocational education 18027
ADM. As provided in division (C) of section 3317.02 of the Revised 18028
Code, such a child shall be counted in category one, two, three, 18029
four, five, or six special education ADM in the same proportion 18030
that the child is counted in formula ADM. 18031

(b) A child enrolled in vocational education programs or 18032
classes described in section 3317.014 of the Revised Code may be 18033
counted both in formula ADM and category one or two vocational 18034
education ADM and, if applicable, in category one, two, three, 18035
four, five, or six special education ADM. Such a child shall be 18036
counted in category one or two vocational education ADM in the 18037
same proportion as the percentage of time that the child spends in 18038
the vocational education programs or classes. 18039

(4) Based on the information reported under this section, the 18040
department of education shall determine the total student count, 18041
as defined in section 3301.011 of the Revised Code, for each 18042
school district. 18043

(D)(1) The superintendent of each joint vocational school 18044
district shall certify to the superintendent of public instruction 18045
on or before the fifteenth day of October in each year for the 18046
first full school week in October the formula ADM, which, except 18047
as otherwise provided in this division, shall consist of the 18048
average daily membership during such week, on an FTE basis, of the 18049
number of students receiving any educational services from the 18050
district, including students enrolled in a community school 18051
established under Chapter 3314. of the Revised Code who are 18052
attending the joint vocational district under an agreement between 18053
the district board of education and the governing authority of the 18054

community school and are entitled to attend school in a city, 18055
local, or exempted village school district whose territory is part 18056
of the territory of the joint vocational district. 18057

The following categories of students shall not be included in 18058
the determination made under division (D)(1) of this section: 18059

(a) Students enrolled in adult education classes; 18060

(b) Adjacent or other district joint vocational students 18061
enrolled in the district under an open enrollment policy pursuant 18062
to section 3313.98 of the Revised Code; 18063

(c) Students receiving services in the district pursuant to a 18064
compact, cooperative education agreement, or a contract, but who 18065
are entitled to attend school in a city, local, or exempted 18066
village school district whose territory is not part of the 18067
territory of the joint vocational district; 18068

(d) Students for whom tuition is payable pursuant to sections 18069
3317.081 and 3323.141 of the Revised Code. 18070

(2) To enable the department of education to obtain the data 18071
needed to complete the calculation of payments pursuant to this 18072
chapter, in addition to the formula ADM, each superintendent shall 18073
report separately the average daily membership included in the 18074
report under division (D)(1) of this section for each of the 18075
following categories of students: 18076

(a) Students enrolled in each grade included in the joint 18077
vocational district schools; 18078

(b) Handicapped children receiving special education services 18079
for the category one handicap described in division (A) of section 18080
3317.013 of the Revised Code; 18081

(c) Handicapped children receiving special education services 18082
for the category two handicaps described in division (B) of 18083
section 3317.013 of the Revised Code; 18084

(d) Handicapped children receiving special education services	18085
for category three handicaps described in division (C) of section	18086
3317.013 of the Revised Code;	18087
(e) Handicapped children receiving special education services	18088
for category four handicaps described in division (D) of section	18089
3317.013 of the Revised Code;	18090
(f) Handicapped children receiving special education services	18091
for the category five handicap described in division (E) of	18092
section 3317.013 of the Revised Code;	18093
(g) Handicapped children receiving special education services	18094
for category six handicaps described in division (F) of section	18095
3317.013 of the Revised Code;	18096
(h) Students receiving category one vocational education	18097
services, described in division (A) of section 3317.014 of the	18098
Revised Code;	18099
(i) Students receiving category two vocational education	18100
services, described in division (B) of section 3317.014 of the	18101
Revised Code.	18102
The superintendent of each joint vocational school district	18103
shall also indicate the city, local, or exempted village school	18104
district in which each joint vocational district pupil is entitled	18105
to attend school pursuant to section 3313.64 or 3313.65 of the	18106
Revised Code.	18107
(E) In each school of each city, local, exempted village,	18108
joint vocational, and cooperative education school district there	18109
shall be maintained a record of school membership, which record	18110
shall accurately show, for each day the school is in session, the	18111
actual membership enrolled in regular day classes. For the purpose	18112
of determining average daily membership, the membership figure of	18113
any school shall not include any pupils except those pupils	18114

described by division (A) of this section. The record of 18115
membership for each school shall be maintained in such manner that 18116
no pupil shall be counted as in membership prior to the actual 18117
date of entry in the school and also in such manner that where for 18118
any cause a pupil permanently withdraws from the school that pupil 18119
shall not be counted as in membership from and after the date of 18120
such withdrawal. There shall not be included in the membership of 18121
any school any of the following: 18122

(1) Any pupil who has graduated from the twelfth grade of a 18123
public high school; 18124

(2) Any pupil who is not a resident of the state; 18125

(3) Any pupil who was enrolled in the schools of the district 18126
during the previous school year when tests were administered under 18127
section 3301.0711 of the Revised Code but did not take one or more 18128
of the tests required by that section and was not excused pursuant 18129
to division (C)(1) of that section; 18130

(4) Any pupil who has attained the age of twenty-two years, 18131
except for veterans of the armed services whose attendance was 18132
interrupted before completing the recognized twelve-year course of 18133
the public schools by reason of induction or enlistment in the 18134
armed forces and who apply for reenrollment in the public school 18135
system of their residence not later than four years after 18136
termination of war or their honorable discharge. 18137

If, however, any veteran described by division (E)(4) of this 18138
section elects to enroll in special courses organized for veterans 18139
for whom tuition is paid under the provisions of federal laws, or 18140
otherwise, that veteran shall not be included in average daily 18141
membership. 18142

Notwithstanding division (E)(3) of this section, the 18143
membership of any school may include a pupil who did not take a 18144
test required by section 3301.0711 of the Revised Code if the 18145

superintendent of public instruction grants a waiver from the 18146
requirement to take the test to the specific pupil. The 18147
superintendent may grant such a waiver only for good cause in 18148
accordance with rules adopted by the state board of education. 18149

Except as provided in divisions (B)(2) and (F) of this 18150
section, the average daily membership figure of any local, city, 18151
exempted village, or joint vocational school district shall be 18152
determined by dividing the figure representing the sum of the 18153
number of pupils enrolled during each day the school of attendance 18154
is actually open for instruction during the first full school week 18155
in October by the total number of days the school was actually 18156
open for instruction during that week. For purposes of state 18157
funding, "enrolled" persons are only those pupils who are 18158
attending school, those who have attended school during the 18159
current school year and are absent for authorized reasons, and 18160
those handicapped children currently receiving home instruction. 18161

The average daily membership figure of any cooperative 18162
education school district shall be determined in accordance with 18163
rules adopted by the state board of education. 18164

(F)(1) If the formula ADM for the first full school week in 18165
February is at least three per cent greater than that certified 18166
for the first full school week in the preceding October, the 18167
superintendent of schools of any city, exempted village, or joint 18168
vocational school district or educational service center shall 18169
certify such increase to the superintendent of public instruction. 18170
Such certification shall be submitted no later than the fifteenth 18171
day of February. For the balance of the fiscal year, beginning 18172
with the February payments, the superintendent of public 18173
instruction shall use the increased formula ADM in calculating or 18174
~~recalculating the amounts to be allocated in accordance with~~ 18175
payments under section 3317.022 or 3317.16 of the Revised Code 18176
that are based on formula ADM and not on average daily attendance. 18177

In no event shall the superintendent use an increased membership 18178
certified to the superintendent after the fifteenth day of 18179
February. 18180

(2) If on the first school day of April the total number of 18181
classes or units for handicapped preschool children that are 18182
eligible for approval under division (B) of section 3317.05 of the 18183
Revised Code exceeds the number of units that have been approved 18184
for the year under that division, the superintendent of schools of 18185
any city, exempted village, or cooperative education school 18186
district or educational service center shall make the 18187
certifications required by this section for that day. If the ~~state~~ 18188
~~board of education~~ department determines additional units can be 18189
approved for the fiscal year within any limitations set forth in 18190
the acts appropriating moneys for the funding of such units, the 18191
~~board~~ department shall approve additional units for the fiscal 18192
year on the basis of such average daily membership. For each unit 18193
so approved, the department ~~of education~~ shall pay an amount 18194
computed in the manner prescribed in section 3317.052 or 3317.19 18195
and section 3317.053 of the Revised Code. 18196

(3) If a student attending a community school under Chapter 18197
3314. of the Revised Code is not included in the formula ADM 18198
certified for the first full school week of October for the school 18199
district in which the student is entitled to attend school under 18200
section 3313.64 or 3313.65 of the Revised Code, the department of 18201
education shall adjust the formula ADM of that school district to 18202
include the community school student in accordance with division 18203
(C)(2) of this section, and shall recalculate the school 18204
district's payments under this chapter for the entire fiscal year 18205
on the basis of that adjusted formula ADM. This requirement 18206
applies regardless of whether the student was enrolled, as defined 18207
in division (E) of this section, in the community school during 18208
the first full school week in October. 18209

(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 18241
than the number of units approved for the year under that 18242
division, the superintendent shall make the certification required 18243
by this section for that day. 18244

(b) If the ~~state board~~ department determines that additional 18245
classes or units can be approved for the fiscal year within any 18246
limitations set forth in the acts appropriating moneys for the 18247
funding of the classes and units described in division (G)(3)(a) 18248
of this section, the ~~board~~ department shall approve and fund 18249
additional units for the fiscal year on the basis of such average 18250
daily membership. For each unit so approved, the department ~~of~~ 18251
~~education~~ shall pay an amount computed in the manner prescribed in 18252
sections 3317.052 and 3317.053 of the Revised Code. 18253

(H) Except as provided in division (I) of this section, when 18254
any city, local, or exempted village school district provides 18255
instruction for a nonresident pupil whose attendance is 18256
unauthorized attendance as defined in section 3327.06 of the 18257
Revised Code, that pupil's membership shall not be included in 18258
that district's membership figure used in the calculation of that 18259
district's formula ADM or included in the determination of any 18260
unit approved for the district under section 3317.05 of the 18261
Revised Code. The reporting official shall report separately the 18262
average daily membership of all pupils whose attendance in the 18263
district is unauthorized attendance, and the membership of each 18264
such pupil shall be credited to the school district in which the 18265
pupil is entitled to attend school under division (B) of section 18266
3313.64 or section 3313.65 of the Revised Code as determined by 18267
the department of education. 18268

(I)(1) A city, local, exempted village, or joint vocational 18269
school district admitting a scholarship student of a pilot project 18270
district pursuant to division (C) of section 3313.976 of the 18271
Revised Code may count such student in its average daily 18272

membership.	18273
(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily membership:	18274 18275 18276 18277 18278
(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;	18279 18280 18281
(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.	18282 18283 18284
(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	18285 18286 18287 18288 18289 18290 18291 18292
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:	18293 18294 18295 18296 18297 18298 18299
(1) All handicapped preschool children in units approved under division (B) of section 3317.05 of the Revised Code;	18300 18301
(2) All handicapped preschool children who are not in units	18302

approved by the state board under division (B) of section 3317.05 18303
of the Revised Code but who are otherwise served by a special 18304
education program. 18305

(B) The superintendent of each district, board, or 18306
institution subject to division (A) of this section shall certify 18307
to the state board of education, in accordance with procedures 18308
adopted by that board, membership figures of all handicapped 18309
preschool children whose membership is maintained under division 18310
(A)(2) of this section. The figures certified under this division 18311
shall be used in the determination of the ADM used to compute 18312
funds for educational service center governing boards under 18313
division (B) of section 3317.11 of the Revised Code. 18314

Sec. 3317.034. Any student enrolled in kindergarten more than 18315
half time shall be reported as one-half student under this 18316
section. 18317

(A) Beginning in fiscal year 2005, the superintendent of each 18318
city, exempted village, local, and joint vocational school 18319
district shall, for the schools under the superintendent's 18320
supervision, certify to the state board of education on or before 18321
the fifteenth day of each month from October through June, the 18322
average daily attendance for the previous month, which shall 18323
consist of the average daily attendance during that month of the 18324
sum of the following: 18325

(1) On an FTE basis, the number of students in attendance in 18326
each of grades kindergarten through twelve, except that the 18327
following categories of students shall not be included in the 18328
determination: 18329

(a) Adjacent or other district students enrolled in the 18330
district under an open enrollment policy pursuant to section 18331
3313.98 of the Revised Code; 18332

<u>(b) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.</u>	18333
	18334
<u>(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:</u>	18335
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<u>(a) A community school pursuant to Chapter 3314. of the Revised Code;</u>	18340
	18341
<u>(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (H)(2)(a) or (b) of this section;</u>	18342
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<u>(c) A college pursuant to Chapter 3365. of the Revised Code;</u>	18345
<u>(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;</u>	18346
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	18348
<u>(e) An educational service center or cooperative education district.</u>	18349
	18350
<u>(3) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(3) of this section shall be zero.</u>	18351
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<u>(B) A student enrolled in a community school established under Chapter 3314. of the Revised Code shall be counted in the average daily attendance 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 each month</u>	18358
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that the student is counted in the enrollment of the community school for purposes of section 3314.08 of the Revised Code. 18363
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(C) No child shall be counted as more than a total of one child in the average daily attendance of a school district. 18365
18366

(1) A child with a handicap described in section 3317.013 of the Revised Code may be counted both in average daily attendance 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 average daily attendance. 18367
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(2) A child enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code may be counted both in average daily attendance and category one or two vocational education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. 18376
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(D) The average daily attendance figure of any city, local, exempted village, or joint vocational school district shall not include any pupils except those pupils described by division (A) of this section. There shall not be included in the attendance of any school district any of the following: 18381
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(1) Any pupil who has graduated from high school; 18386

(2) Any pupil who is not a resident of the state; 18387

(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) of that section, unless the superintendent of public instruction grants a waiver from the requirement to take 18388
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the test to the specific pupil. The superintendent may grant such 18394
a waiver only for good cause in accordance with rules adopted by 18395
the state board of education. 18396

(4) Any pupil who has attained the age of twenty-two years, 18397
except for veterans of the armed services whose attendance was 18398
interrupted before completing the recognized twelve-year course of 18399
the public schools by reason of induction or enlistment in the 18400
armed forces and who apply for re-enrollment in the public school 18401
system of their residence not later than four years after 18402
termination of war or their honorable discharge. If, however, any 18403
veteran described by division (D)(4) of this section elects to 18404
enroll in special courses organized for veterans for whom tuition 18405
is paid under the provisions of federal laws, or otherwise, that 18406
veteran shall not be included in average daily attendance. 18407

(E) The average daily attendance of each city, exempted 18408
village, local, and joint vocational school district shall be 18409
determined by dividing the sum of the number of pupils on an FTE 18410
basis attending any part of a day the school of attendance is 18411
actually open for instruction during the prior month by the total 18412
number of days the school was actually open for instruction for 18413
any part of a day during that month. For this purpose, "attending" 18414
persons are only those pupils who are attending school, attending 18415
a school-sponsored field trip, serving an in-school suspension, or 18416
receiving educational services from the school district while 18417
expelled or serving an out-of-school suspension, and those 18418
handicapped children receiving home instruction. "Attending" 18419
persons do not include students absent with or without excuse. 18420
However, if a district allows a student to make up, during hours 18421
the student ordinarily does not attend school, instructional time 18422
missed due to an excused absence, the student's attendance during 18423
the make-up time may be counted, on an FTE basis, as attendance 18424
under this section. 18425

(F) Beginning in fiscal year 2005, the superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code shall certify to the state board, in the manner prescribed by the state board, the average daily attendance in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes. 18426
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(G) 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 attendance shall not be included in that district's average daily attendance. The reporting official shall report separately the average daily attendance of all pupils whose attendance in the district is unauthorized attendance, and the attendance of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education. 18433
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(H)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily attendance. 18445
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(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily attendance: 18450
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(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as 18455
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defined in section 3313.974 of the Revised Code; 18457

(b) All children who were enrolled in the district in the 18458
preceding year who are utilizing a scholarship to attend any such 18459
alternative school. 18460

(I) The superintendent of each cooperative education school 18461
district shall certify to the superintendent of public 18462
instruction, in a manner prescribed by the state board of 18463
education, the average daily attendance for all students in the 18464
cooperative education district, also indicating the city, local, 18465
or exempted village district where each pupil is entitled to 18466
attend school under section 3313.64 or 3313.65 of the Revised 18467
Code. 18468

Sec. 3317.05. (A) For the purpose of calculating payments 18469
under sections 3317.052 and 3317.053 of the Revised Code, the 18470
~~state board~~ department of education shall determine for each 18471
institution, by the last day of January of each year and based on 18472
information certified under section 3317.03 of the Revised Code, 18473
the number of vocational education units or fractions of units 18474
approved by the ~~state board~~ department on the basis of standards 18475
and rules adopted by the state board of education. As used in this 18476
division, "institution" means an institution operated by a 18477
department specified in section 3323.091 of the Revised Code and 18478
that provides vocational education programs under the supervision 18479
of the division of vocational education of the department ~~of~~ 18480
~~education~~ that meet the standards and rules for these programs, 18481
including licensure of professional staff involved in the 18482
programs, as established by the state board ~~of education~~. 18483

(B) For the purpose of calculating payments under sections 18484
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 18485
~~state board~~ department shall determine, based on information 18486
certified under section 3317.03 of the Revised Code, the following 18487

by the last day of January of each year for each educational 18488
service center, for each school district, including each 18489
cooperative education school district, for each institution 18490
eligible for payment under section 3323.091 of the Revised Code, 18491
and for each county MR/DD board: the number of classes operated by 18492
the school district, service center, institution, or county MR/DD 18493
board for handicapped preschool children, or fraction thereof, 18494
including in the case of a district or service center that is a 18495
funding agent, classes taught by a licensed teacher employed by 18496
that district or service center under section 3313.841 of the 18497
Revised Code, approved annually by the ~~state board~~ department on 18498
the basis of standards and rules adopted by the state board. 18499

(C) For the purpose of calculating payments under sections 18500
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 18501
~~state board~~ department shall determine, based on information 18502
certified under section 3317.03 of the Revised Code, the following 18503
by the last day of January of each year for each school district, 18504
including each cooperative education school district, for each 18505
institution eligible for payment under section 3323.091 of the 18506
Revised Code, and for each county MR/DD board: the number of 18507
preschool handicapped related services units for child study, 18508
occupational, physical, or speech and hearing therapy, special 18509
education supervisors, and special education coordinators approved 18510
annually by the ~~state board~~ department on the basis of standards 18511
and rules adopted by the state board. 18512

(D) For the purpose of calculating payments under sections 18513
3317.052 and 3317.053 of the Revised Code, the ~~state board~~ 18514
department shall determine, based on information certified under 18515
section 3317.03 of the Revised Code, the following by the last day 18516
of January of each year for each institution eligible for payment 18517
under section 3323.091 of the Revised Code: 18518

(1) The number of classes operated by an institution for 18519

handicapped children other than handicapped preschool children, or 18520
fraction thereof, approved annually by the ~~state board~~ department 18521
on the basis of standards and rules adopted by the state board; 18522

(2) The number of related services units for children other 18523
than handicapped preschool children for child study, occupational, 18524
physical, or speech and hearing therapy, special education 18525
supervisors, and special education coordinators approved annually 18526
by the ~~state board~~ department on the basis of standards and rules 18527
adopted by the state board. 18528

(E) All of the arithmetical calculations made under this 18529
section shall be carried to the second decimal place. The total 18530
number of units for school districts, service centers, and 18531
institutions approved annually ~~by the state board~~ under this 18532
section shall not exceed the number of units included in the ~~state~~ 18533
~~board's~~ estimate of cost for these units and appropriations made 18534
for them by the general assembly. 18535

In the case of units described in division (D)(1) of this 18536
section operated by institutions eligible for payment under 18537
section 3323.091 of the Revised Code, the ~~state board~~ department 18538
shall approve only units for persons who are under age twenty-two 18539
on the first day of the academic year, but not less than six years 18540
of age on the thirtieth day of September of that year, except that 18541
such a unit may include one or more children who are under six 18542
years of age on the thirtieth day of September if such children 18543
have been admitted to the unit pursuant to rules of the state 18544
board. In the case of handicapped preschool units described in 18545
division (B) of this section ~~operated by county MR/DD boards and~~ 18546
~~institutions eligible for payment under section 3323.091 of the~~ 18547
~~Revised Code, the state board~~ department shall approve only 18548
preschool units for children who are under age six but not less 18549
than age three on the ~~thirtieth~~ first day of ~~September~~ December of 18550
the academic year, except that such a unit may include one or more 18551

children who are under age three or are age six or over on the 18552
thirtieth ~~first~~ day of ~~September~~ December, as reported under 18553
division (B)(2) or (G)(2)(b) of section 3317.03 of the Revised 18554
Code, if such children have been admitted to the unit pursuant to 18555
rules of the state board ~~of education~~. The number of units for 18556
county MR/DD boards and institutions eligible for payment under 18557
section 3323.091 of the Revised Code approved ~~by the state board~~ 18558
under this section shall not exceed the number that can be funded 18559
with appropriations made for such purposes by the general 18560
assembly. 18561

No unit shall be approved under divisions (B) to (D) of this 18562
section unless a plan has been submitted and approved under 18563
Chapter 3323. of the Revised Code. 18564

(F) The department shall approve units or fractions thereof 18565
for gifted children on the basis of standards and rules adopted by 18566
the state board. 18567

Sec. 3317.064. (A) There is hereby established in the state 18568
treasury the auxiliary services ~~mobile unit replacement and repair~~ 18569
reimbursement fund. By the thirtieth day of January of each 18570
odd-numbered year, the director of job and family services and the 18571
superintendent of public instruction shall determine the amount of 18572
any excess moneys in the auxiliary services personnel unemployment 18573
compensation fund not reasonably necessary for the purposes of 18574
section 4141.47 of the Revised Code, and shall certify such amount 18575
to the director of budget and management for transfer to the 18576
auxiliary services ~~mobile unit replacement and repair~~ 18577
reimbursement fund. If the director of job and family services and 18578
the superintendent disagree on such amount, the director of budget 18579
and management shall determine the amount to be transferred. 18580

(B) Moneys in the auxiliary services ~~mobile unit replacement~~ 18581
~~and repair~~ reimbursement fund shall be used for the relocation or 18582

for the replacement and repair of mobile units used to provide the 18583
services specified in division (E), (F), (G), or (I) of section 18584
3317.06 of the Revised Code. The state board of education shall 18585
adopt guidelines and procedures for replacement, repair, and 18586
relocation of mobile units and the procedures under which a school 18587
district may apply to receive moneys with which to repair or 18588
replace or relocate such units. 18589

(C) School districts may apply to the department for moneys 18590
from the auxiliary services ~~mobile unit replacement and repair~~ 18591
reimbursement fund for payment of incentives for early retirement 18592
and severance for school district personnel assigned to provide 18593
services authorized by section 3317.06 of the Revised Code at 18594
chartered nonpublic schools. The portion of the cost of any early 18595
retirement or severance incentive for any employee that is paid 18596
using money from the auxiliary services ~~mobile unit replacement~~ 18597
~~and repair~~ reimbursement fund shall not exceed the percentage of 18598
such employee's total service credit that the employee spent 18599
providing services to chartered nonpublic school students under 18600
section 3317.06 of the Revised Code. 18601

Sec. 3317.07. The state board of education shall establish 18602
rules for the purpose of distributing subsidies for the purchase 18603
of school buses under division (E) of section 3317.024 of the 18604
Revised Code. 18605

No school bus subsidy payments shall be paid to any district 18606
unless such district can demonstrate that pupils residing more 18607
than one mile from the school could not be transported without 18608
such additional aid. 18609

The amount paid to a county MR/DD board for buses purchased 18610
for transportation of children in special education programs 18611
operated by the board shall be one hundred per cent of the board's 18612
net cost. 18613

The amount paid to a school district for buses purchased for transportation of handicapped and nonpublic school pupils shall be one hundred per cent of the school district's net cost.

The state board of education shall adopt a formula to determine the amount of payments that shall be distributed to school districts to purchase school buses for pupils other than handicapped or nonpublic school pupils.

If any district or MR/DD board obtains bus services for pupil transportation pursuant to a contract, such district or board may use payments received under this section to defray the costs of contracting for bus services in lieu of for purchasing buses.

If the department of education determines that a county MR/DD board no longer needs a school bus because the board no longer transports children to a special education program operated by the board, or if the department determines that a school district no longer needs a school bus to transport pupils to a particular nonpublic school or special education program, the department may reassign a bus that was funded with payments provided pursuant to this section for the purpose of transporting such pupils. The department may reassign a bus to a county MR/DD board or school district that transports children to a special education program designated in the children's individualized education plans, or to a school district that transports pupils to a nonpublic school, and needs an additional school bus.

Sec. 3317.081. (A) Tuition shall be computed in accordance with this section if:

(1) The tuition is required by division (C)(3)(b) of section 3313.64 of the Revised Code; or

(2) Neither the child nor the child's parent resides in this state and tuition is required by section 3327.06 of the Revised

Code. 18644

(B) Tuition computed in accordance with this section shall 18645
equal the attendance district's tuition rate computed under 18646
section 3317.08 of the Revised Code plus the amount that district 18647
would have received for the child pursuant to sections 3317.022, 18648
3317.023, and 3317.025 to 3317.0213 of the Revised Code during the 18649
school year had the attendance district been authorized to count 18650
the child in its formula ADM and average daily attendance for that 18651
school year under ~~section~~ sections 3317.03 and 3317.034 of the 18652
Revised Code. 18653

Sec. 3317.09. All moneys distributed to a school district, 18654
including any cooperative education or joint vocational school 18655
district and all moneys distributed to any educational service 18656
center, by the state whether from a state or federal source, shall 18657
be accounted for by the division of school finance of the 18658
department of education. All moneys distributed shall be coded as 18659
to county, school district or educational service center, source, 18660
and other pertinent information, and at the end of each month, a 18661
report of such distribution shall be made by such division of 18662
school finance to the clerk of the senate and the chief 18663
administrative officer of the house of representatives, to the 18664
Ohio legislative service commission to be available for 18665
examination by any member of either house, to each school district 18666
and educational service center, and to the governor. 18667

On or before the first day of September in each year, a copy 18668
of the annual statistical report required in ~~sections~~ section 18669
3319.33 ~~and 3319.34~~ of the Revised Code shall be filed by the 18670
state board of education with the clerk of the senate and the 18671
chief administrative officer of the house of representatives, the 18672
Ohio legislative service commission, the governor, and the auditor 18673
of state. The report shall contain an analysis for the prior 18674

fiscal year on an accrual basis of revenue receipts from all 18675
sources and expenditures for all purposes for each school district 18676
~~and each educational service center~~, including each joint 18677
vocational and cooperative education school district, in the 18678
state. If any board of education ~~or any educational service center~~ 18679
~~governing board~~ fails to make the report required in ~~sections~~ 18680
section 3319.33 ~~and 3319.34~~ of the Revised Code, the 18681
superintendent of public instruction shall be without authority to 18682
distribute funds to that school district or educational service 18683
center pursuant to sections 3317.022 to 3317.0212, 3317.11, 18684
3317.16, 3317.17, or 3317.19 of the Revised Code until such time 18685
as the required reports are filed with all specified officers, 18686
boards, or agencies. 18687

Sec. 3317.10. (A) On or before the first day of March of each 18688
year, the department of job and family services shall certify to 18689
the state board of education the unduplicated number of children 18690
ages five through seventeen residing in each school district and 18691
living in a family that, during the preceding October, had family 18692
income not exceeding the federal poverty guidelines as defined in 18693
section 5101.46 of the Revised Code and participated in one of the 18694
following: 18695

(1) Ohio works first; 18696

(2) The food stamp program; 18697

(3) The medical assistance program, including the healthy 18698
start program, established under Chapter 5111. of the Revised 18699
Code; 18700

(4) The children's health insurance program part I 18701
established under section 5101.50 of the Revised Code; 18702

(5) The disability financial assistance program established 18703
under Chapter 5115. of the Revised Code; 18704

(6) The disability medical assistance program established 18705
under Chapter 5115. of the Revised Code. 18706

The department of job and family services shall certify this 18707
information according to the school district of residence for each 18708
child. Except as provided under division (B) of this section, the 18709
number of children so certified in any year shall be used by the 18710
department of education in calculating the distribution of moneys 18711
for the ensuing fiscal year as provided in section 3317.029 of the 18712
Revised Code. 18713

(B) Upon the transfer of part of the territory of one school 18714
district to the territory of one or more other school districts, 18715
the department of education may adjust the number of children 18716
certified under division (A) of this section for any district 18717
gaining or losing territory in such a transfer in order to take 18718
into account the effect of the transfer on the number of such 18719
children who reside in the district. Within sixty days of receipt 18720
of a request for information from the department of education, the 18721
department of job and family services shall provide any 18722
information the department of education determines is necessary to 18723
make such adjustments. The department of education may use the 18724
adjusted number for any district for the applicable fiscal year, 18725
in lieu of the number certified for the district for that fiscal 18726
year under division (A) of this section, in the calculation of the 18727
distribution of moneys provided in section 3317.029 of the Revised 18728
Code. 18729

Sec. 3317.11. (A) As used in this section: 18730

(1) "Client school district" means a city or exempted village 18731
school district that has entered into an agreement under section 18732
3313.843 of the Revised Code to receive any services from an 18733
educational service center. 18734

(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. 18735
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(3) "Total student count" has the same meaning as in section 3301.011 of the Revised Code. 18739
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(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. 18741
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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 cost of each supervisory unit shall be the sum of: 18753
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(a) The minimum salary prescribed by section 3317.13 of the Revised Code for the licensed supervisory employee of the governing board; 18761
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(b) An amount equal to fifteen per cent of the salary prescribed by section 3317.13 of the Revised Code; 18764
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(c) An allowance for necessary travel expenses, limited to the lesser of two hundred twenty-three dollars and sixteen cents per month or two thousand six hundred seventy-eight dollars per year. 18766
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(2) If a majority of the boards of education, or superintendents acting on behalf of the boards, of the local and client school districts receiving services from the educational service center agree to receive additional supervisory services and to pay the cost of a corresponding number of supervisory units in excess of the services and units specified in division (B)(1) of this section, the service center shall provide the additional services as agreed to by the majority of districts to, and the department of education shall apportion the cost of the corresponding number of additional supervisory units pursuant to division (B)(3) of this section among, all of the service center's local and client school districts. 18770
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(3) The department shall apportion the total cost for all supervisory units among the service center's local and client school districts based on each district's total student count. The department shall deduct each district's apportioned share pursuant to division (E) of section 3317.023 of the Revised Code and pay the apportioned share to the service center. 18782
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(C) The department annually shall deduct from each local and client school district of each educational service center, pursuant to division (E) of section 3317.023 of the Revised Code, and pay to the service center an amount equal to six dollars and fifty cents times the school district's total student count. The board of education, or the superintendent acting on behalf of the board, of any local or client school district may agree to pay an amount in excess of six dollars and fifty cents per student in total student count. If a majority of the boards of education, or superintendents acting on behalf of the boards, of the local 18788
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school districts within a service center's territory approve an 18798
amount in excess of six dollars and fifty cents per student in 18799
total student count, the department shall deduct the approved 18800
excess per student amount from all of the local school districts 18801
within the service center's territory and pay the excess amount to 18802
the service center. 18803

(D) The department shall pay each educational service center 18804
the amounts due to it from school districts pursuant to contracts, 18805
compacts, or agreements under which the service center furnishes 18806
services to the districts or their students. In order to receive 18807
payment under this division, an educational service center shall 18808
furnish either a copy of the contract, compact, or agreement 18809
clearly indicating the amounts of the payments, or a written 18810
statement that clearly indicates the payments owed and is signed 18811
by the superintendent or treasurer of the responsible school 18812
district. The amounts paid to service centers under this division 18813
shall be deducted from payments to school districts pursuant to 18814
division (K)(3) of section 3317.023 of the Revised Code. 18815

(E) Each school district's deduction under this section and 18816
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 18817
shall be made from the total payment computed for the district 18818
under this chapter, after making any other adjustments in that 18819
payment required by law. 18820

(F)(1) Except as provided in division (F)(2) of this section, 18821
the department annually shall pay the governing board of each 18822
educational service center state funds equal to thirty-seven 18823
dollars times its service center ADM. 18824

(2) The department annually shall pay state funds equal to 18825
forty dollars and fifty-two cents times the service center ADM to 18826
each educational service center comprising territory that was 18827
included in the territory of at least three former service centers 18828
or county school districts, which former centers or districts 18829

engaged in one or more mergers under section 3311.053 of the 18830
Revised Code to form the present center. 18831

(G) Each city, exempted village, local, joint vocational, or 18832
cooperative education school district shall pay to the governing 18833
board of an educational service center any amounts agreed to for 18834
each child enrolled in the district who receives special education 18835
and related services or career-technical education from the 18836
educational service center, unless these educational services are 18837
provided pursuant to a contract, compact, or agreement for which 18838
the department deducts and transfers payments under division (D) 18839
of this section and division (K)(3) of section 3317.023 of the 18840
Revised Code. 18841

(H) An educational service center: 18842

(1) May provide special education and career-technical 18843
education to students in its local or client school districts; 18844

(2) Is eligible for transportation funding under division (J) 18845
of section 3317.024 of the Revised Code and for state subsidies 18846
for the purchase of school buses under section 3317.07 of the 18847
Revised Code; 18848

(3) May apply for and receive gifted education units and 18849
provide gifted education services to students in its local or 18850
client school districts; 18851

(4) May conduct driver education for high school students in 18852
accordance with Chapter 4508. of the Revised Code. 18853

Sec. 3317.16. (A) As used in this section: 18854

(1) "State share percentage" means the percentage calculated 18855
for a joint vocational school district as follows: 18856

(a) Calculate the state base cost funding amount for the 18857
district under division (B) of this section. If the district would 18858
not receive any base cost funding for that year under that 18859

division, the district's state share percentage is zero. 18860

(b) If the district would receive base cost funding under 18861
that division, divide that base cost amount by an amount equal to 18862
the following: 18863

cost-of-doing-business factor X 18864

the formula amount X 18865

~~the greater of formula ADM or~~ 18866

~~three year average formula ADM~~ 18867

average daily attendance 18868

The resultant number is the district's state share 18869
percentage. 18870

(2) The "total special education weight" for a joint 18871
vocational school district shall be calculated in the same manner 18872
as prescribed in division (B)(1) of section 3317.022 of the 18873
Revised Code. 18874

(3) The "total vocational education weight" for a joint 18875
vocational school district shall be calculated in the same manner 18876
as prescribed in division (B)(4) of section 3317.022 of the 18877
Revised Code. 18878

(4) The "total recognized valuation" of a joint vocational 18879
school district shall be determined by adding the recognized 18880
valuations of all its constituent school districts for the 18881
applicable fiscal year. 18882

(5) "Resident district" means the city, local, or exempted 18883
village school district in which a student is entitled to attend 18884
school under section 3313.64 or 3313.65 of the Revised Code. 18885

(6) "Community school" means a community school established 18886
under Chapter 3314. of the Revised Code. 18887

(B) The department of education shall compute and distribute 18888
state base cost funding to each joint vocational school district 18889

for the fiscal year in accordance with the following formula: 18890
 (cost-of-doing-business factor X 18891
formula amount X ~~the greater of formula~~ 18892
~~ADM or three year average formula ADM~~ 18893
 average daily attendance) - 18894
 (.0005 X total recognized valuation) 18895

If the difference obtained under this division is a negative 18896
number, the district's computation shall be zero. 18897

(C)(1) The department shall compute and distribute state 18898
vocational education additional weighted costs funds to each joint 18899
vocational school district in accordance with the following 18900
formula: 18901
 state share percentage X formula amount X 18902
 total vocational education weight 18903

(2) The department shall compute for each joint vocational 18904
school district state funds for vocational education associated 18905
services costs in accordance with the following formula: 18906
 state share percentage X .05 X 18907
 the formula amount X the sum of 18908
 categories one and two vocational 18909
 education ADM 18910

In any fiscal year, a joint vocational school district 18911
receiving funds under division (C)(2) of this section, or through 18912
a transfer of funds pursuant to division (L) of section 3317.023 18913
of the Revised Code, shall spend those funds only for the purposes 18914
that the department designates as approved for vocational 18915
education associated services expenses, which may include such 18916
purposes as apprenticeship coordinators, coordinators for other 18917
vocational education services, vocational evaluation, and other 18918
purposes designated by the department. The department may deny 18919
payment under division (C)(2) of this section to any district that 18920
the department determines is not operating those services or is 18921

using funds paid under division (C)(2) of this section, or through 18922
a transfer of funds pursuant to division (L) of section 3317.023 18923
of the Revised Code, for other purposes. 18924

(D)(1) The department shall compute and distribute state 18925
special education and related services additional weighted costs 18926
funds to each joint vocational school district in accordance with 18927
the following formula: 18928

state share percentage X formula amount X 18929
total special education weight 18930

(2)(a) As used in this division, the "personnel allowance" 18931
means thirty thousand dollars in fiscal years 2002 ~~and~~, 2003, 18932
2004, and 2005. 18933

(b) For the provision of speech services to students, 18934
including students who do not have individualized education 18935
programs prepared for them under Chapter 3323. of the Revised 18936
Code, and for no other purpose, the department shall pay each 18937
joint vocational school district an amount calculated under the 18938
following formula: 18939

(formula ADM divided by 2000) X the personnel 18940
allowance X state share percentage 18941

(3) In any fiscal year, a joint vocational school district 18942
shall spend for purposes that the department designates as 18943
approved for special education and related services expenses at 18944
least the amount calculated as follows: 18945

(cost-of-doing-business factor X formula amount 18946
X the sum of categories one through 18947
six special education ADM) + 18948
(total special education weight X 18949
formula amount) 18950

The purposes approved by the department for special education 18951
expenses shall include, but shall not be limited to, compliance 18952

with state rules governing the education of handicapped children, 18953
providing services identified in a student's individualized 18954
education program as defined in section 3323.01 of the Revised 18955
Code, and the portion of the district's overall administrative and 18956
overhead costs that are attributable to the district's special 18957
education student population. 18958

The department shall require joint vocational school 18959
districts to report data annually to allow for monitoring 18960
compliance with division (D)(3) of this section. The department 18961
shall annually report to the governor and the general assembly the 18962
amount of money spent by each joint vocational school district for 18963
special education and related services. 18964

(E)~~(2)~~(1) If a joint vocational school district's costs for a 18965
fiscal year for a student in its categories ~~one~~ two through six 18966
special education ADM exceed the threshold catastrophic cost for 18967
serving the student, as specified in division (C)(3)(b) of section 18968
3317.022 of the Revised Code, the district may submit to the 18969
superintendent of public instruction documentation, as prescribed 18970
by the superintendent, of all of its costs for that student. Upon 18971
submission of documentation for a student of the type and in the 18972
manner prescribed, the department shall pay to the district an 18973
amount equal to the sum of the following: 18974

(a) One-half of the district's costs for the student in 18975
excess of the threshold catastrophic cost; 18976

(b) The product of one-half of the district's costs for the 18977
student in excess of the threshold catastrophic cost multiplied by 18978
the district's state share percentage. 18979

(2) The district shall only report under division (E)(1) of 18980
this section, and the department shall only pay for, the costs of 18981
educational expenses and the related services provided to the 18982
student in accordance with the student's individualized education 18983

program. Any legal fees, court costs, or other costs associated 18984
with any cause of action relating to the student may not be 18985
included in the amount. 18986

(F) Each fiscal year, the department shall pay each joint 18987
vocational school district an amount for adult technical and 18988
vocational education and specialized consultants. 18989

(G)(1) A joint vocational school district's local share of 18990
special education and related services additional weighted costs 18991
equals: 18992

(1 - state share percentage) X 18993
Total special education weight X 18994
the formula amount 18995

(2) For each handicapped student receiving special education 18996
and related services under an individualized education program, as 18997
defined in section 3323.01 of the Revised Code, at a joint 18998
vocational district, the resident district or, if the student is 18999
enrolled in a community school, the community school shall be 19000
responsible for the amount of any costs of providing those special 19001
education and related services to that student that exceed the sum 19002
of the amount calculated for those services attributable to that 19003
student under divisions (B), (D), (E), and (G)(1) of this section. 19004

Those excess costs shall be calculated by subtracting the sum 19005
of the following from the actual cost to provide special education 19006
and related services to the student: 19007

(a) The product of the formula amount times the 19008
cost-of-doing-business factor; 19009

(b) The product of the formula amount times the applicable 19010
multiple specified in section 3317.013 of the Revised Code; 19011

(c) Any funds paid under division (E) of this section for the 19012
student; 19013

(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. 19014
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(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. 19018
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(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: 19021
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(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. 19026
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(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. 19030
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(H) In any fiscal year, if the total of all payments made to a joint vocational school district under divisions (B) to (D) of this section and division (R) of section 3317.024 of the Revised Code is less than the amount that district received in fiscal year 1999 under the version of this section in effect that year, plus the amount that district received under the version of section 3317.162 of the Revised Code in effect that year and minus the amounts received that year for driver education and adult education, the department shall pay the district an additional amount equal to the difference between those two amounts. 19033
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Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 19043

Revised Code: 19044

(A) "Ohio school facilities commission" means the commission 19045
created pursuant to section 3318.30 of the Revised Code. 19046

(B) "Classroom facilities" means rooms in which pupils 19047
regularly assemble in public school buildings to receive 19048
instruction and education and such facilities and building 19049
improvements for the operation and use of such rooms as may be 19050
needed in order to provide a complete educational program, and may 19051
include space within which a child day-care facility or a 19052
community resource center is housed. "Classroom facilities" 19053
includes any space necessary for the operation of a vocational 19054
education program for secondary students in any school district 19055
that operates such a program. 19056

(C) "Project" means a project to construct or acquire 19057
classroom facilities, or to reconstruct or make additions to 19058
existing classroom facilities, to be used for housing the 19059
applicable school district and its functions. 19060

(D) "School district" means a local, exempted village, or 19061
city school district as such districts are defined in Chapter 19062
3311. of the Revised Code, acting as an agency of state 19063
government, performing essential governmental functions of state 19064
government pursuant to sections 3318.01 and 3318.20 of the Revised 19065
Code. 19066

For purposes of assistance provided under sections 3318.40 to 19067
3318.45 of the Revised Code, the term "school district" as used in 19068
this section and in divisions (A), (C), and (D) of section 3318.03 19069
and in sections 3318.031, 3318.033, 3318.042, 3318.07, 3318.08, 19070
3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 19071
3318.13, 3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the 19072
Revised Code means a joint vocational school district established 19073
pursuant to section 3311.18 of the Revised Code. 19074

(E) "School district board" means the board of education of a school district. 19075
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(F) "Net bonded indebtedness" means the difference between 19077
the sum of the par value of all outstanding and unpaid bonds and 19078
notes which a school district board is obligated to pay, any 19079
amounts the school district is obligated to pay under 19080
lease-purchase agreements entered into under section 3313.375 of 19081
the Revised Code, and the par value of bonds authorized by the 19082
electors but not yet issued, the proceeds of which can lawfully be 19083
used for the project, and the amount held in the sinking fund and 19084
other indebtedness retirement funds for their redemption. Notes 19085
issued for school buses in accordance with section 3327.08 of the 19086
Revised Code, notes issued in anticipation of the collection of 19087
current revenues, and bonds issued to pay final judgments shall 19088
not be considered in calculating the net bonded indebtedness. 19089

"Net bonded indebtedness" does not include indebtedness 19090
arising from the acquisition of land to provide a site for 19091
classroom facilities constructed, acquired, or added to pursuant 19092
to sections 3318.01 to 3318.20 of the Revised Code. 19093

(G) "Board of elections" means the board of elections of the 19094
county containing the most populous portion of the school 19095
district. 19096

(H) "County auditor" means the auditor of the county in which 19097
the greatest value of taxable property of such school district is 19098
located. 19099

(I) "Tax duplicates" means the general tax lists and 19100
duplicates prescribed by sections 319.28 and 319.29 of the Revised 19101
Code. 19102

(J) "Required level of indebtedness" means: 19103

(1) In the case of districts in the first percentile, five 19104

per cent of the district's valuation for the year preceding the 19105
year in which the controlling board approved the project under 19106
section 3318.04 of the Revised Code. 19107

(2) In the case of districts ranked in a subsequent 19108
percentile, five per cent of the district's valuation for the year 19109
preceding the year in which the controlling board approved the 19110
project under section 3318.04 of the Revised Code, plus [two 19111
one-hundredths of one per cent multiplied by (the percentile in 19112
which the district ranks for the fiscal year preceding the fiscal 19113
year in which the controlling board approved the district's 19114
project minus one)]. 19115

(K) "Required percentage of the basic project costs" means 19116
one per cent of the basic project costs times the percentile in 19117
which the district ranks for the fiscal year preceding the fiscal 19118
year in which the controlling board approved the district's 19119
project. 19120

(L) "Basic project cost" means a cost amount determined in 19121
accordance with rules adopted under section 111.15 of the Revised 19122
Code by the Ohio school facilities commission. The basic project 19123
cost calculation shall take into consideration the square footage 19124
and cost per square foot necessary for the grade levels to be 19125
housed in the classroom facilities, the variation across the state 19126
in construction and related costs, the cost of the installation of 19127
site utilities and site preparation, the cost of demolition of all 19128
or part of any existing classroom facilities that are abandoned 19129
under the project, the cost of insuring the project until it is 19130
completed, any contingency reserve amount prescribed by the 19131
commission under section 3318.086 of the Revised Code, and the 19132
professional planning, administration, and design fees that a 19133
district may have to pay to undertake a classroom facilities 19134
project. 19135

For a joint vocational school district that receives 19136

assistance under sections 3318.40 to 3318.45 of the Revised Code, 19137
the basic project cost calculation for a project under those 19138
sections shall also take into account the types of laboratory 19139
spaces and program square footages needed for the vocational 19140
education programs for high school students offered by the school 19141
district. 19142

"Basic project cost" also includes the value of classroom 19143
facilities ~~authorized in a pre-existing bond issue~~ as described in 19144
section 3318.033 of the Revised Code. 19145

(M)(1) Except for a joint vocational school district that 19146
receives assistance under sections 3318.40 to 3318.45 of the 19147
Revised Code, a "school district's portion of the basic project 19148
cost" means the amount determined under section 3318.032 of the 19149
Revised Code. 19150

(2) For a joint vocational school district that receives 19151
assistance under sections 3318.40 to 3318.45 of the Revised Code, 19152
a "school district's portion of the basic project cost" means the 19153
amount determined under division (C) of section 3318.42 of the 19154
Revised Code. 19155

(N) "Child day-care facility" means space within a classroom 19156
facility in which the needs of infants, toddlers, preschool 19157
children, and school children are provided for by persons other 19158
than the parent or guardian of such children for any part of the 19159
day, including persons not employed by the school district 19160
operating such classroom facility. 19161

(O) "Community resource center" means space within a 19162
classroom facility in which comprehensive services that support 19163
the needs of families and children are provided by community-based 19164
social service providers. 19165

(P) "Valuation" means the total value of all property in the 19166
district as listed and assessed for taxation on the tax 19167

duplicates. 19168

(Q) "Percentile" means the percentile in which the district 19169
is ranked pursuant to division (D) of section 3318.011 of the 19170
Revised Code. 19171

(R) "Installation of site utilities" means the installation 19172
of a site domestic water system, site fire protection system, site 19173
gas distribution system, site sanitary system, site storm drainage 19174
system, and site telephone and data system. 19175

(S) "Site preparation" means the earthwork necessary for 19176
preparation of the building foundation system, the paved 19177
pedestrian and vehicular circulation system, playgrounds on the 19178
project site, and lawn and planting on the project site. 19179

Sec. 3318.024. In any fiscal year, any funds appropriated to 19180
the Ohio school facilities commission for classroom facilities 19181
projects under this chapter in the previous fiscal year that are 19182
not spent or encumbered, or for which encumbrance has been 19183
released under section 3318.05 of the Revised Code, shall be 19184
allocated by the commission only for projects under sections 19185
3318.01 to 3318.20 of the Revised Code, subject to appropriation 19186
by the general assembly. 19187

Sec. 3318.03. (A) Before conducting an on-site evaluation of 19188
a school district under section 3318.02 of the Revised Code, at 19189
the request of the district board of education, the Ohio school 19190
facilities commission shall examine any classroom facilities needs 19191
assessment that has been conducted by the district and any master 19192
plan developed for meeting the facility needs of the district. 19193

(B) Upon conducting the on-site evaluation under section 19194
3318.02 of the Revised Code, the Ohio school facilities commission 19195
shall make a determination of all of the following: 19196

(1) The needs of the school district for additional classroom 19197

facilities;	19198
(2) The number of classroom facilities to be included in a	19199
project, including classroom facilities authorized by a bond issue	19200
described in section 3318.033 of the Revised Code, and the basic	19201
project cost of constructing, acquiring, reconstructing, or making	19202
additions to each such facility;	19203
(3) The amount of such cost that the school district can	19204
supply from available funds, by the issuance of bonds previously	19205
authorized by the electors of the school district the proceeds of	19206
which can lawfully be used for the project, including bonds	19207
authorized by the district's electors as described in section	19208
3318.033 of the Revised Code, and by the issuance of bonds under	19209
section 3318.05 of the Revised Code;	19210
(4) The remaining amount of such cost that shall be supplied	19211
by the state;	19212
(5) The amount of the state's portion to be encumbered in	19213
accordance with section 3318.11 of the Revised Code in the current	19214
and subsequent fiscal bienniums from funds appropriated for	19215
purposes of sections 3318.01 to 3318.20 of the Revised Code.	19216
(C) The commission shall make a determination in favor of	19217
constructing, acquiring, reconstructing, or making additions to a	19218
classroom facility only upon evidence that the proposed project	19219
conforms to sound educational practice, that it is in keeping with	19220
the orderly process of school district reorganization and	19221
consolidation, and that the actual or projected enrollment in each	19222
classroom facility proposed to be included in the project is at	19223
least three hundred fifty pupils. Exceptions shall be authorized	19224
only in those districts where topography, sparsity of population,	19225
and other factors make larger schools impracticable.	19226
(D) Sections 125.81 and 153.04 of the Revised Code shall not	19227
apply to classroom facilities constructed under either sections	19228

3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. 19229
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Sec. 3318.033. ~~If the electors of a school district have approved the issuance of bonds for the acquisition of classroom facilities within eighteen~~ twenty-four months prior to ~~the a~~ a school district board's receipt of a notification by the Ohio school facilities commission that the school district is eligible for state assistance under either sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code the electors of the school district have approved the issuance of bonds in any amount for the acquisition of classroom facilities or the school district board has spent other school district resources in an amount of not less than one million dollars for the acquisition of classroom facilities, and if the classroom facilities supported by that bond measure or acquired with other school district resources comply with the commission's design specifications for such a project, the commission shall include the value of those classroom facilities in the basic project cost of the school district's project determined under section 3318.03 or division (A)(1)(a) of section 3318.41 of the Revised Code and shall deduct the amount of the bonds authorized in that bond measure or the amount of other school district resources spent from the amount of the school district's portion of the basic project cost as determined under section 3318.032 or 3318.42 of the Revised Code. 19231
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A school district board may combine the credit for previously issued bonds authorized under this section along with any local donated contribution, as described under section 3318.084 of the Revised Code, in meeting the school district's obligation to raise its portion of the basic project cost of its classroom facilities project under sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. 19253
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Sec. 3318.052. At any time after the electors of a school district have approved either or both a property tax levied under section 5705.21 or 5705.218 of the Revised Code for the purpose of general ongoing permanent improvements or a school district income tax levied under Chapter 5748. of the Revised Code, the proceeds of which, pursuant to the ballot measures approved by the electors, are not so restricted that they cannot be used to pay the costs of a project or maintaining classroom facilities, the school district board may:

(A) Within one year following the date of the certification of the conditional approval of the school district's classroom facilities project by the Ohio school facilities commission, enter into a written agreement with the commission, which may be part of an agreement entered into under section 3318.08 of the Revised Code, and in which the school district board covenants and agrees to do one or both of the following:

(1) Apply a specified amount of available proceeds of that property tax levy, of that school district income tax, or of securities issued under this section, or of proceeds from any two or more of those sources, to pay all or part of the district's portion of the basic project cost of its classroom facilities project;

(2) Apply available proceeds of either or both a property tax levied under section 5705.21 or 5705.218 of the Revised Code in effect for a continuing period of time, or of a school district income tax levied under Chapter 5748. of the Revised Code in effect for a continuing period of time to the payment of costs of maintaining the classroom facilities.

(B) Receive, as a credit against the amount of bonds required under sections 3318.05 and 3318.06 of the Revised Code, to be approved by the electors of the district and issued by the

district board for the district's portion of the basic project 19291
cost of its classroom facilities project in order for the district 19292
to receive state assistance for the project, an amount equal to 19293
the specified amount that the district board covenants and agrees 19294
with the commission to apply as set forth in division (A)(1) of 19295
this section; 19296

(C) Receive, as a credit against the amount of the tax levy 19297
required under sections 3318.05 and 3318.06 of the Revised Code, 19298
to be approved by the electors of the district to pay the costs of 19299
maintaining the classroom facilities in order to receive state 19300
assistance for the classroom facilities project, an amount 19301
equivalent to the specified amount of proceeds the school district 19302
board covenants and agrees with the commission to apply as 19303
referred to in division (A)(2) of this section; 19304

(D) Apply proceeds of either or both a school district income 19305
tax levied under Chapter 5748. of the Revised Code that may 19306
lawfully be used to pay the costs of a classroom facilities 19307
project or of a tax levied under section 5705.21 or 5705.218 of 19308
the Revised Code to the payment of debt charges on and financing 19309
costs related to securities issued under this section; 19310

(E) Issue securities to provide moneys to pay all or part of 19311
the district's portion of the basic project cost of its classroom 19312
facilities project in accordance with an agreement entered into 19313
under division (A) of this section. Securities issued under this 19314
section shall be Chapter 133. securities and may be issued as 19315
general obligation securities or issued in anticipation of a 19316
school district income tax or as property tax anticipation notes 19317
under section 133.24 of the Revised Code. The district board's 19318
resolution authorizing the issuance and sale of general obligation 19319
securities under this section shall conform to the applicable 19320
requirements of section 133.22 or 133.23 of the Revised Code. 19321
Securities issued under this section shall have principal payments 19322

during each year after the year of issuance over a period of not 19323
more than twenty-three years and, if so determined by the district 19324
board, during the year of issuance. Securities issued under this 19325
section shall not be included in the calculation of net 19326
indebtedness of the district under section 133.06 of the Revised 19327
Code, if the resolution of the district board authorizing their 19328
issuance and sale includes covenants to appropriate annually from 19329
lawfully available proceeds of a property tax levied under section 19330
5705.21 or 5705.218 of the Revised Code and no school district 19331
income tax levied under Chapter 5748. of the Revised Code and to 19332
continue to levy and collect the tax in amounts necessary to pay 19333
the debt charges on and financing costs related to the securities 19334
as they become due. No property tax levied under section 5705.21 19335
or 5705.218 of the Revised Code or of a school district income tax 19336
levied under Chapter 5748. of the Revised Code that is pledged, or 19337
that the school district board has covenanted to levy, collect, 19338
and appropriate annually, to pay the debt charges on and financing 19339
costs related to securities issued under this section shall be 19340
repealed while those securities are outstanding. If such a tax is 19341
reduced by the electors of the district or by the district board 19342
while those securities are outstanding, the school district board 19343
shall continue to levy and collect the tax under the authority of 19344
the original election authorizing the tax at a rate in each year 19345
that the board reasonably estimates will produce an amount in that 19346
year equal to the debt charges on the securities in that year. 19347

No state moneys shall be released for a project to which this 19348
section applies until the proceeds of the tax securities issued 19349
under this section that are dedicated for the payment of the 19350
district portion of the basic project cost of its classroom 19351
facilities project are first deposited into the district's project 19352
construction fund. 19353

Sec. 3318.34. The Ohio school facilities commission shall not 19354

release any state funds to a school district for a project under 19355
this chapter until the school district has complied with division 19356
(G) of section 3313.41 of the Revised Code. 19357

Sec. 3 3318.364. The board of education of any school 19358
district ~~whose~~ the electors of which have approved a bond issue or 19359
tax levy for the construction of or additions or major repair to a 19360
classroom facility within ~~eighteen~~ twenty-four months prior to 19361
September 14, 2000, or that has spent other school district 19362
resources in an amount of not less than one million dollars for 19363
the acquisition of classroom facilities within twenty-four months 19364
prior to September 14, 2000, may apply all or a portion of the 19365
expenditures of the proceeds from such bond issue or tax levy, or 19366
the amount of other school district resources as described in this 19367
section, as local resources for ~~purposes~~ the purpose of the 19368
district's participation in the School Building Assistance 19369
Expedited Local Partnership Program under section 3318.36 of the 19370
Revised Code. The Ohio School Facilities Commission, upon request 19371
of such a school district board, shall conduct a district needs 19372
assessment under section 3318.36 of the Revised Code and shall 19373
determine whether such project meets all or a portion of the 19374
district's assessed needs and whether the design of all or a 19375
portion of the project complies with design specifications of the 19376
Commission as required under division (B)(3) of section 3318.36 of 19377
the Revised Code. 19378

The Commission shall approve as local resources the 19379
district's expenditures for that portion of the project determined 19380
to meet the district's assessed needs and to comply with the 19381
Commission's design specifications. 19382

Sec. 3318.37. (A)(1) As used in this section: 19383

~~(1)~~(a) "Low wealth school district" means a school district 19384

in the first through fiftieth percentiles as determined under 19385
section 3318.011 of the Revised Code. 19386

~~(2)(b)~~ A "school district with an exceptional need for 19387
immediate classroom facilities assistance" means a low wealth 19388
school district with an exceptional need for new facilities in 19389
order to protect the health and safety of all or a portion of its 19390
students. ~~School~~ 19391

(2) School districts reasonably expected to be eligible for 19392
state assistance under sections 3318.01 to 3318.20 of the Revised 19393
Code within three fiscal years after the year of the application 19394
for assistance under this section ~~is being considered by the Ohio~~ 19395
~~school facilities commission, and school districts that~~ 19396
~~participate in the school building assistance expedited local~~ 19397
~~partnership program under section 3318.36 of the Revised Code~~ 19398
shall not be eligible for assistance under this section. 19399

(B)(1) There is hereby established the exceptional needs 19400
school facilities assistance program. Under the program, the Ohio 19401
school facilities commission may set aside funds from the moneys 19402
annually appropriated to it for classroom facilities assistance 19403
projects ~~up to twenty five per cent~~ for assistance to school 19404
districts with exceptional needs for immediate classroom 19405
facilities assistance. 19406

(2)(a) After consulting with education and construction 19407
experts, the commission shall adopt guidelines for identifying 19408
school districts with an exceptional need for immediate classroom 19409
facilities assistance. 19410

(b) The guidelines shall include application forms and 19411
instructions for school districts ~~that believe they have an~~ 19412
~~exceptional need for immediate classroom facilities to use in~~ 19413
applying for assistance under this section. 19414

(3) The commission shall evaluate the classroom facilities, 19415

and the need for replacement classroom facilities from the 19416
applications received under this section. The commission, 19417
utilizing the guidelines adopted under division (B)(2)(a) of this 19418
section, shall prioritize the school districts to be assessed. 19419

Notwithstanding section 3318.02 of the Revised Code, the 19420
commission may conduct on-site evaluation of the school districts 19421
prioritized under this section and approve and award funds until 19422
such time as all funds set aside under division (B)(1) of this 19423
section have been encumbered ~~under section 3318.04 of the Revised~~ 19424
Code. However, the commission need not conduct the evaluation of 19425
facilities if the commission determines that a district's 19426
assessment conducted under section 3318.36 of the Revised Code is 19427
sufficient for purposes of this section. 19428

(4) Notwithstanding division (A) of section 3318.05 of the 19429
Revised Code, the school district's portion of the basic project 19430
cost under this section shall be the "required percentage of the 19431
basic project costs," as defined in division (K) of section 19432
3318.01 of the Revised Code. 19433

(5) Except as otherwise specified in this section, any 19434
project undertaken with assistance under this section shall comply 19435
with all provisions of sections 3318.01 to 3318.20 of the Revised 19436
Code. A school district may receive assistance under sections 19437
3318.01 to 3318.20 of the Revised Code for the remainder of the 19438
district's classroom facilities needs as assessed under this 19439
section when the district is eligible for such assistance pursuant 19440
to section 3318.02 of the Revised Code, but any classroom facility 19441
constructed with assistance under this section shall not be 19442
included in a district's project at that time unless the 19443
commission determines the district has experienced the increased 19444
enrollment specified in division (B)(1) of section 3318.04 of the 19445
Revised Code. 19446

(C) No school district shall receive assistance under this 19447

section for a classroom facility that has been included in the 19448
discrete part of the district's classroom facilities needs 19449
identified and addressed in the district's project pursuant to an 19450
agreement entered into under section 3318.36 of the Revised Code. 19451

Sec. 3318.41. (A)(1) The Ohio school facilities commission 19452
annually shall assess the classroom facilities needs of the number 19453
of joint vocational school districts that the commission 19454
reasonably expects to be able to provide assistance to in a fiscal 19455
year, based on the amount set aside for that fiscal year under 19456
division (B) of section 3318.40 of the Revised Code and the order 19457
of priority prescribed in division (B) of section 3318.42 of the 19458
Revised Code, except that in fiscal year 2004 the commission shall 19459
conduct at least the five assessments prescribed in division (E) 19460
of section 3318.40 of the Revised Code. 19461

Upon conducting an assessment of the classroom facilities 19462
needs of a school district, the commission shall make a 19463
determination of all of the following: 19464

(a) The number of classroom facilities to be included in a 19465
project, including classroom facilities ~~authorized by a bond issue~~ 19466
described in section 3318.033 of the Revised Code, and the basic 19467
project cost of acquiring the classroom facilities included in the 19468
project. The number of facilities and basic project cost shall be 19469
determined in accordance with the specifications adopted under 19470
section 3318.311 of the Revised Code except to the extent that 19471
compliance with such specifications is waived by the commission 19472
pursuant to the rule of the commission adopted under division (F) 19473
of section 3318.40 of the Revised Code. 19474

(b) The school district's portion of the basic project cost 19475
as determined under division (C) of section 3318.42 of the Revised 19476
Code; 19477

(c) The remaining portion of the basic project cost that 19478

shall be supplied by the state; 19479

(d) The amount of the state's portion of the basic project 19480
cost to be encumbered in accordance with section 3318.11 of the 19481
Revised Code in the current and subsequent fiscal bienniums from 19482
funds set aside under division (B) of section 3318.40 of the 19483
Revised Code. 19484

(2) Divisions (A), (C), and (D) of section 3318.03 of the 19485
Revised Code apply to any project under sections 3318.40 to 19486
3318.45 of the Revised Code. 19487

(B)(1) If the commission makes a determination under division 19488
(A) of this section in favor of the acquisition of classroom 19489
facilities for a project under sections 3318.40 to 3318.45 of the 19490
Revised Code, such project shall be conditionally approved. Such 19491
conditional approval shall be submitted to the controlling board 19492
for approval. The controlling board shall immediately approve or 19493
reject the commission's determination, conditional approval, the 19494
amount of the state's portion of the basic project cost, and the 19495
amount of the state's portion of the basic project cost to be 19496
encumbered in the current fiscal biennium. In the event of 19497
approval by the controlling board, the commission shall certify 19498
the conditional approval to the joint vocational school district 19499
board of education and shall encumber the approved funds for the 19500
current fiscal year. 19501

(2) No school district that receives assistance under 19502
sections 3318.40 to 3318.45 of the Revised Code shall have another 19503
such project conditionally approved until the expiration of twenty 19504
years after the school district's prior project was conditionally 19505
approved, unless the school district board demonstrates to the 19506
satisfaction of the commission that the school district has 19507
experienced since conditional approval of its prior project an 19508
exceptional increase in enrollment or program requirements 19509
significantly above the school district's design capacity under 19510

that prior project as determined by rule of the commission. Any 19511
rule adopted by the commission to implement this division shall be 19512
tailored to address the classroom facilities needs of joint 19513
vocational school districts. 19514

(C) In addition to generating the amount of the school 19515
district's portion of the basic project cost as determined under 19516
division (C) of section 3318.42 of the Revised Code, in order for 19517
a school district to receive assistance under sections 3318.40 to 19518
3318.45 of the Revised Code, the school district board shall set 19519
aside school district moneys for the maintenance of the classroom 19520
facilities included in the school district's project in the amount 19521
and manner prescribed in section 3318.43 of the Revised Code. 19522

(D)(1) The conditional approval for a project certified under 19523
division (B)(1) of this section shall lapse and the amount 19524
reserved and encumbered for such project shall be released unless 19525
both of the following conditions are satisfied: 19526

(a) Within one hundred twenty days following the date of 19527
certification of the conditional approval to the joint vocational 19528
school district board, the school district board accepts the 19529
conditional approval and certifies to the commission the school 19530
district board's plan to generate the school district's portion of 19531
the basic project cost, as determined under division (C) of 19532
section 3318.42 of the Revised Code, and to set aside moneys for 19533
maintenance of the classroom facilities acquired under the 19534
project, as prescribed in section 3318.43 of the Revised Code. 19535

(b) Within one year following the date of certification of 19536
the conditional approval to the school district board, the 19537
electors of the school district vote favorably on any ballot 19538
measures proposed by the school district board to generate the 19539
school district's portion of the basic project cost. 19540

(2) If the school district board or electors fail to satisfy 19541

the conditions prescribed in division (D)(1) of this section and 19542
the amount reserved and encumbered for the school district's 19543
project is released, the school district shall be given first 19544
priority over other joint vocational school districts for project 19545
funding under sections 3318.40 to 3318.45 of the Revised Code as 19546
such funds become available. 19547

(E) If the conditions prescribed in division (D)(1) of this 19548
section are satisfied, the commission and the school district 19549
board shall enter into an agreement as prescribed in section 19550
3318.08 of the Revised Code and shall proceed with the development 19551
of plans, cost estimates, designs, drawings, and specifications as 19552
prescribed in section 3318.091 of the Revised Code. 19553

(F) Costs in excess of those approved by the commission under 19554
section 3318.091 of the Revised Code shall be payable only as 19555
provided in sections 3318.042 and 3318.083 of the Revised Code. 19556

(G) Advertisement for bids and the award of contracts for 19557
construction of any project under sections 3318.40 to 3318.45 of 19558
the Revised Code shall be conducted in accordance with section 19559
3318.10 of the Revised Code. 19560

(H) The state funds reserved and encumbered and the funds 19561
provided by the school district to pay the basic project cost of a 19562
project under sections 3318.40 to 3318.45 of the Revised Code 19563
shall be spent simultaneously in proportion to the state's and the 19564
school district's respective portions of that basic project cost. 19565

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 19566
Code apply to projects under sections 3318.40 to 3318.45 of the 19567
Revised Code. 19568

Sec. 3319.01. Except in an island school district, where the 19569
superintendent of an educational service center otherwise may 19570
serve as superintendent of the district and except as otherwise 19571

provided for any cooperative education school district pursuant to 19572
division (B)(2) of section 3311.52 or division (B)(3) of section 19573
3311.521 of the Revised Code, the board of education in each 19574
school district and the governing board of each service center 19575
shall, at a regular or special meeting held not later than the 19576
first day of May of the calendar year in which the term of the 19577
superintendent expires, appoint a person possessed of the 19578
qualifications provided in this section to act as superintendent, 19579
for a term not longer than five years beginning the first day of 19580
August and ending on the thirty-first day of July. Such 19581
superintendent is, at the expiration of a current term of 19582
employment, deemed reemployed for a term of one year at the same 19583
salary plus any increments that may be authorized by the board, 19584
unless such board, on or before the first day of March of the year 19585
in which the contract of employment expires, either reemploys the 19586
superintendent for a succeeding term as provided in this section 19587
or gives to the superintendent written notice of its intention not 19588
to reemploy the superintendent. A superintendent may not be 19589
transferred to any other position during the term of the 19590
superintendent's employment or reemployment except by mutual 19591
agreement by the superintendent and the board. If a vacancy occurs 19592
in the office of superintendent, the board shall appoint a 19593
superintendent for a term not to exceed five years from the next 19594
preceding first day of August. 19595

~~Except as otherwise provided in this section, the employment 19596
or reemployment of a superintendent of a local school district 19597
shall be only upon the recommendation of the service center 19598
superintendent, except that a local board of education, by a 19599
three fourths vote of its full membership, may, after considering 19600
two nominations for the position of local superintendent made by 19601
the service center superintendent, employ or reemploy a person not 19602
so nominated for such position. 19603~~

A board may at any regular or special meeting held during the 19604
period beginning on the first day of January of the calendar year 19605
immediately preceding the year the contract of employment of a 19606
superintendent expires and ending on the first day of March of the 19607
year it expires, reemploy such superintendent for a succeeding 19608
term for not longer than five years, beginning on the first day of 19609
August immediately following the expiration of the 19610
superintendent's current term of employment and ending on the 19611
thirty-first day of July of the year in which such succeeding term 19612
expires. No person shall be appointed to the office of 19613
superintendent of a city, or exempted village school district or a 19614
service center who does not hold a license designated for being a 19615
superintendent issued under section 3319.22 of the Revised Code, 19616
unless such person had been employed as a county, city, or 19617
exempted village superintendent prior to August 1, 1939. No person 19618
shall be appointed to the office of local superintendent who does 19619
not hold a license designated for being a superintendent issued 19620
under section 3319.22 of the Revised Code, unless such person held 19621
or was qualified to hold the position of executive head of a local 19622
school district on September 16, 1957. At the time of making such 19623
appointment or designation of term, such board shall fix the 19624
compensation of the superintendent, which may be increased or 19625
decreased during such term, provided such decrease is a part of a 19626
uniform plan affecting salaries of all employees of the district, 19627
and shall execute a written contract of employment with such 19628
superintendent. 19629

Each board shall adopt procedures for the evaluation of its 19630
superintendent and shall evaluate its superintendent in accordance 19631
with those procedures. An evaluation based upon such procedures 19632
shall be considered by the board in deciding whether to renew the 19633
superintendent's contract. The establishment of an evaluation 19634
procedure shall not create an expectancy of continued employment. 19635

Nothing in this section shall prevent a board from making the 19636
final determination regarding the renewal or failure to renew of a 19637
superintendent's contract. 19638

Termination of a superintendent's contract shall be pursuant 19639
to section 3319.16 of the Revised Code. 19640

A board may establish vacation leave for its superintendent. 19641
Upon the superintendent's separation from employment a board that 19642
has such leave may provide compensation at the superintendent's 19643
current rate of pay for all lawfully accrued and unused vacation 19644
leave to the superintendent's credit at the time of separation, 19645
not to exceed the amount accrued within three years before the 19646
date of separation. In case of the death of a superintendent, such 19647
unused vacation leave as the board would have paid to this 19648
superintendent upon separation shall be paid in accordance with 19649
section 2113.04 of the Revised Code, or to the superintendent's 19650
estate. 19651

The superintendent shall be the executive officer for the 19652
board. ~~Except as otherwise provided in this section for local~~ 19653
~~school districts, the~~ The superintendent shall direct and assign 19654
teachers and other employees of the district or service center, 19655
except as provided in section 3319.04 of the Revised Code; assign 19656
the pupils to the proper schools and grades, provided that the 19657
assignment of a pupil to a school outside of the pupil's district 19658
of residence is approved by the board of the district of residence 19659
of such pupil; and perform such other duties as the board 19660
determines. ~~The service center superintendent shall exercise the~~ 19661
~~responsibilities of this section with regard to the assignment of~~ 19662
~~pupils and teachers for local school districts under the~~ 19663
~~supervision of the service center, except that the board of~~ 19664
~~education of a local school district and the governing board of~~ 19665
~~the educational service center of which the local district is a~~ 19666
~~part may enter into an agreement requiring the local~~ 19667

~~superintendent, instead of the superintendent of the educational
service center, to exercise the responsibilities of this section
with regard to the assignment of pupils and teachers for the local
school district.~~

The board of education of any school district may contract
with the governing board of the educational service center from
which it otherwise receives services to conduct searches and
recruitment of candidates for the superintendent position
authorized under this section.

Sec. 3319.02. (A)(1) As used in this section, "other
administrator" means ~~either~~ any of the following:

(a) Except as provided in division (A)(2) of this section,
any employee in a position for which a board of education requires
a license designated by rule of the department of education for
being an administrator issued under section 3319.22 of the Revised
Code, including a professional pupil services employee or
administrative specialist or an equivalent of either one who is
not employed as a school counselor and spends less than fifty per
cent of the time employed teaching or working with students;

(b) Any nonlicensed employee whose job duties enable such
employee to be considered as either a "supervisor" or a
"management level employee," as defined in section 4117.01 of the
Revised Code;

(c) A business manager appointed under section 3319.03 of the
Revised Code.

(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 19698
are necessary. An assistant educational service center 19699
superintendent or service center supervisor employed on a 19700
part-time basis may also be employed by a local board as a 19701
teacher. The board of each city, exempted village, and local 19702
school district shall employ principals for all high schools and 19703
for such other schools as the board designates, and those boards 19704
may appoint assistant principals for any school that they 19705
designate. 19706

(C) In educational service centers and in city ~~and~~, exempted 19707
village, and local school districts, assistant superintendents, 19708
principals, assistant principals, and other administrators shall 19709
only be employed or reemployed in accordance with nominations of 19710
the superintendent, except that a ~~city or exempted village~~ board 19711
of education of a school district or the governing board of a 19712
service center, by a three-fourths vote of its full membership, 19713
may reemploy any assistant superintendent, principal, assistant 19714
principal, or other administrator whom the superintendent refuses 19715
to nominate. ~~In local school districts, assistant superintendents,~~ 19716
~~principals, assistant principals, and other administrators shall~~ 19717
~~only be employed or reemployed in accordance with nominations of~~ 19718
~~the superintendent of the service center of which the local~~ 19719
~~district is a part, except that a local board of education, by a~~ 19720
~~three-fourths vote of its full membership, may reemploy any~~ 19721
~~assistant superintendent, principal, assistant principal, or other~~ 19722
~~administrator whom such superintendent refuses to nominate.~~ 19723

The board of education or governing board shall execute a 19724
written contract of employment with each assistant superintendent, 19725
principal, assistant principal, and other administrator it employs 19726
or reemploys. The term of such contract shall not exceed three 19727
years except that in the case of a person who has been employed as 19728
an assistant superintendent, principal, assistant principal, or 19729

other administrator in the district or center for three years or 19730
more, the term of the contract shall be for not more than five 19731
years and, unless the superintendent of the district recommends 19732
otherwise, not less than two years. If the superintendent so 19733
recommends, the term of the contract of a person who has been 19734
employed by the district or service center as an assistant 19735
superintendent, principal, assistant principal, or other 19736
administrator for three years or more may be one year, but all 19737
subsequent contracts granted such person shall be for a term of 19738
not less than two years and not more than five years. When a 19739
teacher with continuing service status becomes an assistant 19740
superintendent, principal, assistant principal, or other 19741
administrator with the district or service center with which the 19742
teacher holds continuing service status, the teacher retains such 19743
status in the teacher's nonadministrative position as provided in 19744
sections 3319.08 and 3319.09 of the Revised Code. 19745

A board of education or governing board may reemploy an 19746
assistant superintendent, principal, assistant principal, or other 19747
administrator at any regular or special meeting held during the 19748
period beginning on the first day of January of the calendar year 19749
immediately preceding the year of expiration of the employment 19750
contract and ending on the last day of March of the year the 19751
employment contract expires. 19752

Except by mutual agreement of the parties thereto, no 19753
assistant superintendent, principal, assistant principal, or other 19754
administrator shall be transferred during the life of a contract 19755
to a position of lesser responsibility. No contract may be 19756
terminated by a board except pursuant to section 3319.16 of the 19757
Revised Code. No contract may be suspended except pursuant to 19758
section 3319.17 or 3319.171 of the Revised Code. The salaries and 19759
compensation prescribed by such contracts shall not be reduced by 19760
a board unless such reduction is a part of a uniform plan 19761

affecting the entire district or center. The contract shall 19762
specify the employee's administrative position and duties as 19763
included in the job description adopted under division (D) of this 19764
section, the salary and other compensation to be paid for 19765
performance of duties, the number of days to be worked, the number 19766
of days of vacation leave, if any, and any paid holidays in the 19767
contractual year. 19768

An assistant superintendent, principal, assistant principal, 19769
or other administrator is, at the expiration of the current term 19770
of employment, deemed reemployed at the same salary plus any 19771
increments that may be authorized by the board, unless such 19772
employee notifies the board in writing to the contrary on or 19773
before the first day of June, or unless such board, on or before 19774
the last day of March of the year in which the contract of 19775
employment expires, either reemploys such employee for a 19776
succeeding term or gives written notice of its intention not to 19777
reemploy the employee. The term of reemployment of a person 19778
reemployed under this paragraph shall be one year, except that if 19779
such person has been employed by the school district or service 19780
center as an assistant superintendent, principal, assistant 19781
principal, or other administrator for three years or more, the 19782
term of reemployment shall be two years. 19783

(D)(1) Each board shall adopt procedures for the evaluation 19784
of all assistant superintendents, principals, assistant 19785
principals, and other administrators and shall evaluate such 19786
employees in accordance with those procedures. The evaluation 19787
based upon such procedures shall be considered by the board in 19788
deciding whether to renew the contract of employment of an 19789
assistant superintendent, principal, assistant principal, or other 19790
administrator. 19791

(2) The evaluation shall measure each assistant 19792
superintendent's, principal's, assistant principal's, and other 19793

administrator's effectiveness in performing the duties included in 19794
the job description and the evaluation procedures shall provide 19795
for, but not be limited to, the following: 19796

(a) Each assistant superintendent, principal, assistant 19797
principal, and other administrator shall be evaluated annually 19798
through a written evaluation process. 19799

(b) The evaluation shall be conducted by the superintendent 19800
or designee. 19801

(c) In order to provide time to show progress in correcting 19802
the deficiencies identified in the evaluation process, the 19803
evaluation process shall be completed as follows: 19804

(i) In any school year that the employee's contract of 19805
employment is not due to expire, at least one evaluation shall be 19806
completed in that year. A written copy of the evaluation shall be 19807
provided to the employee no later than the end of the employee's 19808
contract year as defined by the employee's annual salary notice. 19809

(ii) In any school year that the employee's contract of 19810
employment is due to expire, at least a preliminary evaluation and 19811
at least a final evaluation shall be completed in that year. A 19812
written copy of the preliminary evaluation shall be provided to 19813
the employee at least sixty days prior to any action by the board 19814
on the employee's contract of employment. The final evaluation 19815
shall indicate the superintendent's intended recommendation to the 19816
board regarding a contract of employment for the employee. A 19817
written copy of the evaluation shall be provided to the employee 19818
at least five days prior to the board's acting to renew or not 19819
renew the contract. 19820

(3) Termination of an assistant superintendent, principal, 19821
assistant principal, or other administrator's contract shall be 19822
pursuant to section 3319.16 of the Revised Code. Suspension of any 19823
such employee shall be pursuant to section 3319.17 or 3319.171 of 19824

the Revised Code. 19825

(4) Before taking action to renew or nonrenew the contract of 19826
an assistant superintendent, principal, assistant principal, or 19827
other administrator under this section and prior to the last day 19828
of March of the year in which such employee's contract expires, 19829
the board shall notify each such employee of the date that the 19830
contract expires and that the employee may request a meeting with 19831
the board. Upon request by such an employee, the board shall grant 19832
the employee a meeting in executive session. In that meeting, the 19833
board shall discuss its reasons for considering renewal or 19834
nonrenewal of the contract. The employee shall be permitted to 19835
have a representative, chosen by the employee, present at the 19836
meeting. 19837

(5) The establishment of an evaluation procedure shall not 19838
create an expectancy of continued employment. Nothing in division 19839
(D) of this section shall prevent a board from making the final 19840
determination regarding the renewal or nonrenewal of the contract 19841
of any assistant superintendent, principal, assistant principal, 19842
or other administrator. However, if a board fails to provide 19843
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 19844
section, or if the board fails to provide at the request of the 19845
employee a meeting as prescribed in division (D)(4) of this 19846
section, the employee automatically shall be reemployed at the 19847
same salary plus any increments that may be authorized by the 19848
board for a period of one year, except that if the employee has 19849
been employed by the district or service center as an assistant 19850
superintendent, principal, assistant principal, or other 19851
administrator for three years or more, the period of reemployment 19852
shall be for two years. 19853

(E) On nomination of the superintendent of a service center a 19854
governing board may employ supervisors who shall be employed under 19855
written contracts of employment for terms not to exceed five years 19856

each. Such contracts may be terminated by a governing board 19857
pursuant to section 3319.16 of the Revised Code. Any supervisor 19858
employed pursuant to this division may terminate the contract of 19859
employment at the end of any school year after giving the board at 19860
least thirty days' written notice prior to such termination. On 19861
the recommendation of the superintendent the contract or contracts 19862
of any supervisor employed pursuant to this division may be 19863
suspended for the remainder of the term of any such contract 19864
pursuant to section 3319.17 or 3319.171 of the Revised Code. 19865

(F) A board may establish vacation leave for any individuals 19866
employed under this section. Upon such an individual's separation 19867
from employment, a board that has such leave may compensate such 19868
an individual at the individual's current rate of pay for all 19869
lawfully accrued and unused vacation leave credited at the time of 19870
separation, not to exceed the amount accrued within three years 19871
before the date of separation. In case of the death of an 19872
individual employed under this section, such unused vacation leave 19873
as the board would have paid to the individual upon separation 19874
under this section shall be paid in accordance with section 19875
2113.04 of the Revised Code, or to the estate. 19876

(G) The board of education of any school district may 19877
contract with the governing board of the educational service 19878
center from which it otherwise receives services to conduct 19879
searches and recruitment of candidates for assistant 19880
superintendent, principal, assistant principal, and other 19881
administrator positions authorized under this section. 19882

Sec. 3319.03. The board of education of each city, exempted 19883
village, and local school district may create the position of 19884
business manager. The board shall ~~elect~~ appoint such business 19885
manager who shall serve ~~for a term not to exceed four years unless~~ 19886
~~earlier removed for cause~~ pursuant to a contract in accordance 19887

~~with section 3319.02 of the Revised Code. A vacancy in this office~~ 19888
~~shall be filled only for the unexpired term thereof.~~ In the 19889
discharge of all ~~his~~ official duties, the business manager may be 19890
directly responsible to the board, or to the superintendent of 19891
schools, as the board directs at the time of ~~election~~ appointment 19892
to the position. Where such business manager is responsible to the 19893
superintendent ~~he~~ the business manager shall be appointed by the 19894
superintendent and confirmed by the board. 19895

No board of education shall ~~elect~~ appoint or confirm as 19896
business manager any person who does not hold a valid business 19897
manager's license issued under section 3301.074 of the Revised 19898
Code. If the business manager fails to maintain a valid license, 19899
~~he~~ the business manager shall be removed by the board. 19900

Sec. 3319.07. (A) The board of education of each city, 19901
~~exempted village, and local, and joint vocational~~ school district 19902
shall employ the teachers of the public schools of their 19903
respective districts. 19904

The governing board of each educational service center may 19905
employ special instruction teachers, special education teachers, 19906
and teachers of academic courses in which there are too few 19907
students in each of the constituent local school districts or in 19908
city or exempted village school districts entering into agreements 19909
pursuant to section 3313.843 of the Revised Code to warrant each 19910
district's employing teachers for those courses. 19911

When any board makes appointments of teachers, the teachers 19912
in the employ of the board shall be considered before new teachers 19913
are chosen in their stead. In ~~city, exempted village, and joint~~ 19914
~~vocational~~ all school districts and in service centers no teacher 19915
shall be employed unless such person is nominated by the 19916
superintendent of such district or center. Such board, by a 19917
three-fourths vote of its full membership, may re-employ any 19918

teacher whom the superintendent refuses to appoint. ~~In local~~ 19919
~~school districts, no teacher shall be employed, except as provided~~ 19920
~~in division (B) of this section, unless nominated by the~~ 19921
~~superintendent of the service center of which such local school~~ 19922
~~district is a part; by a majority vote of the full membership of~~ 19923
~~such board, the board of education of any local school district~~ 19924
~~may, after considering two nominations for any position made by~~ 19925
~~the service center superintendent, reemploy a person not so~~ 19926
~~nominated for such position.~~ 19927

(B) The board of education of a ~~local~~ any school district ~~and~~ 19928
~~the board of education of the county school district of which the~~ 19929
~~local district is a part may enter into an agreement authorizing~~ 19930
~~the superintendent of the local district, in lieu of the~~ 19931
~~superintendent of the county district, to make nominations under~~ 19932
~~this section for the employment of teachers in the local district.~~ 19933
~~While such an agreement is in effect the board of education of the~~ 19934
~~local district shall not employ any teacher unless the person is~~ 19935
~~nominated by the superintendent of the district except that, by a~~ 19936
~~three fourths vote of its full membership, it may re-employ any~~ 19937
~~teacher whom the superintendent refuses to nominate may contract~~ 19938
~~with the governing board of the educational service center from~~ 19939
~~which it otherwise receives services to conduct searches and~~ 19940
~~recruitment of candidates for teacher positions.~~ 19941

Sec. 3319.19. (A) Except as provided in division (D) of this 19942
section or division (A)(2) of section 3313.37 of the Revised Code, 19943
upon request, the board of county commissioners shall provide and 19944
equip offices in the county for the use of the superintendent of 19945
an educational service center, and shall provide heat, light, 19946
water, and janitorial services for such offices. Such offices 19947
shall be the permanent headquarters of the superintendent and 19948
shall be used by the governing board of the service center when it 19949
is in session. Except as provided in division (B) of this section, 19950

such offices shall be located in the county seat or, upon the approval of the governing board, may be located outside of the county seat.

(B) In the case of a service center formed under section 3311.053 of the Revised Code, the governing board shall designate the site of its offices. Except as provided in division (D) of this section or division (A)(2) of section 3313.37 of the Revised Code, the board of county commissioners of the county in which the designated site is located shall provide and equip the offices as under division (A) of this section, but the costs of such offices and equipment shall be apportioned among the boards of county commissioners of all counties having any territory in the area under the control of the governing board, according to the proportion of local school district pupils under the supervision of such board residing in the respective counties. Where there is a dispute as to the amount any board of county commissioners is required to pay, the probate judge of the county in which the greatest number of pupils under the supervision of the governing board reside shall apportion such costs among the boards of county commissioners and notify each such board of its share of the costs.

(C) ~~Not~~ As used in division (C) of this section, in the case of a building, facility, or office space that a board of county commissioners leases or rents, "actual cost per square foot" means all cost on a per square foot basis incurred by the board under the lease or rental agreement. In the case of a building, facility, or office space that the board owns in fee simple, "actual cost per square foot" means the fair rental value on a per square foot basis of the building, facility, or office space either as compared to a similarly situated building, facility, or office space in the general vicinity or as calculated under a formula that accounts for depreciation, amortization of

improvements, and other reasonable factors, including, but not 19983
limited to, parking space and other amenities. 19984

Not later than the thirty-first day of March of 2002, 2003, 19985
2004, and 2005 a board of county commissioners required to provide 19986
or equip offices pursuant to division (A) or (B) of this section 19987
shall make a written estimate of the total cost it will incur for 19988
the ensuing fiscal year to provide and equip the offices and to 19989
provide heat, light, water, and janitorial services for such 19990
offices. The total estimate of cost shall include: 19991

(1) The total square feet of space to be utilized by the 19992
educational service center; 19993

(2) The total square feet of any common areas that should be 19994
reasonably allocated to the center and the methodology for making 19995
this allocation; 19996

(3) The actual cost per square foot for both the space 19997
utilized by and the common area allocated to the center; 19998

(4) An explanation of the methodology used to determine the 19999
actual cost per square foot ~~cost~~; 20000

(5) The estimated cost of providing heat, light, and water, 20001
including an explanation of how these costs were determined; 20002

(6) The estimated cost of providing janitorial services 20003
including an explanation of the methodology used to determine this 20004
cost; 20005

(7) Any other estimated costs that the board anticipates it 20006
will occur and a detailed explanation of the costs and the 20007
rationale used to determine such costs. 20008

A copy of the total estimate of costs under this division 20009
shall be sent to the superintendent of the educational service 20010
center not later than the fifth day of April. The superintendent 20011
shall review the total estimate and shall notify the board of 20012

county commissioners not later than twenty days after receipt of 20013
the estimate of either agreement with the estimate or any specific 20014
objections to the estimates and the reasons for the objections. If 20015
the superintendent agrees with the estimate, it shall become the 20016
final total estimate of cost. Failure of the superintendent to 20017
make objections to the estimate by the twentieth day after receipt 20018
of it shall be deemed to mean that the superintendent is in 20019
agreement with the estimate. 20020

If the superintendent provides specific objections to the 20021
board of county commissioners, the board shall review the 20022
objections and may modify the original estimate and shall send a 20023
revised total estimate to the superintendent within ten days after 20024
the receipt of the superintendent's objections. The superintendent 20025
shall respond to the revised estimate within ten days after its 20026
receipt. If the superintendent agrees with it, it shall become the 20027
final total estimated cost. If the superintendent fails to respond 20028
within the required time, the superintendent shall be deemed to 20029
have agreed with the revised estimate. If the superintendent 20030
disagrees with the revised estimate, the superintendent shall send 20031
specific objections to the county commissioners. 20032

If a superintendent has sent specific objections to the 20033
revised estimate within the required time, the probate judge of 20034
the county which has the greatest number of resident local school 20035
district pupils under the supervision of the educational service 20036
center shall determine the final estimated cost and certify this 20037
amount to the superintendent and the board of county commissioners 20038
prior to the first day of July. 20039

(D)(1) A board of county commissioners shall be responsible 20040
for the following percentages of the final total estimated cost 20041
established by division (C) of this section: 20042

(a) Eighty per cent for fiscal year 2003; 20043

- (b) Sixty per cent for fiscal year 2004; 20044
- (c) Forty per cent for fiscal year 2005; 20045
- (d) Twenty per cent for fiscal year 2006. 20046

In fiscal years 2003, 2004, 2005, and 2006 the educational 20047
service center shall be responsible for the remainder of any costs 20048
in excess of the amounts specified in division (D)(1)(a), (b), ~~e~~ 20049
(c), or (d) of this section, as applicable, associated with the 20050
provision and equipment of offices for the educational service 20051
center and for provision of heat, light, water, and janitorial 20052
services for such offices, including any unanticipated or 20053
unexpected increases in the costs beyond the final estimated cost 20054
amount. 20055

Beginning in fiscal year 2007, no board of county 20056
commissioners shall have any obligation to provide and equip 20057
offices for an educational service center or to provide heat, 20058
light, water, or janitorial services for such offices. 20059

(2) Nothing in this section shall prohibit the board of 20060
county commissioners and the governing board of an educational 20061
service center from entering into a contract for providing and 20062
equipping offices for the use of an educational service center and 20063
for providing heat, light, water, and janitorial services for such 20064
offices. The term of any such contract shall not exceed a period 20065
of four years and may be renewed for additional periods not to 20066
exceed four years. Any such contract shall supersede the 20067
provisions of division (D)(1) of this section and no educational 20068
service center may be charged, at any time, any additional amount 20069
for the county's provision of an office and equipment, heat, 20070
light, water, and janitorial services beyond the amount specified 20071
in such contract. 20072

(3) No contract entered into under division (D)(2) of this 20073
section in any year prior to fiscal year 2007 between an 20074

educational service center formed under section 3311.053 of the 20075
Revised Code and the board of county commissioners required to 20076
provide and equip its office pursuant to division (B) of this 20077
section shall take effect unless the boards of county 20078
commissioners of all other counties required to participate in the 20079
funding for such offices pursuant to division (B) of this section 20080
adopt resolutions approving the contract. 20081

Sec. 3319.22. (A) The state board of education shall adopt 20082
rules establishing the standards and requirements for obtaining 20083
temporary, associate, provisional, and professional educator 20084
licenses of any categories, types, and levels the board elects to 20085
provide. However, no educator license shall be required for 20086
teaching children two years old or younger. 20087

(B) Any rules the state board of education adopts, amends, or 20088
rescinds for educator licenses under this section, division (D) of 20089
section 3301.07 of the Revised Code, or any other law shall be 20090
adopted, amended, or rescinded under Chapter 119. of the Revised 20091
Code except as follows: 20092

(1) Notwithstanding division (D) of section 119.03 and 20093
division (A)(1) of section 119.04 of the Revised Code, the 20094
effective date of any rules, or amendment or rescission of any 20095
rules, shall not be as prescribed in division (D) of section 20096
119.03 and division (A)(1) of section 119.04 of the Revised Code. 20097
Instead, the effective date shall be the date prescribed by 20098
section 3319.23 of the Revised Code. 20099

(2) Notwithstanding the authority to adopt, amend, or rescind 20100
emergency rules in division (F) of section 119.03 of the Revised 20101
Code, this authority shall not apply to the state board of 20102
education with regard to rules for educator licenses. 20103

(C)(1) The rules adopted under this section establishing 20104
standards requiring additional coursework for the renewal of any 20105

educator license shall require a school district and a chartered 20106
nonpublic school to establish local professional development 20107
committees. In a nonpublic school, the chief administrative 20108
officer shall establish the committees in any manner acceptable to 20109
such officer. The committees established under this division shall 20110
determine whether coursework that a district or chartered 20111
nonpublic school teacher proposes to complete meets the 20112
requirement of the rules. The rules shall establish a procedure by 20113
which a teacher may appeal the decision of a local professional 20114
development committee. 20115

(2) In any school district in which there is no exclusive 20116
representative established under Chapter 4117. of the Revised 20117
Code, the professional development committees shall be established 20118
as described in division (C)(2) of this section. 20119

Not later than the effective date of the rules adopted under 20120
this section, the board of education of each school district shall 20121
establish the structure for one or more local professional 20122
development committees to be operated by such school district. The 20123
committee structure so established by a district board shall 20124
remain in effect unless within thirty days prior to an anniversary 20125
of the date upon which the current committee structure was 20126
established, the board provides notice to all affected district 20127
employees that the committee structure is to be modified. 20128
Professional development committees may have a district-level or 20129
building-level scope of operations, and may be established with 20130
regard to particular grade or age levels for which an educator 20131
license is designated. 20132

Each professional development committee shall consist of at 20133
least three classroom teachers employed by the district, one 20134
principal employed by the district, and one other employee of the 20135
district appointed by the district superintendent. For committees 20136
with a building-level scope, the teacher and principal members 20137

shall be assigned to that building, and the teacher members shall 20138
be elected by majority vote of the classroom teachers assigned to 20139
that building. For committees with a district-level scope, the 20140
teacher members shall be elected by majority vote of the classroom 20141
teachers of the district, and the principal member shall be 20142
elected by a majority vote of the principals of the district, 20143
unless there are two or fewer principals employed by the district, 20144
in which case the one or two principals employed shall serve on 20145
the committee. If a committee has a particular grade or age level 20146
scope, the teacher members shall be licensed to teach such grade 20147
or age levels, and shall be elected by majority vote of the 20148
classroom teachers holding such a license and the principal shall 20149
be elected by all principals serving in buildings where any such 20150
teachers serve. The district superintendent shall appoint a 20151
replacement to fill any vacancy that occurs on a professional 20152
development committee, except in the case of vacancies among the 20153
elected classroom teacher members, which shall be filled by vote 20154
of the remaining members of the committee so selected. 20155

Terms of office on professional development committees shall 20156
be prescribed by the district board establishing the committees. 20157
The conduct of elections for members of professional development 20158
committees shall be prescribed by the district board establishing 20159
the committees. A professional development committee may include 20160
additional members, except that the majority of members on each 20161
such committee shall be classroom teachers employed by the 20162
district. Any member appointed to fill a vacancy occurring prior 20163
to the expiration date of the term for which a predecessor was 20164
appointed shall hold office as a member for the remainder of that 20165
term. 20166

The initial meeting of any professional development 20167
committee, upon election and appointment of all committee members, 20168
shall be called by a member designated by the district 20169

superintendent. At this initial meeting, the committee shall 20170
select a chairperson and such other officers the committee deems 20171
necessary, and shall adopt rules for the conduct of its meetings. 20172
Thereafter, the committee shall meet at the call of the 20173
chairperson or upon the filing of a petition with the district 20174
superintendent signed by a majority of the committee members 20175
calling for the committee to meet. 20176

(3) In the case of a school district in which an exclusive 20177
representative has been established pursuant to Chapter 4117. of 20178
the Revised Code, professional development committees shall be 20179
established in accordance with any collective bargaining agreement 20180
in effect in the district that includes provisions for such 20181
committees. 20182

If the collective bargaining agreement does not specify a 20183
different method for the selection of teacher members of the 20184
committees, the exclusive representative of the district's 20185
teachers shall select the teacher members. 20186

If the collective bargaining agreement does not specify a 20187
different structure for the committees, the board of education of 20188
the school district shall establish the structure, including the 20189
number of committees and the number of teacher and administrative 20190
members on each committee; the specific administrative members to 20191
be part of each committee; whether the scope of the committees 20192
will be district levels, building levels, or by type of grade or 20193
age levels for which educator licenses are designated; the lengths 20194
of terms for members; the manner of filling vacancies on the 20195
committees; and the frequency and time and place of meetings. 20196
However, in all cases, except as provided in division (C)(4) of 20197
this section, there shall be a majority of teacher members of any 20198
professional development committee, there shall be at least five 20199
total members of any professional development committee, and the 20200
exclusive representative shall designate replacement members in 20201

the case of vacancies among teacher members, unless the collective bargaining agreement specifies a different method of selecting such replacements.

(4) Whenever an administrator's coursework plan is being discussed or voted upon, the local professional development committee shall, at the request of one of its administrative members, cause a majority of the committee to consist of administrative members by reducing the number of teacher members voting on the plan.

(D)(1) The department of education, educational service centers, county boards of mental retardation and developmental disabilities, ~~regional professional development centers~~, special education regional resource centers, college and university departments of education, head start programs, the Ohio SchoolNet commission, and the Ohio education computer network may establish local professional development committees to determine whether the coursework proposed by their employees who are licensed or certificated under this section or section 3319.222 of the Revised Code meet the requirements of the rules adopted under this section. They may establish local professional development committees on their own or in collaboration with a school district or other agency having authority to establish them.

Local professional development committees established by county boards of mental retardation and developmental disabilities shall be structured in a manner comparable to the structures prescribed for school districts in divisions (C)(2) and (3) of this section, as shall the committees established by any other entity specified in division (D)(1) of this section that provides educational services by employing or contracting for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code. All other entities specified in division (D)(1) of this section shall structure their

committees in accordance with guidelines which shall be issued by 20234
the state board. 20235

(2) Any public agency that is not specified in division 20236
(D)(1) of this section but provides educational services and 20237
employs or contracts for services of classroom teachers licensed 20238
or certificated under this section or section 3319.222 of the 20239
Revised Code may establish a local professional development 20240
committee, subject to the approval of the department of education. 20241
The committee shall be structured in accordance with guidelines 20242
issued by the state board. 20243

Sec. 3319.227. Notwithstanding any provision to the contrary 20244
in this chapter or in any educator licensing rule adopted by the 20245
state board of education under authority granted under this 20246
chapter, any individual who holds an educator license issued under 20247
section 3319.22 of the Revised Code or a teacher's certificate 20248
issued under former section 3319.22 of the Revised Code that has 20249
continuing effect under section 3319.222 of the Revised Code may 20250
be employed to teach for up to two school years in a grade level 20251
or in a subject or teaching area for which the individual's 20252
license or certificate is not valid, as long as the individual 20253
agrees that during that time the individual will enroll in, 20254
attend, and complete coursework required by rule of the state 20255
board for licensure to teach in that grade level or in that 20256
subject or teaching area. The necessary coursework may be 20257
completed through classes developed and offered by regional 20258
professional development providers, such as special education 20259
regional resource centers, ~~regional professional development~~ 20260
~~centers,~~ educational service centers, local education agencies, 20261
professional organizations, and institutions of higher education, 20262
provided the coursework is taken for credit in collaboration with 20263
a college or university that has a teacher education program 20264
approved by the state board. No person shall teach in a grade 20265

level or subject or teaching area under this section beyond two 20266
years until the person has completed all coursework and tests 20267
prescribed by the state board for licensure in that grade level or 20268
subject or teaching area. 20269

Sec. 3319.302. It is the intent of the general assembly that 20270
the state board of education shall administer this section without 20271
adopting any rules for its implementation. 20272

Unless the provisions of division (B) or (C) of section 20273
3319.31 of the Revised Code apply to an applicant, the state board 20274
of education shall issue a one-year conditional teaching permit 20275
for teaching in grades seven to twelve to any applicant who meets 20276
the following conditions: 20277

(A) Holds a bachelor's degree; 20278

(B) Has successfully completed a basic skills test as 20279
prescribed by the state board; 20280

(C) Has completed either as part of the applicant's degree 20281
program or separate from it the equivalent of at least fifteen 20282
semester hours of coursework in the teaching area or subject area 20283
in which licensure under this section is sought; 20284

(D) Has completed the equivalent of a total of six semester 20285
hours of additional coursework within the past five years with a 20286
grade point average of at least 2.5 out of 4.0, or its equivalent, 20287
in the areas of the teaching or subject area described in division 20288
(C) of this section, characteristics of student learning, 20289
diversity of learners, planning for instruction, instruction 20290
strategies, learning environments, communication, assessment, or 20291
student support and that coursework has been approved by the 20292
school district, community school, chartered nonpublic school, or 20293
nonprofit or for-profit entity operating an alternative school 20294
under section 3313.533 of the Revised Code that will employ the 20295

applicant. The coursework may have been completed through classes 20296
developed and offered by regional professional development 20297
providers, such as special education regional resource centers, 20298
~~regional professional development centers,~~ educational service 20299
centers, local educational agencies, professional organizations, 20300
and institutions of higher education, provided the coursework is 20301
taken for credit in collaboration with a college or university 20302
that has a teacher education program approved by the state board. 20303

(E) The applicant has entered into a written agreement with 20304
the school district; community school; chartered nonpublic school; 20305
or nonprofit or for profit entity operating an alternative school 20306
under section 3313.533 of the Revised Code that will employ the 20307
applicant and the department of education under which the 20308
district, school, or entity will provide for the applicant a 20309
structured mentoring program in the areas listed in division (D) 20310
of this section that is aligned with the performance expectations 20311
prescribed by state board rule for entry-year teachers. 20312

(F) The applicant agrees to complete while employed under the 20313
one-year teaching permit the equivalent of an additional three 20314
semester hours of coursework in the teaching area or subject area 20315
in which the individual is teaching and for which the individual 20316
will seek an alternative educator license pursuant to division (G) 20317
of this section. The individual's mentor prescribed in division 20318
(E) of this section shall assist the individual in selecting 20319
coursework to satisfy the requirement prescribed in this division. 20320
The coursework may be completed through classes offered by 20321
regional professional development providers, such as special 20322
education regional resource centers, ~~regional professional~~ 20323
~~development centers,~~ educational service centers, local 20324
educational agencies, professional organizations, and institutions 20325
of higher education, if the coursework is taken for credit in 20326
collaboration with a college or university that has a teacher 20327

education program approved by the state board. 20328

(G) The applicant agrees to seek at the conclusion of the 20329
year in which the individual is employed under the one-year 20330
teaching permit issued under this section an alternative educator 20331
license issued under section 3319.26 of the Revised Code in the 20332
teaching area or subject area in which the individual has been 20333
teaching and plans to continue to teach. The applicant shall not 20334
be reemployed by the school district; community school; chartered 20335
nonpublic school; or nonprofit or for profit entity operating an 20336
alternative school under section 3313.533 of the Revised Code or 20337
be employed by another such district, school, or entity unless 20338
that alternative educator license is issued to the applicant prior 20339
to the beginning of the next school year. 20340

(H) The applicant pays the fee established under section 20341
3319.51 of the Revised Code. 20342

Sec. 3319.33. On or before the first day of August in each 20343
year, the board of education of each city ~~and~~ exempted village, 20344
and local school district shall report to the state board of 20345
education, ~~and the board of each local school district shall~~ 20346
~~report to the superintendent of the educational service center,~~ 20347
the school statistics of its district. Such report shall be made 20348
on forms furnished by the state board of education and shall 20349
contain such information as the state board of education requires. 20350
The report shall also set forth with respect to each civil 20351
proceeding in which the board of education is a defendant and each 20352
civil proceeding in which the board of education is a party and is 20353
not a defendant and in which one of the other parties is a board 20354
of education in this state or an officer, board, or official of 20355
this state: 20356

(A) The nature of the proceeding; 20357

(B) The capacity in which the board is a party to the 20358

proceeding; 20359

(C) The total expenses incurred by the board with respect to 20360
the proceeding; 20361

(D) The total expenses incurred by the board with respect to 20362
the proceeding during the reporting period. 20363

Divisions (A) to (D) of this section do not apply to any 20364
proceeding for which no expenses have been incurred during the 20365
reporting period. 20366

The board of education of each city ~~and~~ exempted village, 20367
and local school district may prepare and publish annually a 20368
report of the condition and administration of the schools under 20369
its supervision which shall include therein an exhibit of the 20370
financial affairs of the district and the information required in 20371
divisions (A) to (D) of this section. Such annual report shall be 20372
for a full year. 20373

Sec. 3319.36. (A) No treasurer of a board of education or 20374
educational service center shall draw a check for the payment of a 20375
teacher for services until the teacher files with the treasurer 20376
both of the following: 20377

(1) Such reports as are required by the state board of 20378
education, the school district board of education, or the 20379
superintendent of schools; 20380

(2) Except for a teacher who is engaged pursuant to section 20381
3319.301 of the Revised Code ~~and except as provided under division~~ 20382
~~(B) of this section,~~ a written statement from the city ~~or,~~ 20383
exempted village, or local school district superintendent or the 20384
educational service center superintendent that the teacher has 20385
filed with the treasurer a legal educator license or internship 20386
certificate, or true copy of it, to teach the subjects or grades 20387
taught, with the dates of its validity. The state board of 20388

education shall prescribe the record and administration for such 20389
filing of educator licenses and internship certificates in 20390
educational service centers. 20391

~~(B) If the board of education of a local school district and 20392
the governing board of the educational service center of which the 20393
local district is a part have entered into an agreement under 20394
division (B) of section 3319.07 of the Revised Code, the agreement 20395
may also require the superintendent of the local school district, 20396
instead of the superintendent of the educational service center, 20397
to administer the filing of educator licenses and internship 20398
certificates for the local school district and to provide to the 20399
teachers of the district the written statements required in 20400
division (A)(2) of this section. While such an agreement is in 20401
effect between a local school district and an educational service 20402
center, a teacher employed by the local district shall file a 20403
legal educator license or internship certificate, or true copy of 20404
it, with the superintendent of the local district and that 20405
superintendent shall provide to the teacher the written statement 20406
required by division (A)(2) of this section. 20407~~

~~(C)~~ Notwithstanding division (A) of this section, the 20408
treasurer may pay either of the following: 20409

(1) Any teacher for services rendered during the first two 20410
months of the teacher's initial employment with the school 20411
district or educational service center, provided such teacher is 20412
the holder of a bachelor's degree or higher and has filed with the 20413
state board of education an application for the issuance of a 20414
provisional or professional educator license. 20415

(2) Any substitute teacher for services rendered while 20416
conditionally employed under section 3319.101 of the Revised Code. 20417

~~(D)~~(C) Upon notice to the treasurer given by the state board 20418
of education or any superintendent having jurisdiction that 20419

reports required of a teacher have not been made, the treasurer 20420
shall withhold the salary of the teacher until the required 20421
reports are completed and furnished. 20422

Sec. 3323.12. The board of education of a school district 20423
shall provide home instruction for handicapped children three to 20424
twenty-one years of age who are unable to attend school, even with 20425
the help of special transportation. The board may arrange for the 20426
provision of home instruction for a child by a cooperative 20427
agreement or contract with a county board of mental retardation 20428
and developmental disabilities or other educational agency. For 20429
the purposes of determining formula ADM and average daily 20430
attendance under ~~section~~ sections 3317.03 and 3317.034 of the 20431
Revised Code, five hours of home instruction shall be equivalent 20432
to attendance for five school days. 20433

Sec. 3323.16. No unit for deaf children shall be disapproved 20434
for funding under division (B) or (D)(1) of section 3317.05 of the 20435
Revised Code on the basis of the methods of instruction used in 20436
educational programs in the school district or institution to 20437
teach deaf children to communicate, and no preference in approving 20438
units for funding shall be given ~~by the state board~~ for teaching 20439
deaf children by the oral, manual, total communication, or other 20440
method of instruction. 20441

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 20442
and division (D) of section 3311.52 of the Revised Code, this 20443
section and sections 3327.011, 3327.012, and 3327.02 of the 20444
Revised Code do not apply to any joint vocational or cooperative 20445
education school district. 20446

In all city, local, and exempted village school districts 20447
where resident school pupils in grades kindergarten through eight 20448
live more than two miles from the school for which the state board 20449

of education prescribes minimum standards pursuant to division (D) 20450
of section 3301.07 of the Revised Code and to which they are 20451
assigned by the board of education of the district of residence or 20452
to and from the nonpublic or community school which they attend 20453
the board of education shall provide transportation for such 20454
pupils to and from such school except as provided in section 20455
3327.02 of the Revised Code. 20456

In all city, local, and exempted village school districts the 20457
board may provide transportation for resident school pupils in 20458
grades nine through twelve to and from the high school to which 20459
they are assigned by the board of education of the district of 20460
residence or to and from the nonpublic or community high school 20461
which they attend for which the state board of education 20462
prescribes minimum standards pursuant to division (D) of section 20463
3301.07 of the Revised Code. 20464

A board of education shall not be required to transport 20465
elementary or high school pupils to and from a nonpublic or 20466
community school where such transportation would require more than 20467
thirty minutes of direct travel time as measured by school bus 20468
from the collection point as designated by ~~the coordinator of~~ 20469
~~school transportation, appointed under section 3327.011 of the~~ 20470
~~Revised Code, for the attendance area of~~ the district of 20471
residence. 20472

Where it is impractical to transport a pupil by school 20473
conveyance, a board of education may offer payment, in lieu of 20474
providing such transportation in accordance with section 3327.02 20475
of the Revised Code. 20476

In all city, local, and exempted village school districts the 20477
board shall provide transportation for all children who are so 20478
crippled that they are unable to walk to and from the school for 20479
which the state board of education prescribes minimum standards 20480
pursuant to division (D) of section 3301.07 of the Revised Code 20481

and which they attend. In case of dispute whether the child is 20482
able to walk to and from the school, the health commissioner shall 20483
be the judge of such ability. In all city, exempted village, and 20484
local school districts the board shall provide transportation to 20485
and from school or special education classes for educable mentally 20486
retarded children in accordance with standards adopted by the 20487
state board of education. 20488

When transportation of pupils is provided the conveyance 20489
shall be run on a time schedule that shall be adopted and put in 20490
force by the board not later than ten days after the beginning of 20491
the school term. 20492

The cost of any transportation service authorized by this 20493
section shall be paid first out of federal funds, if any, 20494
available for the purpose of pupil transportation, and secondly 20495
out of state appropriations, in accordance with regulations 20496
adopted by the state board of education. 20497

No transportation of any pupils shall be provided by any 20498
board of education to or from any school which in the selection of 20499
pupils, faculty members, or employees, practices discrimination 20500
against any person on the grounds of race, color, religion, or 20501
national origin. 20502

~~Sec. 3327.011. Coordinators of school transportation shall be 20503
appointed according to provisions of section 3301.13 of the 20504
Revised Code to assure that each pupil, as provided in section 20505
3327.01 of the Revised Code, is transported to and from the school 20506
which he attends in a safe, expedient, and economical manner using 20507
public school collection points, routes, and schedules. 20508~~

In determining how best to provide ~~such~~ transportation, where 20509
persons or firms on or after April 1, 1965, were providing 20510
transportation to and from schools pursuant to contracts with 20511
persons or agencies responsible for the operation of such schools, 20512

~~a coordinator or~~ the board of education responsible for 20513
transportation in accordance with section 3327.01 of the Revised 20514
Code shall give preference if economically feasible during the 20515
term of any such contract to the firm or person providing such 20516
transportation. The boards of education within the county or group 20517
of counties shall ~~recommend to the coordinator of~~ establish 20518
transportation routes, schedules, and utilization of 20519
transportation equipment. ~~The coordinator, upon receipt of such~~ 20520
~~recommendations, shall establish transportation routes, schedules,~~ 20521
~~and utilization of transportation equipment, following such~~ 20522
~~recommendations to whatever extent is feasible.~~ The appeals from 20523
the determination of the ~~coordinator~~ board of education 20524
responsible for transportation shall be taken to the state board 20525
of education. 20526

Sec. 3329.06. The board of education of each city, exempted 20527
village, and local school district shall furnish, free of charge, 20528
the necessary textbooks to the pupils attending the public 20529
schools. In lieu of textbooks, district boards may furnish 20530
electronic textbooks to pupils attending the public schools, 20531
provided the electronic textbooks are furnished free of charge. A 20532
district board that chooses to furnish electronic textbooks to 20533
pupils attending school in the district shall provide reasonable 20534
access to the electronic textbooks and other necessary computer 20535
equipment to pupils in the district who are required to complete 20536
homework assignments, and teachers providing homework assignments, 20537
utilizing electronic textbooks furnished by the district board. 20538
Pupils wholly or in part supplied with necessary textbooks or 20539
electronic textbooks shall be supplied only as other or new 20540
textbooks or electronic textbooks are needed. ~~A board may limit~~ 20541
~~its purchase and ownership of textbooks or electronic textbooks~~ 20542
~~needed for its schools to six subjects per year, the cost of which~~ 20543
~~shall not exceed twenty five per cent of the entire cost of~~ 20544

~~adoption.~~ All textbooks or electronic textbooks furnished as 20545
provided in this section shall be the property of the district, 20546
and loaned to the pupils on such terms as each such board 20547
prescribes. In order to carry out sections 3329.01 to 3329.10 of 20548
the Revised Code, each board, in the preparation of its annual 20549
budget, shall include as a separate item the amount which the 20550
board finds necessary to administer such sections and such amount 20551
shall not be subject to transfer to any other fund. 20552

Sec. 3329.08. At any regular meeting, the board of education 20553
of each local school district, from lists adopted by the 20554
educational service center governing board, and the board of 20555
education of each city and exempted village school district shall 20556
determine by a majority vote of all members elected or appointed 20557
under division (B) or (F) of section 3311.71 of the Revised Code 20558
which of such textbooks or electronic textbooks so filed shall be 20559
used in the schools under its control. ~~Except for periodic and~~ 20560
~~normal updating of electronic textbooks, no textbooks or~~ 20561
~~electronic textbooks shall be changed, nor any part thereof~~ 20562
~~altered or revised, nor any other textbook or electronic textbook~~ 20563
~~substituted therefor, within four years after the date of~~ 20564
~~selection and adoption thereof, as shown by the official records~~ 20565
~~of such boards, except by the consent, at a regular meeting, of~~ 20566
~~four fifths of all members elected thereto. Textbooks or~~ 20567
~~electronic textbooks so substituted shall be adopted for the full~~ 20568
~~term of four years.~~ 20569

Sec. 3332.04. The state board of career colleges and schools 20570
may appoint an executive director and such other staff as may be 20571
required for the performance of the board's duties and provide 20572
necessary facilities. In selecting an executive director, the 20573
board shall appoint an individual with a background or experience 20574
in the regulation of commerce, business, or education. The board 20575

may also arrange for services and facilities to be provided by the 20576
state board of education and the Ohio board of regents. All 20577
receipts of the board shall be deposited in the state treasury to 20578
the credit of the ~~general revenue~~ occupational licensing and 20579
regulatory fund. 20580

Sec. 3333.12. (A) As used in this section: 20581

(1) "Eligible student" means an undergraduate student who is: 20582

(a) An Ohio resident; 20583

(b) Enrolled in either of the following: 20584

(i) An accredited institution of higher education in this 20585
state that meets the requirements of Title VI of the Civil Rights 20586
Act of 1964 and is state-assisted, is nonprofit and has a 20587
certificate of authorization from the Ohio board of regents 20588
pursuant to Chapter 1713. of the Revised Code, has a certificate 20589
of registration from the state board of career colleges and 20590
schools and program authorization to award an associate or 20591
bachelor's degree, or is a private institution exempt from 20592
regulation under Chapter 3332. of the Revised Code as prescribed 20593
in section 3333.046 of the Revised Code. Students who attend an 20594
institution that holds a certificate of registration shall be 20595
enrolled in a program leading to an associate or bachelor's degree 20596
for which associate or bachelor's degree program the institution 20597
has program authorization issued under section 3332.05 of the 20598
Revised Code. 20599

(ii) A technical education program of at least two years 20600
duration sponsored by a private institution of higher education in 20601
this state that meets the requirements of Title VI of the Civil 20602
Rights Act of 1964. 20603

(c) Enrolled as a full-time student or enrolled as a less 20604
than full-time student for the term expected to be the student's 20605

final term of enrollment and is enrolled for the number of credit 20606
hours necessary to complete the requirements of the program in 20607
which the student is enrolled. 20608

(2) "Gross income" includes all taxable and nontaxable income 20609
of the parents, the student, and the student's spouse, except 20610
income derived from an Ohio academic scholarship, income earned by 20611
the student between the last day of the spring term and the first 20612
day of the fall term, and other income exclusions designated by 20613
the board. Gross income may be verified to the board by the 20614
institution in which the student is enrolled using the federal 20615
financial aid eligibility verification process or by other means 20616
satisfactory to the board. 20617

(3) "Resident," "full-time student," "dependent," 20618
"financially independent," and "accredited" shall be defined by 20619
rules adopted by the board. 20620

(B) The Ohio board of regents shall establish and administer 20621
an instructional grant program and may adopt rules to carry out 20622
this section. The general assembly shall support the instructional 20623
grant program by such sums and in such manner as it may provide, 20624
but the board may also receive funds from other sources to support 20625
the program. If the amounts available for support of the program 20626
are inadequate to provide grants to all eligible students, 20627
preference in the payment of grants shall be given in terms of 20628
income, beginning with the lowest income category of gross income 20629
and proceeding upward by category to the highest gross income 20630
category. 20631

An instructional grant shall be paid to an eligible student 20632
through the institution in which the student is enrolled, except 20633
that no instructional grant shall be paid to any person serving a 20634
term of imprisonment. Applications for such grants shall be made 20635
as prescribed by the board, and such applications may be made in 20636
conjunction with and upon the basis of information provided in 20637

conjunction with student assistance programs funded by agencies of 20638
the United States government or from financial resources of the 20639
institution of higher education. The institution shall certify 20640
that the student applicant meets the requirements set forth in 20641
divisions (A)(1)(b) and (c) of this section. Instructional grants 20642
shall be provided to an eligible student only as long as the 20643
student is making appropriate progress toward a nursing diploma or 20644
an associate or bachelor's degree. No student shall be eligible to 20645
receive a grant for more than ten semesters, fifteen quarters, or 20646
the equivalent of five academic years. A grant made to an eligible 20647
student on the basis of less than full-time enrollment shall be 20648
based on the number of credit hours for which the student is 20649
enrolled and shall be computed in accordance with a formula 20650
adopted by the board. No student shall receive more than one grant 20651
on the basis of less than full-time enrollment. 20652

An instructional grant shall not exceed the total 20653
instructional and general charges of the institution. 20654

(C) The tables in this division prescribe the maximum grant 20655
amounts covering two semesters, three quarters, or a comparable 20656
portion of one academic year. Grant amounts for additional terms 20657
in the same academic year shall be determined under division (D) 20658
of this section. 20659

For a full-time student who is a dependent and enrolled in a 20660
nonprofit educational institution that is not a state-assisted 20661
institution and that has a certificate of authorization issued 20662
pursuant to Chapter 1713. of the Revised Code, the amount of the 20663
instructional grant for two semesters, three quarters, or a 20664
comparable portion of the academic year shall be determined in 20665
accordance with the following table: 20666

20667
Private Institution 20668
Table of Grants 20669

	Maximum Grant \$5,466					20670
Gross Income	Number of Dependents					20671
	1	2	3	4	5 or more	20672
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	20673
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	20674
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	20675
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	20676
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	20677
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	20678
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	20679
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	20680
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	20681
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	20682
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	20683
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	20684
\$34,001 - \$35,000	444	888	984	1,080	1,344	20685
\$35,001 - \$36,000	--	444	888	984	1,080	20686
\$36,001 - \$37,000	--	--	444	888	984	20687
\$37,001 - \$38,000	--	--	--	444	888	20688
\$38,001 - \$39,000	--	--	--	--	444	20689

For a full-time student who is financially independent and 20690
enrolled in a nonprofit educational institution that is not a 20691
state-assisted institution and that has a certificate of 20692
authorization issued pursuant to Chapter 1713. of the Revised 20693
Code, the amount of the instructional grant for two semesters, 20694
three quarters, or a comparable portion of the academic year shall 20695
be determined in accordance with the following table: 20696

Private Institution	20697
Table of Grants	20698
Maximum Grant \$5,466	20699
Gross Income	20700
Number of Dependents	20701

	0	1	2	3	4	5 or more	20702
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	20703
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	20704
\$5,301 - \$5,800	4,362	4,920	5,466	5,466	5,466	5,466	20705
		<u>5,196</u>					20706
\$5,801 - \$6,300	3,828	4,362	4,920	5,466	5,466	5,466	20707
		<u>4,914</u>	<u>5,196</u>				20708
\$6,301 - \$6,800	3,288	3,828	4,362	4,920	5,466	5,466	20709
		<u>4,650</u>	<u>4,914</u>	<u>5,196</u>			20710
\$6,801 - \$7,300	2,736	3,288	3,828	4,362	4,920	5,466	20711
		<u>4,380</u>	<u>4,650</u>	<u>4,914</u>	<u>5,196</u>		20712
\$7,301 - \$8,300	2,178	2,736	3,288	3,828	4,362	4,920	20713
		<u>4,104</u>	<u>4,380</u>	<u>4,650</u>	<u>4,914</u>	<u>5,196</u>	20714
\$8,301 - \$9,300	1,626	2,178	2,736	3,288	3,828	4,362	20715
		<u>3,822</u>	<u>4,104</u>	<u>4,380</u>	<u>4,650</u>	<u>4,914</u>	20716
\$9,301 - \$10,300	1,344	1,626	2,178	2,736	3,288	3,828	20717
		<u>3,546</u>	<u>3,822</u>	<u>4,104</u>	<u>4,380</u>	<u>4,650</u>	20718
\$10,301 - \$11,800	1,080	1,344	1,626	2,178	2,736	3,288	20719
		<u>3,408</u>	<u>3,546</u>	<u>3,822</u>	<u>4,104</u>	<u>4,380</u>	20720
\$11,801 - \$13,300	984	1,080	1,344	1,626	2,178	2,736	20721
		<u>3,276</u>	<u>3,408</u>	<u>3,546</u>	<u>3,822</u>	<u>4,104</u>	20722
\$13,301 - \$14,800	888	984	1,080	1,344	1,626	2,178	20723
		<u>3,228</u>	<u>3,276</u>	<u>3,408</u>	<u>3,546</u>	<u>3,822</u>	20724
\$14,801 - \$16,300	444	888	984	1,080	1,344	1,626	20725
		<u>2,904</u>	<u>3,228</u>	<u>3,276</u>	<u>3,408</u>	<u>3,546</u>	20726
\$16,301 - \$19,300	--	444	888	984	1,080	1,344	20727
		<u>2,136</u>	<u>2,628</u>	<u>2,952</u>	<u>3,276</u>	<u>3,408</u>	20728
\$19,301 - \$22,300	--	—	444	888	984	1,080	20729
		<u>1,368</u>	<u>1,866</u>	<u>2,358</u>	<u>2,676</u>	<u>3,000</u>	20730
\$22,301 - \$25,300	--	—	—	444	888	984	20731
		<u>1,092</u>	<u>1,368</u>	<u>1,866</u>	<u>2,358</u>	<u>2,676</u>	20732
\$25,301 - \$30,300	--	—	—	—	444	888	20733

		<u>816</u>	<u>1,092</u>	<u>1,368</u>	<u>1,866</u>	<u>2,358</u>	20734
\$30,301 - \$35,300	--	—	—	—	—	444	20735
		<u>492</u>	<u>540</u>	<u>672</u>	<u>816</u>	<u>1,314</u>	20736

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					
		Table of Grants					
		Maximum Grant \$4,632					
Gross Income		Number of Dependents					
		1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	20750
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	4,632	20751
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	4,632	20752
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	4,632	20753
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	4,632	20754
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	4,632	20755
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	4,182	20756
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	3,684	20757
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	3,222	20758
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	3,222	20759
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	2,292	20760
\$33,001 - \$34,000	750	852	906	1,134	1,416	2,292	20761
\$34,001 - \$35,000	372	750	852	906	1,134	2,292	20762
\$35,001 - \$36,000	--	372	750	852	906	2,292	20763
\$36,001 - \$37,000	--	--	372	750	852	2,292	20764
\$37,001 - \$38,000	--	--	--	372	750	2,292	20765

\$38,001 - \$39,000 -- -- -- -- 372 20766

For a full-time student who is financially independent and 20767
enrolled in an educational institution that holds a certificate of 20768
registration from the state board of career colleges and schools 20769
or a private institution exempt from regulation under Chapter 20770
3332. of the Revised Code as prescribed in section 3333.046 of the 20771
Revised Code, the amount of the instructional grant for two 20772
semesters, three quarters, or a comparable portion of the academic 20773
year shall be determined in accordance with the following table: 20774

Career Institution 20775

Table of Grants 20776

Maximum Grant \$4,632 20777

Gross Income Number of Dependents 20778

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	20779
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	20780
\$5,301 - \$5,800	3,684	4,182 <u>4,410</u>	4,632	4,632	4,632	4,632	20781
\$5,801 - \$6,300	3,222	3,684 <u>4,158</u>	4,182 <u>4,410</u>	4,632	4,632	4,632	20782
\$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	20783
\$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	20784
\$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>	20785
\$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>	20786
\$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>	20787
\$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>	20788

\$11,801 - \$13,300	852	906	1,134	1,416	1,854	2,292	20798
		<u>2,772</u>	<u>2,886</u>	<u>3,024</u>	<u>3,246</u>	<u>3,462</u>	20799
\$13,301 - \$14,800	750	852	906	1,134	1,416	1,854	20800
		<u>2,742</u>	<u>2,772</u>	<u>2,886</u>	<u>3,024</u>	<u>3,246</u>	20801
\$14,801 - \$16,300	372	750	852	906	1,134	1,416	20802
		<u>2,466</u>	<u>2,742</u>	<u>2,772</u>	<u>2,886</u>	<u>3,024</u>	20803
\$16,301 - \$19,300	--	372	750	852	906	1,134	20804
		<u>1,800</u>	<u>2,220</u>	<u>2,520</u>	<u>2,772</u>	<u>2,886</u>	20805
\$19,301 - \$22,300	--	—	372	750	852	906	20806
		<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>	<u>2,544</u>	20807
\$22,301 - \$25,300	--	—	—	372	750	852	20808
		<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>	20809
\$25,301 - \$30,300	--	—	—	—	372	750	20810
		<u>708</u>	<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	20811
\$30,301 - \$35,300	--	—	—	—	—	372	20812
		<u>426</u>	<u>456</u>	<u>570</u>	<u>708</u>	<u>1,116</u>	20813

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							20819
Table of Grants							20820
Maximum Grant \$2,190							20821
Gross Income	Number of Dependents						20822
	1	2	3	4	5 or more		20823
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190		20824
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190		20825
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190		20826
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190		20827
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190		20828
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974		20829

\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	20830
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	20831
\$28,001 - \$31,000	522	648	864	1,080	1,320	20832
\$31,001 - \$32,000	420	522	648	864	1,080	20833
\$32,001 - \$33,000	384	420	522	648	864	20834
\$33,001 - \$34,000	354	384	420	522	648	20835
\$34,001 - \$35,000	174	354	384	420	522	20836
\$35,001 - \$36,000	--	174	354	384	420	20837
\$36,001 - \$37,000	--	--	174	354	384	20838
\$37,001 - \$38,000	--	--	--	174	354	20839
\$38,001 - \$39,000	--	--	--	--	174	20840

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							20846
Table of Grants							20847
Maximum Grant \$2,190							20848
Gross Income	Number of Dependents						20849
	0	1	2	3	4	5 or more	20850
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	20851
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	20852
\$5,301 - \$5,800	1,740	1,974	2,190	2,190	2,190	2,190	20853
		<u>2,082</u>					20854
\$5,801 - \$6,300	1,542	1,740	1,974	2,190	2,190	2,190	20855
		<u>1,968</u>	<u>2,082</u>				20856
\$6,301 - \$6,800	1,320	1,542	1,740	1,974	2,190	2,190	20857
		<u>1,866</u>	<u>1,968</u>	<u>2,082</u>			20858
\$6,801 - \$7,300	1,080	1,320	1,542	1,740	1,974	2,190	20859
		<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>		20860
\$7,301 - \$8,300	864	1,080	1,320	1,542	1,740	1,974	20861

			<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>	20862
\$8,301 - \$9,300	648	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	<u>1,740</u>		20863
			<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	20864
\$9,301 - \$10,300	522	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>		20865
			<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	20866
\$10,301 - \$11,800	420	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>		20867
			<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	20868
\$11,801 - \$13,300	384	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>		20869
			<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	20870
\$13,301 - \$14,800	354	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>		20871
			<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	20872
\$14,801 - \$16,300	174	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>		20873
			<u>1,164</u>	<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	20874
\$16,301 - \$19,300	--	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>		20875
			<u>858</u>	<u>1,050</u>	<u>1,182</u>	<u>1,308</u>	<u>1,356</u>	20876
\$19,301 - \$22,300	--	<u>—</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>		20877
			<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	<u>1,200</u>	20878
\$22,301 - \$25,300	--	<u>—</u>	<u>—</u>	<u>174</u>	<u>354</u>	<u>384</u>		20879
			<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	20880
\$25,301 - \$30,300	--	<u>—</u>	<u>—</u>	<u>—</u>	<u>174</u>	<u>354</u>		20881
			<u>324</u>	<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	20882
\$30,301 - \$35,300	--	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>174</u>		20883
			<u>192</u>	<u>210</u>	<u>264</u>	<u>324</u>	<u>522</u>	20884

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply to the following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The board shall adopt rules requiring institutions to provide information regarding an appeal to the board.

(b) Any student who has previously received a grant under this section who meets all other requirements of this section.

(3) The board shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at an institution whose students lose eligibility for grants under division (F)(1) of this section

shall not affect that student's eligibility to receive a grant 20925
when enrolled in another institution. 20926

(G) Institutions of higher education that enroll students 20927
receiving instructional grants under this section shall report to 20928
the board all students who have received instructional grants but 20929
are no longer eligible for all or part of such grants and shall 20930
refund any moneys due the state within thirty days after the 20931
beginning of the quarter or term immediately following the quarter 20932
or term in which the student was no longer eligible to receive all 20933
or part of the student's grant. There shall be an interest charge 20934
of one per cent per month on all moneys due and payable after such 20935
thirty-day period. The board shall immediately notify the office 20936
of budget and management and the legislative service commission of 20937
all refunds so received. 20938

Sec. 3333.16. As used in this section "state institution of 20939
higher education" means an institution of higher education as 20940
defined in section 3345.12 of the Revised Code. 20941

(A) By April 15, 2005, the Ohio board of regents shall do all 20942
of the following: 20943

(1) Require each state institution of higher education to 20944
make changes in its respective academic programs so that 20945
successful completion of any course in a particular field of study 20946
shall be recognized for full credit at any other state institution 20947
of higher education toward satisfying the requirements of a degree 20948
or certification program in that same field of study; 20949

(2) Ensure that community colleges, university branches, 20950
technical colleges, and state community colleges comply with the 20951
requirement of division (A)(5) of section 3333.20 of the Revised 20952
Code that they offer college transfer programs or the initial two 20953
years of a baccalaureate degree for students planning to transfer 20954
to institutions offering baccalaureate programs; 20955

(3) Develop and implement a universal course equivalency classification system for state institutions of higher education so that the transfer of students and the transfer and articulation of courses or specified learning modules or units completed by students are not inhibited by inconsistent course classifications. Coursework completed within such a system at one state institution of higher education and transferred to another institution shall be applied to the student's degree objective in the same manner as equivalent coursework completed at the receiving institution. 20956
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(4) Develop a system of transfer policies that ensure that graduates with associate degrees which included completion of approved transfer modules shall be admitted to a state institution of higher education baccalaureate program, except in limited access programs or those requiring an audition, and shall have priority over out-of-state associate degree graduates and transfer students; 20965
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(5) Examine the feasibility of requiring all state institutions of higher education to adopt either a quarter-hour system or a semester-hour system. 20972
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(B) By April 15, 2004, the board shall report to the general assembly on its progress in attaining completion of the actions prescribed in division (A) of this section. 20975
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Sec. 3361.01. (A) There is hereby created a state university to be known as the "university of Cincinnati." The government of the university of Cincinnati is vested in a board of eleven trustees who shall be appointed by the governor with the advice and consent of the senate. Two of the trustees shall be students at the university of Cincinnati, and their selection and terms shall be in accordance with division (B) of this section. The terms of the first nine members of the board of trustees shall commence upon the effective date of the transfer of assets of the 20978
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state-affiliated university of Cincinnati to the university of 20987
Cincinnati hereby created. One of such trustees shall be appointed 20988
for a term ending on the first day of January occurring at least 20989
twelve months after such date of transfer, and each of the other 20990
trustees shall be appointed for respective terms ending on each 20991
succeeding first day of January, so that one term will expire on 20992
each first day of January after expiration of the shortest term. 20993
Except for the two student trustees, each successor trustee shall 20994
be appointed for a term ending on the first day of January, nine 20995
years from the expiration date of the term ~~he~~ the trustee 20996
succeeds, except that any person appointed to fill a vacancy shall 20997
be appointed to serve only for the unexpired term. 20998

Any trustee shall continue in office subsequent to the 20999
expiration date of ~~his~~ the trustee's term until ~~his~~ the trustee's 21000
successor takes office, or until a period of sixty days has 21001
elapsed, whichever occurs first. 21002

No person who has served a full nine-year term or longer or 21003
more than six years of such a term shall be eligible to 21004
reappointment. ~~No person is eligible for appointment to the board~~ 21005
~~of trustees for a full nine year term who is not at the time of~~ 21006
~~appointment a resident of the city of Cincinnati, unless at the~~ 21007
~~time of such appointment there are at least five members of the~~ 21008
~~board who are not students and who are residents of the city of~~ 21009
~~Cincinnati.~~ 21010

The trustees shall receive no compensation for their services 21011
but shall be paid their reasonable necessary expenses while 21012
engaged in the discharge of their official duties. A majority of 21013
the board constitutes a quorum. 21014

(B) The student members of the board of trustees of the 21015
university of Cincinnati have no voting power on the board. 21016
Student members shall not be considered as members of the board in 21017
determining whether a quorum is present. Student members shall not 21018

be entitled to attend executive sessions of the board. The student 21019
members of the board shall be appointed by the governor, with the 21020
advice and consent of the senate, from a group of five candidates 21021
selected pursuant to a procedure adopted by the university's 21022
student governments and approved by the university's board of 21023
trustees. The initial term of office of one of the student members 21024
shall commence on May 14, 1988 and shall expire on May 13, 1989, 21025
and the initial term of office of the other student member shall 21026
commence on May 14, 1988 and expire on May 13, 1990. Thereafter, 21027
terms of office of student members shall be for two years, each 21028
term ending on the same day of the same month of the year as the 21029
term it succeeds. In the event that a student cannot fulfill ~~his~~ a 21030
two-year term, a replacement shall be selected to fill the 21031
unexpired term in the same manner used to make the original 21032
selection. 21033

Sec. 3365.04. The rules adopted under section 3365.02 of the 21034
Revised Code shall provide for students to enroll in courses under 21035
either of the following options: 21036

(A) The student may elect at the time of enrollment to 21037
receive only college credit for the course. The college shall 21038
notify the student about payment of tuition and fees in the 21039
customary manner followed by the college, and the student shall be 21040
responsible for payment of all tuition and the cost of all 21041
textbooks, materials, and fees associated with the course. If the 21042
student successfully completes the course, the college shall award 21043
the student full credit for the course, but the board of education 21044
or nonpublic participating school shall not award the high school 21045
credit. 21046

(B) The student may elect at the time of enrollment for each 21047
course to receive both college credit and high school credit. 21048
Except as provided in section 3365.041 of the Revised Code, if the 21049

student successfully completes the course, the college shall award 21050
the student full credit for the course, the board of education or 21051
nonpublic school shall award the student high school credit, and 21052
the college shall be reimbursed in accordance with section 3365.07 21053
of the Revised Code. 21054

When determining a school district's formula ADM and average 21055
daily attendance under ~~section~~ sections 3317.03 and 3317.034 of 21056
the Revised Code, the time a participant is attending courses 21057
under division (A) of this section shall be considered as time the 21058
participant is not attending or enrolled in school anywhere, and 21059
the time a participant is attending courses under division (B) of 21060
this section shall be considered as time the participant is 21061
attending or enrolled in the district's schools. 21062

Sec. 3377.01. As used in Chapter 3377. of the Revised Code: 21063

(A) "Educational institution" or "institution" means an 21064
educational institution organized not for profit and holding an 21065
effective certificate of authorization issued under section 21066
1713.02 of the Revised Code. It does not include any institution 21067
created by or in accordance with Title XXXIII of the Revised Code 21068
nor any institution whose principal educational activity is 21069
preparing students for or granting degrees, diplomas, and other 21070
marks of deficiency which have value only in religious and 21071
ecclesiastical fields. 21072

(B) "Educational facility" or "facility" means any building, 21073
structure, facility, equipment, machinery, utility, or 21074
improvement, site, or other interest in real estate therefor or 21075
pertinent thereto, and equipment and furnishings to be used 21076
therein or in connection therewith, together with any 21077
appurtenances necessary or convenient to the uses thereof, to be 21078
used for or in connection with the conduct or operation of an 21079
educational institution, including but not limited to, classrooms 21080

and other instructional facilities, laboratories, research 21081
facilities, libraries, study facilities, administrative and office 21082
facilities, museums, gymnasiums, campus walks, drives and site 21083
improvements, dormitories and other suitable living quarters or 21084
accommodations, dining halls and other food service and 21085
preparation facilities, student services or activity facilities, 21086
physical education, athletic and recreational facilities, 21087
theatres, auditoriums, assembly and exhibition halls, greenhouses, 21088
agricultural buildings and facilities, parking, storage and 21089
maintenance facilities, infirmary, hospital, medical, and health 21090
facilities, continuing education facilities, communications, fire 21091
prevention, and fire fighting facilities, and any one, or any 21092
combination of the foregoing, whether or not comprising part of 21093
one building, structure, or facility. It does not include any 21094
facility used ~~for sectarian instruction or study or~~ exclusively as 21095
a place for devotional activities ~~or religious worship~~. 21096

(C) "Bond proceedings" means the resolution or resolutions, 21097
the trust agreement, the indenture of mortgage, or combination 21098
thereof authorizing or providing for the terms and conditions 21099
applicable to bonds issued under authority of Chapter 3377. of the 21100
Revised Code. 21101

(D) "Pledged facilities" means the project or other property 21102
that is mortgaged or the rentals, revenues, and other income, 21103
charges, and moneys from which are pledged, or both, for the 21104
payment of or the security for the payment of the principal of and 21105
interest on the bonds issued under the authority of section 21106
3377.05 or 3377.06 of the Revised Code. 21107

(E) "Project" means real or personal property, or both, 21108
acquired by gift or purchase, constructed, reconstructed, 21109
enlarged, remodeled, renovated, improved, furnished, or equipped, 21110
or any combination thereof, by or financed by the Ohio higher 21111
educational facility commission, or by funds that are refinanced 21112

or reimbursed by the commission for use by an educational 21113
institution as an educational facility located within the state. 21114

(F) "Project costs" means the costs of acquiring, 21115
constructing, equipping, furnishing, reconstructing, remodeling, 21116
renovating, enlarging, and improving educational facilities 21117
comprising one or more project, including costs connected with or 21118
incidental thereto, provision of capitalized interest prior to and 21119
during construction and for a period after the completion of the 21120
construction, appropriate reserves, architectural, engineering, 21121
financial, and legal services, and all other costs of financing, 21122
and the repayment or restoration of moneys borrowed or advanced 21123
for such purposes or temporarily used therefor from other sources, 21124
and means the costs of refinancing obligations issued or loans 21125
incurred by, or reimbursement of money advanced, invested or 21126
expended by, educational institutions or others the proceeds of 21127
which obligations or loans or the amounts advanced, invested or 21128
expended were used at any time for the payment of project costs, 21129
if the Ohio higher educational facility commission determines that 21130
the refinancing or reimbursement advances the purposes of this 21131
chapter, whether or not the refinancing or reimbursement is in 21132
conjunction with the acquisition or construction of additional 21133
educational facilities. 21134

Sec. 3377.06. In anticipation of the issuance of bonds 21135
authorized by section 3377.05 of the Revised Code, the Ohio higher 21136
educational facility commission may issue bond anticipation notes 21137
of the state and may renew the same from time to time by the 21138
issuance of new notes, but the maximum maturity of such notes, 21139
including renewals thereof, shall not exceed five years from the 21140
date of the issuance of the original notes. Such notes are payable 21141
solely from the revenues and receipts that may be pledged to the 21142
payment of such bonds or from the proceeds of such bonds, or both, 21143
as the commission provides in its resolution authorizing such 21144

notes, and may be additionally secured by covenants of the 21145
commission to the effect that the commission will do such or all 21146
things necessary for the issuance of such bonds, or of renewal 21147
notes under this section in appropriate amount, and either 21148
exchange such bonds or renewal notes therefor or apply the 21149
proceeds thereof to the extent necessary to make full payment on 21150
such notes at the time or times contemplated, as provided in such 21151
resolution. Subject to the provisions of this section, all 21152
provisions for and references to bonds in Chapter 3377. of the 21153
Revised Code are applicable to notes authorized under this section 21154
and any references therein to bondholders shall include holders or 21155
owners of such notes. 21156

Prior to the sale of bonds or notes authorized under section 21157
3377.05 or 3377.06 of the Revised Code, the commission shall 21158
determine that the project to be financed thereby will contribute 21159
to the objectives stated in section 3377.02 of the Revised Code 21160
and that the educational institution to which such project is to 21161
be leased, sold, exchanged, or otherwise disposed of, admits 21162
students without discrimination by reason of race, ~~ereed~~, color, 21163
or national origin. 21164

Sec. 3383.01. As used in this chapter: 21165

(A) "Arts" means any of the following: 21166

(1) Visual, musical, dramatic, graphic, design, and other 21167
arts, including, but not limited to, architecture, dance, 21168
literature, motion pictures, music, painting, photography, 21169
sculpture, and theater, and the provision of training or education 21170
in these arts; 21171

(2) The presentation or making available, in museums or other 21172
indoor or outdoor facilities, of principles of science and their 21173
development, use, or application in business, industry, or 21174
commerce or of the history, heritage, development, presentation, 21175

and uses of the arts described in division (A)(1) of this section	21176
and of transportation;	21177
(3) The preservation, presentation, or making available of	21178
features of archaeological, architectural, environmental, or	21179
historical interest or significance in a state historical facility	21180
or a local historical facility.	21181
(B) "Arts organization" means either of the following:	21182
(1) A governmental agency or Ohio nonprofit corporation that	21183
provides programs or activities in areas directly concerned with	21184
the arts;	21185
(2) A regional arts and cultural district as defined in	21186
section 3381.01 of the Revised Code.	21187
(C) "Arts project" means all or any portion of an Ohio arts	21188
facility for which the general assembly has specifically	21189
authorized the spending of money, or made an appropriation,	21190
pursuant to division (D)(3) or (E) of section 3383.07 of the	21191
Revised Code.	21192
(D) "Cooperative contract" means a contract between the Ohio	21193
arts and sports facilities commission and an arts organization	21194
providing the terms and conditions of the cooperative use of an	21195
Ohio arts facility.	21196
(E) "Costs of operation" means amounts required to manage an	21197
Ohio arts facility that are incurred following the completion of	21198
construction of its arts project, provided that both of the	21199
following apply:	21200
(1) Those amounts either:	21201
(a) Have been committed to a fund dedicated to that purpose;	21202
(b) Equal the principal of any endowment fund, the income	21203
from which is dedicated to that purpose.	21204
(2) The commission and the arts organization have executed an	21205

agreement with respect to either of those funds. 21206

(F) "General building services" means general building 21207
services for an Ohio arts facility or an Ohio sports facility, 21208
including, but not limited to, general custodial care, security, 21209
maintenance, repair, painting, decoration, cleaning, utilities, 21210
fire safety, grounds and site maintenance and upkeep, and 21211
plumbing. 21212

(G) "Governmental agency" means a state agency, a 21213
state-supported or state-assisted institution of higher education, 21214
a municipal corporation, county, township, or school district, a 21215
port authority created under Chapter 4582. of the Revised Code, 21216
any other political subdivision or special district in this state 21217
established by or pursuant to law, or any combination of these 21218
entities; except where otherwise indicated, the United States or 21219
any department, division, or agency of the United States, or any 21220
agency, commission, or authority established pursuant to an 21221
interstate compact or agreement. 21222

(H) "Local contributions" means the value of an asset 21223
provided by or on behalf of an arts organization from sources 21224
other than the state, the value and nature of which shall be 21225
approved by the Ohio arts and sports facilities commission, in its 21226
sole discretion. "Local contributions" may include the value of 21227
the site where an arts project is to be constructed. All "local 21228
contributions," except a contribution attributable to such a site, 21229
shall be for the costs of construction of an arts project or the 21230
costs of operation of an arts facility. 21231

(I) "Local historical facility" means a site or facility, 21232
other than a state historical facility, of archaeological, 21233
architectural, environmental, or historical interest or 21234
significance, or a facility, including a storage facility, 21235
appurtenant to the operations of such a site or facility, that is 21236
owned by an arts organization, provided the facility meets the 21237

requirements of division (K)(2)(b) of this section, is managed by 21238
or pursuant to a contract with the Ohio arts and sports facilities 21239
commission, and is used for or in connection with the activities 21240
of the commission, including the presentation or making available 21241
of arts to the public. 21242

(J) "Manage," "operate," or "management" means the provision 21243
of, or the exercise of control over the provision of, activities: 21244

(1) Relating to the arts for an Ohio arts facility, including 21245
as applicable, but not limited to, providing for displays, 21246
exhibitions, specimens, and models; booking of artists, 21247
performances, or presentations; scheduling; and hiring or 21248
contracting for directors, curators, technical and scientific 21249
staff, ushers, stage managers, and others directly related to the 21250
arts activities in the facility; but not including general 21251
building services; 21252

(2) Relating to sports and athletic events for an Ohio sports 21253
facility, including as applicable, but not limited to, providing 21254
for booking of athletes, teams, and events; scheduling; and hiring 21255
or contracting for staff, ushers, managers, and others directly 21256
related to the sports and athletic events in the facility; but not 21257
including general building services. 21258

(K) "Ohio arts facility" means any of the following: 21259

(1) The three theaters located in the state office tower at 21260
77 South High street in Columbus; 21261

(2) Any capital facility in this state to which both of the 21262
following apply: 21263

(a) The construction of an arts project related to the 21264
facility was authorized or funded by the general assembly pursuant 21265
to division (D)(3) of section 3383.07 of the Revised Code and 21266
proceeds of state bonds are used for costs of the arts project. 21267

(b) The facility is managed directly by, or is subject to a cooperative or management contract with, the Ohio arts and sports facilities commission, and is used for or in connection with the activities of the commission, including the presentation or making available of arts to the public and the provision of training or education in the arts. ~~A cooperative or management contract shall be for a term not less than the time remaining to the date of payment or provision for payment of any state bonds issued to pay the costs of the arts project, as determined by the director of budget and management and certified by the director to the Ohio arts and sports facilities commission and to the Ohio building authority.~~

(3) A state historical facility or a local historical facility.

(L) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies.

(M) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.

(N) "State historical facility" means a site or facility of archaeological, architectural, environmental, or historical interest or significance, or a facility, including a storage facility, appurtenant to the operations of such a site or facility, that is owned by or is located on real property owned by the state or by an arts organization, so long as the real property of the arts organization is contiguous to state-owned real property that is in the care, custody, and control of an arts organization, and that is managed directly by or is subject to a cooperative or management contract with the Ohio arts and sports

facilities commission and is used for or in connection with the 21299
activities of the commission, including the presentation or making 21300
available of arts to the public. 21301

(O) "Ohio sports facility" means all or a portion of a 21302
stadium, arena, or other capital facility in this state, a primary 21303
purpose of which is to provide a site or venue for the 21304
presentation to the public of events of one or more major or minor 21305
league professional athletic or sports teams that are associated 21306
with the state or with a city or region of the state, which 21307
facility is owned by or is located on real property owned by the 21308
state or a governmental agency, and including all parking 21309
facilities, walkways, and other auxiliary facilities, equipment, 21310
furnishings, and real and personal property and interests and 21311
rights therein, that may be appropriate for or used for or in 21312
connection with the facility or its operation, for capital costs 21313
of which state funds are spent pursuant to this chapter. A 21314
facility constructed as an Ohio sports facility may be both an 21315
Ohio arts facility and an Ohio sports facility. 21316

Sec. 3383.07. (A) The department of administrative services 21317
shall provide for the construction of an arts project in 21318
conformity with Chapter 153. of the Revised Code, except as 21319
follows: 21320

(1) For an arts project that has an estimated construction 21321
cost, excluding the cost of acquisition, of twenty-five million 21322
dollars or more, and that is financed by the Ohio building 21323
authority, construction services may be provided by the authority 21324
if the authority determines it should provide those services. 21325

(2) For an arts project other than a state historical 21326
facility, construction services may be provided on behalf of the 21327
state by the Ohio arts and sports facilities commission, or by a 21328
governmental agency or an arts organization that occupies, will 21329

occupy, or is responsible for the Ohio arts facility, as 21330
determined by the commission. Construction services to be provided 21331
by a governmental agency or an arts organization shall be 21332
specified in an agreement between the commission and the 21333
governmental agency or arts organization. The agreement, or any 21334
actions taken under it, are not subject to Chapter 123. or 153. of 21335
the Revised Code, except for sections 123.151 and 153.011 of the 21336
Revised Code, and shall be subject to Chapter 4115. of the Revised 21337
Code. 21338

(3) For an arts project that is a state historical facility, 21339
construction services may be provided by the Ohio arts and sports 21340
facilities commission or by an arts organization that occupies, 21341
will occupy, or is responsible for the facility, as determined by 21342
the commission. The construction services to be provided by the 21343
arts organization shall be specified in an agreement between the 21344
commission and the arts organization. That agreement, and any 21345
actions taken under it, are not subject to Chapter 123., 153., or 21346
4115. of the Revised Code. 21347

(B) For an Ohio sports facility that is financed in part by 21348
the Ohio building authority, construction services shall be 21349
provided on behalf of the state by or at the direction of the 21350
governmental agency or nonprofit corporation that will own or be 21351
responsible for the management of the facility, all as determined 21352
by the Ohio arts and sports facilities commission. Any 21353
construction services to be provided by a governmental agency or 21354
nonprofit corporation shall be specified in an agreement between 21355
the commission and the governmental agency or nonprofit 21356
corporation. That agreement, and any actions taken under it, are 21357
not subject to Chapter 123. or 153. of the Revised Code, except 21358
for sections 123.151 and 153.011 of the Revised Code, and shall be 21359
subject to Chapter 4115. of the Revised Code. 21360

(C) General building services for an Ohio arts facility shall 21361

be provided by the Ohio arts and sports facilities commission or 21362
by an arts organization that occupies, will occupy, or is 21363
responsible for the facility, as determined by the commission, 21364
except that the Ohio building authority may elect to provide those 21365
services for Ohio arts facilities financed with proceeds of state 21366
bonds issued by the authority. The costs of management and general 21367
building services shall be paid by the arts organization that 21368
occupies, will occupy, or is responsible for the facility as 21369
provided in an agreement between the commission and the arts 21370
organization, except that the state may pay for general building 21371
services for state-owned arts facilities constructed on 21372
state-owned land. 21373

General building services for an Ohio sports facility shall 21374
be provided by or at the direction of the governmental agency or 21375
nonprofit corporation that will be responsible for the management 21376
of the facility, all as determined by the commission. Any general 21377
building services to be provided by a governmental agency or 21378
nonprofit corporation for an Ohio sports facility shall be 21379
specified in an agreement between the commission and the 21380
governmental agency or nonprofit corporation. That agreement, and 21381
any actions taken under it, are not subject to Chapter 123. or 21382
153. of the Revised Code, except for sections 123.151 and 153.011 21383
of the Revised Code, and shall be subject to Chapter 4115. of the 21384
Revised Code. 21385

(D) This division does not apply to a state historical 21386
facility. No state funds, including any state bond proceeds, shall 21387
be spent on the construction of any arts project under this 21388
chapter unless, with respect to the arts project and to the Ohio 21389
arts facility related to the project, all of the following apply: 21390

(1) The Ohio arts and sports facilities commission has 21391
determined that there is a need for the arts project and the Ohio 21392
arts facility related to the project in the region of the state in 21393

which the Ohio arts facility is located or for which the facility is proposed. 21394
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(2) The commission has determined that, as an indication of substantial regional support for the arts project, the arts organization has made provision satisfactory to the commission, in its sole discretion, for local contributions amounting to not less than fifty per cent of the total state funding for the arts project. 21396
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(3) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the arts project, or for rental payments relating to the financing of the construction of the arts project. Authorization to spend money, or an appropriation, for planning the arts project does not constitute authorization to spend money on, or an appropriation for, construction of the arts project. 21402
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(E) No state funds, including any state bond proceeds, shall be spent on the construction of any state historical facility under this chapter unless the general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the arts project related to the facility, or for rental payments relating to the financing of the construction of the arts project. Authorization to spend money, or an appropriation, for planning the arts project does not constitute authorization to spend money on, or an appropriation for, the construction of the arts project. 21409
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(F) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply: 21419
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(1) The Ohio arts and sports facilities commission has 21425
determined that there is a need for the facility in the region of 21426
the state for which the facility is proposed to provide the 21427
function of an Ohio sports facility as provided for in this 21428
chapter. 21429

(2) As an indication of substantial local support for the 21430
facility, the commission has received a financial and development 21431
plan satisfactory to it, and provision has been made, by agreement 21432
or otherwise, satisfactory to the commission, for a contribution 21433
amounting to not less than eighty-five per cent of the total 21434
estimated construction cost of the facility, excluding any site 21435
acquisition cost, from sources other than the state. 21436

(3) The general assembly has specifically authorized the 21437
spending of money on, or made an appropriation for, the 21438
construction of the facility, or for rental payments relating to 21439
state financing of all or a portion of the costs of constructing 21440
the facility. Authorization to spend money, or an appropriation, 21441
for planning or determining the feasibility of or need for the 21442
facility does not constitute authorization to spend money on, or 21443
an appropriation for, costs of constructing the facility. 21444

(4) If state bond proceeds are being used for the Ohio sports 21445
facility, the state or a governmental agency owns or has 21446
sufficient property interests in the facility or in the site of 21447
the facility or in the portion or portions of the facility 21448
financed from proceeds of state bonds, which may include, but is 21449
not limited to, the right to use or to require the use of the 21450
facility for the presentation of sport and athletic events to the 21451
public at the facility, ~~extending for a period of not less than~~ 21452
~~the greater of the useful life of the portion of the facility~~ 21453
~~financed from proceeds of those bonds as determined using the~~ 21454
~~guidelines for maximum maturities as provided under divisions (B),~~ 21455
~~(C), and (D) of section 133.20 of the Revised Code, or the period~~ 21456

~~of time remaining to the date of payment or provision for payment 21457
of outstanding state bonds allocable to costs of the facility, all 21458
as determined by the director of budget and management and 21459
certified by the director to the Ohio arts and sports facilities 21460
commission and to the Ohio building authority. 21461~~

Sec. 3501.011. (A) Except as otherwise provided in divisions 21462
(B) and (C) of this section, and except as otherwise provided in 21463
any section of Title XXXV of the Revised Code to the contrary, as 21464
used in the sections of the Revised Code relating to elections and 21465
political communications, whenever a person is required to sign or 21466
affix a signature to a declaration of candidacy, nominating 21467
petition, declaration of intent to be a write-in candidate, 21468
initiative petition, referendum petition, recall petition, or any 21469
other kind of petition, or to sign or affix a signature on any 21470
other document that is filed with or transmitted to a board of 21471
elections or the office of the secretary of state, "sign" or 21472
"signature" means that person's written, cursive-style legal mark 21473
written in that person's own hand. 21474

(B) For persons who do not use a cursive-style legal mark 21475
during the course of their regular business and legal affairs, 21476
"sign" or "signature" means that person's other legal mark that 21477
the person uses during the course of that person's regular 21478
business and legal affairs that is written in the person's own 21479
hand. 21480

(C) Any voter registration record requiring a person's 21481
signature shall be signed using the person's legal mark used in 21482
the person's regular business and legal affairs. For any purpose 21483
described in division (A) of this section, the legal mark of a 21484
registered elector shall be considered to be the mark of that 21485
elector as it appears on the elector's voter registration record. 21486

Sec. 3501.18. (A) The board of elections may divide a 21487
political subdivision, within its jurisdiction, into precincts 21488
~~and~~, establish, define, divide, rearrange, and combine the several 21489
election precincts within its jurisdiction, and change the 21490
location of the polling place for each precinct when it is 21491
necessary to maintain the requirements as to the number of voters 21492
in a precinct and to provide for the convenience of the voters and 21493
the proper conduct of elections, ~~provided that no.~~ No change in 21494
the number of precincts or in precinct boundaries shall be made 21495
during the twenty-five days immediately preceding a primary or 21496
general election ~~nor~~ or between the first day of January and the 21497
day on which the members of county central committees are elected 21498
in the years in which those committees are elected. Except as 21499
otherwise provided in division (C) of this section, each precinct 21500
shall contain a number of electors, not to exceed one thousand 21501
four hundred, that the board of elections determines to be a 21502
reasonable number after taking into consideration the type and 21503
amount of available equipment, prior voter turnout, the size and 21504
location of each selected polling place, available parking, 21505
availability of an adequate number of poll workers, and handicap 21506
accessibility and other accessibility to the polling place. 21507

If the board changes the boundaries of a precinct after the 21508
filing of a local option election petition pursuant to sections 21509
4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised Code that 21510
calls for a local option election to be held in that precinct, the 21511
local option election shall be held in the area that constituted 21512
the precinct at the time the local option petition was filed, 21513
regardless of the change in the boundaries. 21514

If the board changes the boundaries of a precinct in order to 21515
meet the requirements of division (B)(1) of this section in a 21516
manner that causes a member of a county central committee to no 21517

longer qualify as a representative of an election precinct in the 21518
county, of a ward of a city in the county, or of a township in the 21519
county, the member shall continue to represent the precinct, ward, 21520
or township for the remainder of the member's term, regardless of 21521
the change in boundaries. 21522

In an emergency, the board may provide more than one polling 21523
place in a precinct. In order to provide for the convenience of 21524
the voters, the board may locate polling places for voting or 21525
registration outside the boundaries of precincts, provided that 21526
the nearest public school or public building shall be used if the 21527
board determines it to be available and suitable for use as a 21528
polling place. Except in an emergency, no change in the number or 21529
location of the polling places in a precinct shall be made during 21530
the twenty-five days immediately preceding a primary or general 21531
election. 21532

Electors who have failed to respond within thirty days to any 21533
confirmation notice shall not be counted in determining the size 21534
of any precinct under this section. 21535

(B)(1) Except as otherwise provided in division (B)(2) ~~or (3)~~ 21536
of this section, ~~not later than August 1, 2000,~~ the a board of 21537
elections shall determine all precinct boundaries using 21538
geographical units used by the United States department of 21539
commerce, bureau of the census, in reporting the decennial census 21540
of Ohio. 21541

~~(2) When any part of the boundary of a precinct also forms a 21542
part of the boundary of a legislative district and the precinct 21543
boundary cannot be determined by August 1, 2000, using the 21544
geographical units described in division (B)(1) of this section 21545
without making that part of the precinct boundary that also forms 21546
part of the legislative district boundary different from that 21547
legislative district boundary, the board of elections may 21548
determine the boundary of that precinct using the geographical 21549~~

~~units described in division (B)(1) of this section not later than 21550
April 1, 2002. As used in this division, legislative district 21551
means a district determined under Article XI of the Ohio 21552
Constitution. 21553~~

(3) The board of elections may apply to the secretary of 21554
state for a waiver from the requirement of division (B)(1) of this 21555
section when it is not feasible to comply with that requirement 21556
because of unusual physical boundaries or residential development 21557
practices that would cause unusual hardship for voters. The board 21558
shall identify the affected precincts and census units, explain 21559
the reason for the waiver request, and include a map illustrating 21560
where the census units will be split because of the requested 21561
waiver. If the secretary of state approves the waiver and so 21562
notifies the board of elections in writing, the board may change a 21563
precinct boundary as necessary under this section, notwithstanding 21564
the requirement in division (B)(1) of this section. 21565

(C) The board of elections may apply to the secretary of 21566
state for a waiver from the requirement of division (A) of this 21567
section regarding the number of electors in a precinct when the 21568
use of geographical units used by the United States department of 21569
commerce, bureau of the census, will cause a precinct to contain 21570
more than one thousand four hundred electors. The board shall 21571
identify the affected precincts and census units, explain the 21572
reason for the waiver request, and include a map illustrating 21573
where census units will be split because of the requested waiver. 21574
If the secretary of state approves the waiver and so notifies the 21575
board of elections in writing, the board may change a precinct 21576
boundary as necessary to meet the requirements of division (B)(1) 21577
of this section. 21578

Sec. 3501.30. (A) The board of elections shall provide for 21579
each polling place the necessary ballot boxes, official ballots, 21580

cards of instructions, registration forms, pollbooks, or poll 21581
lists, tally sheets, forms on which to make summary statements, 21582
writing implements, paper, and all other supplies necessary for 21583
casting and counting the ballots and recording the results of the 21584
voting at ~~such~~ the polling place. ~~Such~~ The pollbooks or poll lists 21585
shall have certificates appropriately printed ~~thereon~~ on them for 21586
the signatures of all the precinct officials, by which they shall 21587
certify that, to the best of their knowledge and belief, ~~said~~ the 21588
pollbooks or poll lists correctly show the names of all electors 21589
who voted in ~~such~~ the polling place at the election indicated 21590
~~therein~~ in the pollbook or poll list. 21591

A All of the following shall be included among the supplies 21592
provided to each polling place: 21593

(1) A large map of each appropriate precinct shall be 21594
~~included among the supplies to each polling place,~~ which shall be 21595
displayed prominently to assist persons who desire to register or 21596
vote on election day. Each map shall show all streets within the 21597
precinct and contain identifying symbols of the precinct in bold 21598
print. 21599

~~Such supplies shall also include a~~ (2) Any materials, 21600
postings, or instructions required to comply with state or federal 21601
laws; 21602

(3) A flag of the United States approximately two and 21603
one-half feet in length along the top, which shall be displayed 21604
outside the entrance to the polling place during the time it is 21605
open for voting. ~~Two;~~ 21606

(4) Two or more small flags of the United States 21607
approximately fifteen inches in length along the top ~~shall be~~ 21608
~~provided and,~~ which shall be placed at a distance of one hundred 21609
feet from the polling place on the thoroughfares or walkways 21610
leading to the polling place, to mark the distance within which 21611

persons other than election officials, witnesses, challengers, 21612
police officers, and electors waiting to mark, marking, or casting 21613
their ballots shall not loiter, congregate, or engage in any kind 21614
of election campaigning. Where small flags cannot reasonably be 21615
placed one hundred feet from the polling place, the presiding 21616
election judge shall place the flags as near to one hundred feet 21617
from the entrance to the polling place as is physically possible. 21618
Police officers and all election officials shall see that this 21619
prohibition against loitering and congregating is enforced. ~~When~~ 21620

When the period of time during which the polling place is 21621
open for voting expires, all of ~~said~~ the flags described in this 21622
division shall be taken into the polling place, and shall be 21623
returned to the board together with all other election ~~materials~~ 21624
~~and~~ supplies required to be delivered to ~~such~~ the board. 21625

(B) The board of elections shall follow the instructions and 21626
advisories of the secretary of state in the production and use of 21627
polling place supplies. 21628

Sec. 3503.10. (A) Each designated agency shall designate one 21629
person within that agency to serve as coordinator for the voter 21630
registration program within the agency and its departments, 21631
divisions, and programs. The designated person shall be trained 21632
under a program designed by the secretary of state and shall be 21633
responsible for administering all aspects of the voter 21634
registration program for that agency as prescribed by the 21635
secretary of state. The designated person shall receive no 21636
additional compensation for performing such duties. 21637

(B) Every designated agency, public high school and 21638
vocational school, public library, and office of a county 21639
treasurer shall provide in each of its offices or locations voter 21640
registration applications and assistance in the registration of 21641
persons qualified to register to vote, in accordance with this 21642

chapter. 21643

(C) Every designated agency shall distribute to its 21644
applicants, prior to or in conjunction with distributing a voter 21645
registration application, a form prescribed by the secretary of 21646
state that includes all of the following: 21647

(1) The question, "Do you want to register to vote or update 21648
your current voter registration?"--followed by boxes for the 21649
applicant to indicate whether the applicant would like to register 21650
or decline to register to vote, and the statement, highlighted in 21651
bold print, "If you do not check either box, you will be 21652
considered to have decided not to register to vote at this time.;" 21653

(2) If the agency provides public assistance, the statement, 21654
"Applying to register or declining to register to vote will not 21655
affect the amount of assistance that you will be provided by this 21656
agency.;" 21657

(3) The statement, "If you would like help in filling out the 21658
voter registration application form, we will help you. The 21659
decision whether to seek or accept help is yours. You may fill out 21660
the application form in private.;" 21661

(4) The statement, "If you believe that someone has 21662
interfered with your right to register or to decline to register 21663
to vote, your right to privacy in deciding whether to register or 21664
in applying to register to vote, or your right to choose your own 21665
political party or other political preference, you may file a 21666
complaint with the prosecuting attorney of your county or with the 21667
secretary of state," with the address and telephone number for 21668
each such official's office. 21669

(D) Each designated agency shall distribute a voter 21670
registration form prescribed by the secretary of state to each 21671
applicant with each application for service or assistance, and 21672
with each written application or form for recertification, 21673

renewal, or change of address. 21674

(E) Each designated agency shall do all of the following: 21675

(1) Have employees trained to administer the voter 21676
registration program in order to provide to each applicant who 21677
wishes to register to vote and who accepts assistance, the same 21678
degree of assistance with regard to completion of the voter 21679
registration application as is provided by the agency with regard 21680
to the completion of its own form; 21681

(2) Accept completed voter registration applications, voter 21682
registration change of residence forms, and voter registration 21683
change of name forms, regardless of whether the application or 21684
form was distributed by the designated agency, for transmittal to 21685
the office of the board of elections in the county in which the 21686
agency is located. Each designated agency and the appropriate 21687
board of elections shall establish a method by which the voter 21688
registration applications and other voter registration forms are 21689
transmitted to that board of elections within five days after 21690
being accepted by the agency. 21691

(3) If the designated agency is one that is primarily engaged 21692
in providing services to persons with disabilities under a 21693
state-funded program, and that agency provides services to a 21694
person with disabilities at a person's home, provide the services 21695
described in divisions (E)(1) and (2) of this section at the 21696
person's home; 21697

(4) Keep as confidential, except as required by the secretary 21698
of state for record-keeping purposes, the identity of an agency 21699
through which a person registered to vote or updated the person's 21700
voter registration records, and information relating to a 21701
declination to register to vote made in connection with a voter 21702
registration application issued by a designated agency. 21703

(F) The secretary of state shall prepare and transmit written 21704

instructions on the implementation of the voter registration 21705
program within each designated agency, public high school and 21706
vocational school, public library, and office of a county 21707
treasurer. The instructions shall include directions as follows: 21708

(1) That each person designated to assist with voter 21709
registration maintain strict neutrality with respect to a person's 21710
political philosophies, a person's right to register or decline to 21711
register, and any other matter that may influence a person's 21712
decision to register or not register to vote; 21713

(2) That each person designated to assist with voter 21714
registration not seek to influence a person's decision to register 21715
or not register to vote, not display or demonstrate any political 21716
preference or party allegiance, and not make any statement to a 21717
person or take any action the purpose or effect of which is to 21718
lead a person to believe that a decision to register or not 21719
register has any bearing on the availability of services or 21720
benefits offered, on the grade in a particular class in school, or 21721
on credit for a particular class in school; 21722

(3) Regarding when and how to assist a person in completing 21723
the voter registration application, what to do with the completed 21724
voter registration application or voter registration update form, 21725
and when the application must be transmitted to the appropriate 21726
board of elections; 21727

(4) Regarding what records must be kept by the agency and 21728
where and when those records should be transmitted to satisfy 21729
reporting requirements imposed on the secretary of state under the 21730
National Voter Registration Act of 1993; 21731

(5) Regarding whom to contact to obtain answers to questions 21732
about voter registration forms and procedures. 21733

(G) If the voter registration activity is part of an in-class 21734
voter registration program in a public high school or vocational 21735

school, whether prescribed by the secretary of state or 21736
independent of the secretary of state, the board of education 21737
shall do all of the following: 21738

(1) Establish a schedule of school days and hours during 21739
these days when the person designated to assist with voter 21740
registration shall provide voter registration assistance; 21741

(2) Designate a person to assist with voter registration from 21742
the public high school's or vocational school's staff; 21743

(3) Make voter registration applications and materials 21744
available, as outlined in the voter registration program 21745
established by the secretary of state pursuant to section 3501.05 21746
of the Revised Code; 21747

(4) Distribute the statement, "applying to register or 21748
declining to register to vote will not affect or be a condition of 21749
your receiving a particular grade in or credit for a school course 21750
or class, participating in a curricular or extracurricular 21751
activity, receiving a benefit or privilege, or participating in a 21752
program or activity otherwise available to pupils enrolled in this 21753
school district's schools."; 21754

(5) Establish a method by which the voter registration 21755
application and other voter registration forms are transmitted to 21756
the board of elections within five days after being accepted by 21757
the public high school or vocational school. 21758

(H) Any person employed by the designated agency, public high 21759
school or vocational school, public library, or office of a county 21760
treasurer may be designated to assist with voter registration 21761
pursuant to this section. The designated agency, public high 21762
school or vocational school, public library, or office of a county 21763
treasurer shall provide the designated person, and make available 21764
such space as may be necessary, without charge to the county or 21765
state. 21766

(I) The secretary of state shall prepare and cause to be displayed in a prominent location in each designated agency a notice that identifies the person designated to assist with voter registration, the nature of that person's duties, and where and when that person is available for assisting in the registration of voters.

A designated agency may furnish additional supplies and services to disseminate information to increase public awareness of the existence of a person designated to assist with voter registration in every designated agency.

(J) This section does not limit any authority a board of education, superintendent, or principal has to allow, sponsor, or promote voluntary election registration programs within a high school or vocational school, including programs in which pupils serve as persons designated to assist with voter registration, provided that no pupil is required to participate.

(K) Each public library and office of the county treasurer shall establish a method by which voter registration forms are transmitted to the board of elections within five days after being accepted by the public library or office of the county treasurer.

(L) The department of job and family services and its departments, divisions, and programs shall limit administration of the aspects of the voter registration program for the department to the requirements prescribed by the secretary of state and the requirements of this section and the National Voter Registration Act of 1993.

Sec. 3505.08. (A) Ballots shall be provided by the board of elections for all general and special elections. ~~Such~~ The ballots shall be printed with black ink on No. 2 white book paper fifty pounds in weight per ream assuming such ream to consist of five

hundred sheets of such paper twenty-five by thirty-eight inches in 21797
size. Each ballot shall have attached at the top two stubs, each 21798
of the width of the ballot and not less than one-half inch in 21799
length, except that, if the board of elections has an alternate 21800
method to account for the ballots that the secretary of state has 21801
authorized, each ballot may have only one stub that shall be the 21802
width of the ballot and not less than one-half inch in length. In 21803
the case of ballots with two stubs, the stubs shall be separated 21804
from the ballot and from each other by perforated lines. The top 21805
stub shall be known as Stub B and shall have printed on its face 21806
"Stub B." The other stub shall be known as Stub A and shall have 21807
printed on its face "Stub A." Each stub shall also have printed on 21808
its face "Consecutive Number" ~~Each~~ 21809

Each ballot of each kind of ballot provided for use in each 21810
precinct shall be numbered consecutively beginning with number 1 21811
by printing such number upon both of the stubs attached ~~thereto to~~ 21812
the ballot. On ballots bearing the names of candidates, each 21813
candidate's name shall be printed in twelve point boldface upper 21814
case type in an enclosed rectangular space, and an enclosed blank 21815
rectangular space shall be provided at the left ~~thereof of the~~ 21816
candidate's name. The name of the political party of a candidate 21817
nominated at a primary election or certified by a party committee 21818
shall be printed in ten point lightface upper and lower case type 21819
and shall be separated by a two point blank space. The name of 21820
each candidate shall be indented one space within ~~such the~~ 21821
enclosed rectangular space, and the name of the political party 21822
shall be indented two spaces within ~~such the enclosed~~ rectangular 21823
space. ~~The~~ 21824

The title of each office on ~~such the~~ ballots shall be printed 21825
in twelve point boldface upper and lower case type in a separate 21826
enclosed rectangular space. A four point rule shall separate the 21827
name of a candidate or a group of candidates for the same office 21828

from the title of the office next appearing below on the ballot, 21829
~~and~~; a two point rule shall separate the title of the office from 21830
the names of candidates; and a one point rule shall separate names 21831
of candidates. Headings shall be printed in display Roman type. 21832
When the names of several candidates are grouped together as 21833
candidates for the same office, there shall be printed on ~~such~~ the 21834
ballots immediately below the title of ~~such~~ the office and within 21835
the separate rectangular space in which ~~such~~ the title is printed 21836
"Vote for not more than," in six point boldface upper and 21837
lower case filling the blank space with that number which will 21838
indicate the number of persons who may be lawfully elected to ~~such~~ 21839
the office. 21840

Columns on ballots shall be separated from each other by a 21841
heavy vertical border or solid line at least one-eighth of an inch 21842
wide, and a similar vertical border or line shall enclose the left 21843
and right side of ballots, ~~and ballots.~~ Ballots shall be trimmed 21844
along the sides close to such lines. 21845

The ballots provided for by this section shall be comprised 21846
of four kinds of ballots designated as follows: ~~(A)~~ office type 21847
ballot; ~~(B)~~ nonpartisan ballot; ~~(C)~~ questions and issues ballot; 21848
~~(D)~~ and presidential ballot. 21849

On the back of each office type ballot shall be printed 21850
"Official Office Type Ballot;" on the back of each nonpartisan 21851
ballot shall be printed "Official Nonpartisan Ballot;" on the back 21852
of each questions and issues ballot shall be printed "Official 21853
Questions and Issues Ballot;" and on the back of each presidential 21854
ballot shall be printed "Official Presidential Ballot." On the 21855
back of every ballot also shall be printed the date of the 21856
election at which the ballot is used and the facsimile signatures 21857
of the members of the board of the county in which the ballot is 21858
used. For the purpose of identifying the kind of ballot, the back 21859
of every ballot may be numbered in ~~such~~ the order ~~as~~ the board 21860

shall determine. ~~Such~~ The numbers shall be printed in not less 21861
than thirty-six point type above the words "Official Office Type 21862
Ballot," "Official Nonpartisan Ballot," "Official Questions and 21863
Issues Ballot," or "Official Presidential Ballot," as the case may 21864
be. Ballot boxes bearing corresponding numbers shall be furnished 21865
for each precinct in which the above-described numbered ballots 21866
are used. 21867

On the back of every ballot used, there shall be a solid 21868
black line printed opposite the blank rectangular space that is 21869
used to mark the choice of the voter. This line shall be printed 21870
wide enough so that the mark in the blank rectangular space will 21871
not be visible from the back side of the ballot. 21872

Sample ballots may be printed by the board of elections for 21873
all general elections. ~~Such~~ The ballots shall be printed on 21874
colored paper, and "Sample Ballot" shall be plainly printed in 21875
boldface type on the face of each ballot. In counties of less than 21876
one hundred thousand population, the board may print not more than 21877
five hundred sample ballots; in all other counties, it may print 21878
not more than one thousand sample ballots. ~~Such~~ The sample ballots 21879
shall not be distributed by a political party or a candidate, nor 21880
shall a political party or candidate cause their title or name to 21881
be imprinted ~~thereon~~ on sample ballots. 21882

(B) Notwithstanding division (A) of this section, in 21883
approving the form of an official ballot, the secretary of state 21884
may authorize the use of fonts, type face settings, and ballot 21885
formats other than those prescribed in that division. 21886

Sec. 3517.092. (A) As used in this section: 21887

(1) "Appointing authority" has the same meaning as in section 21888
124.01 of the Revised Code. 21889

(2) "State elected officer" means any person appointed or 21890

elected to a state elective office.	21891
(3) "State elective office" means any of the offices of	21892
governor, lieutenant governor, secretary of state, auditor of	21893
state, treasurer of state, attorney general, member of the state	21894
board of education, member of the general assembly, and justice	21895
and chief justice of the supreme court.	21896
(4) "County elected officer" means any person appointed or	21897
elected to a county elective office.	21898
(5) "County elective office" means any of the offices of	21899
county auditor, county treasurer, clerk of the court of common	21900
pleas, sheriff, county recorder, county engineer, county	21901
commissioner, prosecuting attorney, and coroner.	21902
(6) "Contribution" includes a contribution to any political	21903
party, campaign committee, political action committee, political	21904
contributing entity, or legislative campaign fund.	21905
(B) No state elected officer, no campaign committee of such	21906
an officer, and no other person or entity shall knowingly solicit	21907
or accept a contribution on behalf of that officer or that	21908
officer's campaign committee from any of the following:	21909
(1) A state employee whose appointing authority is the state	21910
elected officer;	21911
(2) A state employee whose appointing authority is authorized	21912
or required by law to be appointed by the state elected officer;	21913
(3) A state employee who functions in or is employed in or by	21914
the same public agency, department, division, or office as the	21915
state elected officer.	21916
(C) No candidate for a state elective office, no campaign	21917
committee of such a candidate, and no other person or entity shall	21918
knowingly solicit or accept a contribution on behalf of that	21919
candidate or that candidate's campaign committee from any of the	21920

following:	21921
(1) A state employee at the time of the solicitation, whose appointing authority will be the candidate, if elected;	21922 21923
(2) A state employee at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law;	21924 21925 21926
(3) A state employee at the time of the solicitation, who will function in or be employed in or by the same public agency, department, division, or office as the candidate, if elected.	21927 21928 21929
(D) No county elected officer, no campaign committee of such an officer, and no other person or entity shall knowingly solicit a contribution on behalf of that officer or that officer's campaign committee from any of the following:	21930 21931 21932 21933
(1) A county employee whose appointing authority is the county elected officer;	21934 21935
(2) A county employee whose appointing authority is authorized or required by law to be appointed by the county elected officer;	21936 21937 21938
(3) A county employee who functions in or is employed in or by the same public agency, department, division, or office as the county elected officer.	21939 21940 21941
(E) No candidate for a county elective office, no campaign committee of such a candidate, and no other person or entity shall knowingly solicit a contribution on behalf of that candidate or that candidate's campaign committee from any of the following:	21942 21943 21944 21945
(1) A county employee at the time of the solicitation, whose appointing authority will be the candidate, if elected;	21946 21947
(2) A county employee at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law;	21948 21949 21950

(3) A county employee at the time of the solicitation, who 21951
will function in or be employed in or by the same public agency, 21952
department, division, or office as the candidate, if elected. 21953

(F)(1) No public employee shall solicit a contribution from 21954
any person while the public employee is performing the public 21955
employee's official duties or in those areas of a public building 21956
where official business is transacted or conducted. 21957

(2) No person shall solicit a contribution from any public 21958
employee while the public employee is performing the public 21959
employee's official duties or is in those areas of a public 21960
building where official business is transacted or conducted. 21961

(3) As used in division (F) of this section, "public 21962
employee" does not include any person holding an elective office. 21963

(G) The prohibitions in divisions (B), (C), (D), (E), and (F) 21964
of this section are in addition to the prohibitions in sections 21965
124.57, ~~1553.09~~, 3304.22, and 4503.032 of the Revised Code. 21966

Sec. 3517.152. (A)(1)(a) There is hereby created the Ohio 21967
elections commission consisting of ~~seven~~ ten members. 21968

(b) Not later than forty-five days after August 24, 1995, the 21969
speaker of the house of representatives and the leader in the 21970
senate of the political party of which the speaker is a member 21971
shall jointly submit to the governor a list of five persons who 21972
are affiliated with that political party. Not later than 21973
forty-five days after August 24, 1995, the two legislative leaders 21974
in the two houses of the general assembly of the major political 21975
party of which the speaker is not a member shall jointly submit to 21976
the governor a list of five persons who are affiliated with the 21977
major political party of which the speaker is not a member. Not 21978
later than fifteen days after receiving each list, the governor 21979
shall appoint three persons from each list to the commission. The 21980

governor shall appoint one person from each list to a term that 21981
ends on December 31, 1996, one person from each list to a term 21982
that ends on December 31, 1997, and one person from each list to a 21983
term that ends on December 31, 1998. 21984

Not later than thirty days after the governor appoints these 21985
~~six~~ members, they shall, by a majority vote, appoint to the 21986
commission ~~a seventh~~ one additional member, who shall not be 21987
affiliated with a political party. If ~~the six~~ members who are 21988
affiliated with political parties fail to appoint the ~~seventh~~ 21989
unaffiliated member within this thirty-day period, the chief 21990
justice of the supreme court, not later than thirty days after the 21991
end of the period during which the ~~six~~ members who are affiliated 21992
with political parties were required to appoint a an unaffiliated 21993
member, shall appoint the ~~seventh~~ additional member, who shall not 21994
be affiliated with a political party. The ~~seventh~~ unaffiliated 21995
member shall be appointed to a term that ends on December 31, 21996
2001. Terms of the initial members appointed under this division 21997
begin on January 1, 1996. 21998

(c) Not later than forty-five days after the effective date 21999
of this amendment, the speaker of the house of representatives and 22000
the leader in the senate of the political party of which the 22001
speaker is a member shall jointly submit to the governor a list of 22002
three persons who are affiliated with that political party. Not 22003
later than forty-five days after the effective date of this 22004
amendment, the two legislative leaders in the two houses of the 22005
general assembly of the major political party of which the speaker 22006
is not a member shall jointly submit to the governor a list of 22007
three person who are affiliated with the major political party of 22008
which the speaker is not a member. Not later than fifteen days 22009
after receiving each list, the governor shall appoint one person 22010
from each list to a term that ends on December 31, 2004. 22011

Not later than thirty days after the governor appoints these 22012

members, the eight members of the commission who are affiliated with political parties shall, by a majority vote, appoint to the commission one additional member, who shall not be affiliated with a political party. If the members who are affiliated with political parties fail to appoint the unaffiliated member within this thirty-day period, the chief justice of the supreme court, not later than thirty days after the end of the period during which the members who are affiliated with political parties were required to appoint an unaffiliated member, shall appoint the additional member, who shall not be affiliated with a political party. The unaffiliated member appointed under this division shall be appointed to a term that ends on December 31, 2005.

(d) Upon the expiration of the term for which an unaffiliated member of the commission was appointed, a new unaffiliated member shall be appointed in accordance with the procedure established in division (A)(1)(c) of this section for the initial appointment of an unaffiliated member of the commission.

(2) If a vacancy occurs in either of the positions that are not affiliated with a political party, the six remaining members who are affiliated with a political party by a majority vote shall appoint, not later than forty-five days after the date of the vacancy, the seventh one member of the commission, who shall not be affiliated with a political party. If these members fail to appoint the seventh an unaffiliated member within this forty-five-day period, the chief justice of the supreme court, within fifteen days after the end of this period, shall appoint the ~~seventh~~ member, who shall not be affiliated with a political party. If a vacancy occurs in any of the other ~~six~~ positions on the commission, the legislative leaders of the political party from whose list of persons the member being replaced was appointed shall submit to the governor, not later than thirty days after the date of the vacancy, a list of three

persons who are affiliated with that political party. Not later 22045
than fifteen days after receiving the list, the governor, with the 22046
advice and consent of the senate, shall appoint one person from 22047
the list to the commission. 22048

(3) At no time shall more than ~~six~~ eight members of the 22049
commission be affiliated with a political party, and, of these ~~six~~ 22050
eight members, not more than ~~three~~ four shall be affiliated with 22051
the same political party. 22052

(4) In making appointments to the commission, the governor 22053
shall take into consideration the various geographic areas of this 22054
state and shall appoint members so that those areas are 22055
represented on the commission in a balanced manner, to the extent 22056
feasible. 22057

(5) Members of the commission shall be registered electors 22058
and shall be of good moral character. 22059

(B) Each member of the commission shall hold office from the 22060
date of the member's appointment until the end of the term for 22061
which the member was appointed. A member appointed to fill a 22062
vacancy occurring prior to the expiration of the term for which 22063
the member's predecessor was appointed shall hold office for the 22064
remainder of that term. A member shall continue in office 22065
subsequent to the expiration date of the member's term until the 22066
member's successor takes office or until a period of sixty days 22067
has elapsed, whichever occurs first. After the initial terms of 22068
office provided for in division (A)(1) of this section, terms of 22069
office shall be for five years. 22070

(C) A vacancy in the Ohio elections commission may be caused 22071
by death, resignation, or three absences from commission meetings 22072
in a calendar year if those absences are caused by reasons 22073
declared invalid by a vote of ~~five~~ seven members of the remaining 22074
members of the commission. 22075

(D) Each member of the commission while in the performance of the business of the commission shall be entitled to receive compensation at the rate of twenty-five thousand dollars per year. Members shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties.

(E) No member of the commission shall serve more than one full term unless the terms served are served nonconsecutively.

(F)(1) No member of the commission shall do or be any of the following:

(a) Hold, or be a candidate for, a public office;

(b) Serve on a committee supporting or opposing a candidate or ballot question or issue;

(c) Be an officer of the state central committee, a county central committee, or a district, city, township, or other committee of a political party or an officer of the executive committee of the state central committee, a county central committee, or a district, city, township, or other committee of a political party;

(d) Be a legislative agent as defined in section 101.70 of the Revised Code or an executive agency lobbyist as defined in section 121.60 of the Revised Code;

(e) Solicit or be involved in soliciting contributions on behalf of a candidate, campaign committee, political party, political action committee, or political contributing entity;

(f) Be in the unclassified service under section 124.11 of the Revised Code;

(g) Be a person or employee described in divisions (C)(1) to (15) of section 4117.01 of the Revised Code.

(2) No member or employee of the commission shall make a contribution to, or for the benefit of, a campaign committee or

committee in support of or opposition to a ballot question or 22106
issue, a political party, a legislative campaign fund, a political 22107
action committee, or a political contributing entity. 22108

(G)(1) The members of the commission shall elect a 22109
chairperson and a vice-chairperson. At no time shall the 22110
chairperson and vice-chairperson be affiliated with the same 22111
political party. The chairperson shall serve in that capacity for 22112
one year and shall not serve as chairperson more than twice during 22113
a term as a member of the commission. No two successive 22114
chairpersons shall be affiliated with the same political party. 22115

(2) The commission shall meet at the call of the chairperson 22116
or upon the written request of a majority of the members. The 22117
meetings and hearings of the commission or a panel of the 22118
commission under sections 3517.153 to 3517.157 of the Revised Code 22119
are subject to section 121.22 of the Revised Code. 22120

(3) The commission shall adopt rules for its procedures in 22121
accordance with Chapter 119. of the Revised Code. ~~Five~~ Seven of 22122
the ~~seven~~ ten members constitute a quorum. Except as otherwise 22123
provided in this section and in sections 3517.154 to 3517.157 of 22124
the Revised Code, no action shall be taken without the concurrence 22125
of a majority of the members. 22126

(H)(1) The commission shall employ the technical, 22127
professional, and clerical employees that are necessary for it to 22128
carry out its duties. 22129

(2)(a) Notwithstanding section 109.02 of the Revised Code, 22130
the commission shall employ a full-time attorney, and, as needed, 22131
one or more investigatory attorneys to conduct investigations for 22132
the commission or a panel of the commission. The commission may 22133
employ or contract for the services of additional attorneys, as 22134
needed. The full-time attorney shall do all of the following: 22135

(i) Serve as the commission's attorney in regard to all legal 22136

matters, including representing the commission at appeals from a 22137
final determination of the commission, except that the full-time 22138
attorney shall not perform the duties that an investigatory 22139
attorney is required or requested to perform or that another 22140
attorney the commission employs or contracts with for services is 22141
required or requested to perform, and shall not represent the 22142
commission in any legal proceeding in which the commission is a 22143
named party; 22144

(ii) At the request of the commission or a panel of the 22145
commission, be present at a hearing held under sections 3517.154 22146
to 3517.156 of the Revised Code to rule on the admissibility of 22147
evidence and to advise on the conduct of procedure; 22148

(iii) Perform other duties as required by rule of the 22149
commission. 22150

(b) An attorney employed by or under contract with the 22151
commission shall be licensed to practice law in this state. 22152

(3)(a) Except as otherwise provided in division (H)(3)(b) of 22153
this section, at least ~~five~~ seven members of the commission shall 22154
agree on the employment of a person, a majority of the members 22155
shall agree on the discharge of an employee, and a person employed 22156
by the commission shall serve at the pleasure of the commission. 22157

(b) At least ~~five~~ seven of the ~~seven~~ ten members shall agree 22158
on the discharge of an investigatory attorney. 22159

Sec. 3701.021. (A) The public health council shall adopt, in 22160
accordance with Chapter 119. of the Revised Code, such rules as 22161
are necessary to carry out sections 3701.021 to ~~3701.028~~ 3701.0210 22162
of the Revised Code, including, but not limited to, rules to 22163
establish the following: 22164

(1) Medical and financial eligibility requirements for the 22165
program for medically handicapped children; 22166

(2) Eligibility requirements for providers of services for medically handicapped children;	22167 22168
(3) Procedures to be followed by the department of health in disqualifying providers for violating requirements adopted under division (A)(2) of this section;	22169 22170 22171
(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;	22172 22173 22174 22175
(5) Standards for the provision of service coordination by the department of health and city and general health districts;	22176 22177
(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;	22178 22179 22180 22181 22182
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	22183 22184 22185
(8) Criteria for payment of approved providers who provide services for medically handicapped children;	22186 22187
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;	22188 22189 22190
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	22191 22192 22193
(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;	22194 22195 22196

<u>(12) Eligibility requirements for the hemophilia program,</u>	22197
<u>including income and hardship requirements.</u>	22198
(B) The department of health shall develop a manual of	22199
operational procedures and guidelines for the program for	22200
medically handicapped children to implement sections 3701.021 to	22201
3701.028 <u>3701.0210</u> of the Revised Code.	22202
Sec. 3701.022. As used in sections 3701.021 to 3701.028	22203
<u>3701.0210</u> of the Revised Code:	22204
(A) "Medically handicapped child" means an Ohio resident	22205
under twenty-one years of age who suffers primarily from an	22206
organic disease, defect, or a congenital or acquired physically	22207
handicapping and associated condition that may hinder the	22208
achievement of normal growth and development.	22209
(B) "Provider" means a health professional, hospital, medical	22210
equipment supplier, and any individual, group, or agency that is	22211
approved by the department of health pursuant to division (C) of	22212
section 3701.023 of the Revised Code and that provides or intends	22213
to provide goods or services to a child who is eligible for the	22214
program for medically handicapped children.	22215
(C) "Service coordination" means case management services	22216
provided to medically handicapped children that promote effective	22217
and efficient organization and utilization of public and private	22218
resources and ensure that care rendered is family-centered,	22219
community-based, and coordinated.	22220
(D)(1) "Third party" means any person or government entity	22221
other than the following:	22222
(a) A medically handicapped child participating in the	22223
program for medically handicapped children or the child's parent	22224
or guardian;	22225
(b) The department or any program administered by the	22226

department, including the "Maternal and Child Health Block Grant," 22227
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 22228
U.S.C.A. 701, as amended; 22229

(c) The "caring program for children" operated by the 22230
nonprofit community mutual insurance corporation. 22231

(2) "Third party" includes all of the following: 22232

(a) Any trust established to benefit a medically handicapped 22233
child participating in the program or the child's family or 22234
guardians, if the trust was established after the date the 22235
medically handicapped child applied to participate in the program; 22236

(b) That portion of a trust designated to pay for the medical 22237
and ancillary care of a medically handicapped child, if the trust 22238
was established on or before the date the medically handicapped 22239
child applied to participate in the program; 22240

(c) The program awarding reparations to victims of crime 22241
established under sections 2743.51 to 2743.72 of the Revised Code. 22242

(E) "Third-party benefits" means any and all benefits paid by 22243
a third party to or on behalf of a medically handicapped child 22244
participating in the program or the child's parent or guardian for 22245
goods or services that are authorized by the department pursuant 22246
to division (B) or (D) of section 3701.023 of the Revised Code. 22247

(F) "Hemophilia program" means the hemophilia program the 22248
department of health is required to establish and administer under 22249
section 3701.029 of the Revised Code. 22250

Sec. 3701.024. (A)(1) Under a procedure established in rules 22251
adopted under section 3701.021 of the Revised Code, the department 22252
of health shall determine the amount each county shall provide 22253
annually for the program for medically handicapped children, based 22254
on a proportion of the county's total general property tax 22255
duplicate, not to exceed one-tenth of a mill ~~through fiscal year~~ 22256

~~2005 and three tenths of a mill thereafter~~, and charge the county 22257
for any part of expenses incurred under the program for treatment 22258
services on behalf of medically handicapped children having legal 22259
settlement in the county that is not paid from federal funds or 22260
through the medical assistance program established under section 22261
5111.01 of the Revised Code. The department shall not charge the 22262
county for expenses exceeding the difference between the amount 22263
determined under division (A)(1) of this section and any amounts 22264
retained under divisions (A)(2) and (3) of this section. 22265

All amounts collected by the department under division (A)(1) 22266
of this section shall be deposited into the state treasury to the 22267
credit of the medically handicapped children-county assessment 22268
fund, which is hereby created. The fund shall be used by the 22269
department to comply with sections 3701.021 to 3701.028 of the 22270
Revised Code. 22271

(2) The department, in accordance with rules adopted under 22272
section 3701.021 of the Revised Code, may allow each county to 22273
retain up to ten per cent of the amount determined under division 22274
(A)(1) of this section to provide funds to city or general health 22275
districts of the county with which the districts shall provide 22276
service coordination, public health nursing, or transportation 22277
services for medically handicapped children. 22278

(3) In addition to any amount retained under division (A)(2) 22279
of this section, the department, in accordance with rules adopted 22280
under section 3701.021 of the Revised Code, may allow counties 22281
that it determines have significant numbers of potentially 22282
eligible medically handicapped children to retain an amount equal 22283
to the difference between: 22284

(a) Twenty-five per cent of the amount determined under 22285
division (A)(1) of this section; 22286

(b) Any amount retained under division (A)(2) of this 22287

section. 22288

Counties shall use amounts retained under division (A)(3) of 22289
this section to provide funds to city or general health districts 22290
of the county with which the districts shall conduct outreach 22291
activities to increase participation in the program for medically 22292
handicapped children. 22293

(4) Prior to any increase in the millage charged to a county, 22294
the public health council shall hold a public hearing on the 22295
proposed increase and shall give notice of the hearing to each 22296
board of county commissioners that would be affected by the 22297
increase at least thirty days prior to the date set for the 22298
hearing. Any county commissioner may appear and give testimony at 22299
the hearing. Any increase in the millage any county is required to 22300
provide for the program for medically handicapped children shall 22301
be determined, and notice of the amount of the increase shall be 22302
provided to each affected board of county commissioners, no later 22303
than the first day of June of the fiscal year next preceding the 22304
fiscal year in which the increase will take effect. 22305

(B) Each board of county commissioners shall establish a 22306
medically handicapped children's fund and shall appropriate 22307
thereto an amount, determined in accordance with division (A)(1) 22308
of this section, for the county's share in providing medical, 22309
surgical, and other aid to medically handicapped children residing 22310
in such county and for the purposes specified in divisions (A)(2) 22311
and (3) of this section. Each county shall use money retained 22312
under divisions (A)(2) and (3) of this section only for the 22313
purposes specified in those divisions. 22314

Sec. 3701.029. Subject to available funds, the department of 22315
health shall establish and administer a hemophilia program to 22316
provide payment of health insurance premiums for Ohio residents 22317
who meet all of the following requirements: 22318

(A) Have been diagnosed with hemophilia or a related bleeding disorder; 22319
22320

(B) Are at least twenty-one years of age; 22321

(C) Meet the eligibility requirements established by rules adopted under division (A)(12) of section 3701.021 of the Revised Code. 22322
22323
22324

Sec. ~~3701.145~~ 3701.0210. ~~The director of health~~ medically 22325
handicapped children's medical advisory council shall ~~establish~~ 22326
appoint a hemophilia advisory ~~council~~ subcommittee to advise the 22327
director ~~and the department~~ of health and council on all matters 22328
pertaining to the care and treatment of persons with hemophilia. 22329
The ~~council~~ subcommittee shall consist of not fewer than ~~nineteen~~ 22330
fifteen members, each of whom shall be appointed ~~by the director~~ 22331
to terms of four years. The members of the ~~council~~ subcommittee 22332
shall elect a chairperson from among the appointed membership to 22333
serve a term of two years. Members of the ~~council~~ subcommittee 22334
shall serve without compensation, except that they may be 22335
reimbursed for travel expenses to and from meetings of the ~~council~~ 22336
subcommittee. 22337

Members shall be appointed to represent all geographic areas 22338
of this state. Not fewer than five members of the ~~council~~ 22339
subcommittee shall be persons with hemophilia or family members of 22340
persons with hemophilia. Not fewer than five members shall be 22341
providers of health care services to persons with hemophilia. Not 22342
fewer than five members shall be experts in fields of importance 22343
to treatment of persons with hemophilia, including experts in 22344
infectious diseases, insurance, and law. 22345

~~The council shall submit to the director of health, the~~ 22346
~~governor, and the general assembly, a report no later than the~~ 22347
~~thirtieth day of September of each year summarizing the current~~ 22348

~~status and needs of persons in this state with hemophilia and of 22349
family members of persons with hemophilia. 22350~~

Notwithstanding section 101.83 of the Revised Code, that 22351
section does not apply to the medically handicapped children's 22352
medical advisory council hemophilia advisory subcommittee, and the 22353
subcommittee shall not expire under that section. 22354

Sec. 3701.141. (A) There is hereby created in the department 22355
of health the ~~office of women's health initiatives program,~~ 22356
~~consisting of the chief of the office and an administrative 22357
assistant. To the extent of available funds, other positions 22358
determined necessary and relevant by the director of health may be 22359
added. The administrative assistant and all other employees 22360
assigned to the office shall report to the chief and the chief to 22361
the director or the deputy specified by the director. 22362~~

(B) To the extent funds are available, the ~~office of women's 22363
health initiatives program~~ shall: 22364

(1) Identify, review, and assist the director in the 22365
coordination of programs and resources the department of health is 22366
committing to women's health concerns, including the department's 22367
women's and infants' program activities; 22368

(2) Advocate for women's health by requesting that the 22369
department conduct, sponsor, encourage, or fund research; 22370
establish additional programs regarding women's health concerns as 22371
needed; and monitor the research and program efforts; 22372

(3) Collect, classify, and store relevant research conducted 22373
by the department or other entities, and provide, unless otherwise 22374
prohibited by law, interested persons access to research results; 22375

(4) ~~Generate~~ Apply for grant ~~activities opportunities.~~ 22376

~~(C) Prior to the director's report to the governor on the 22377
department's biennial budget request, the office of women's health 22378~~

~~initiatives shall submit in writing to the director of health a 22379
biennial report of recommended programs, projects, and research to 22380
address critical issues in women's health. 22381~~

Sec. 3701.46. In reporting every birth ~~and, still birth, or~~ 22382
fetal death, physicians and others required to make the reports 22383
shall state on the birth, still birth, or fetal death certificate, 22384
~~as the case may be,~~ whether approved tests for syphilis and 22385
gonorrhea have been made in an approved laboratory upon specimens 22386
taken from the woman who bore the child for which the certificate 22387
is filed, and the approximate date when the specimens were taken. 22388
If the tests were not made, the physician or other person shall 22389
state the reasons why the tests were not made. In no event shall 22390
the results of the tests be stated on the ~~birth or fetal death~~ 22391
certificate. 22392

Sec. 3701.61. (A) The department of health shall establish 22393
the help me grow program for the purpose of encouraging early 22394
prenatal and well-baby care. The program shall include 22395
distributing subsidies to counties to provide the following 22396
services: 22397

(1) Home-visiting services to newborn infants and their 22398
families; 22399

(2) Services to infants and toddlers under three years of age 22400
who are at risk for, or who have, a developmental delay or 22401
disability and their families. 22402

(B) The department shall not provide home-visiting services 22403
under the help me grow program unless requested in writing by a 22404
parent of the infant or toddler. 22405

(C) Pursuant to Chapter 119. of the Revised Code, the 22406
department shall adopt rules that are necessary and proper to 22407
implement this section. 22408

Sec. 3702.31. (A) The quality monitoring and inspection fund 22409
is hereby created in the state treasury. The director of health 22410
shall use the fund to administer and enforce this section and 22411
sections 3702.11 to 3702.20, 3702.30, and 3702.32 of the Revised 22412
Code and rules adopted pursuant to those sections. The director 22413
shall deposit in the fund any moneys collected pursuant to this 22414
section or section 3702.32 of the Revised Code. All investment 22415
earnings of the fund shall be credited to the fund. 22416

(B) The director of health shall adopt rules pursuant to 22417
Chapter 119. of the Revised Code establishing fees for both of the 22418
following: 22419

(1) Initial and renewal license applications submitted under 22420
section 3702.30 of the Revised Code. The fees established under 22421
division (B)(1) of this section shall not exceed the actual and 22422
necessary costs of performing the activities described in division 22423
(A) of this section. 22424

(2) Inspections conducted under section 3702.15 or 3702.30 of 22425
the Revised Code. The fees established under division (B)(2) of 22426
this section shall not exceed the actual and necessary costs 22427
incurred during an inspection, including any indirect costs 22428
incurred by the department for staff, salary, or other 22429
administrative costs. The director of health shall provide to each 22430
health care facility or provider inspected pursuant to section 22431
3702.15 or 3702.30 of the Revised Code a written statement of the 22432
fee. The statement shall itemize and total the costs incurred. 22433
Within fifteen days after receiving a statement from the director, 22434
the facility or provider shall forward the total amount of the fee 22435
to the director. 22436

(3) The fees described in divisions (B)(1) and (2) of this 22437
section shall meet both of the following requirements: 22438

(a) For each service described in section 3702.11 of the Revised Code, the fee shall not exceed one thousand ~~two~~ seven hundred fifty dollars annually, except that the total fees charged to a health care provider under this section shall not exceed five thousand dollars annually.

(b) The fee shall exclude any costs reimbursable by the United States health care financing administration as part of the certification process for the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the medicaid program established under Title XIX of that act.

(4) The director shall not establish a fee for any service for which a licensure or inspection fee is paid by the health care provider to a state agency for the same or similar licensure or inspection.

Sec. 3702.63. As specified in former Section 11 of Am. Sub. S.B. 50 of the 121st general assembly, as amended by Am. Sub. H.B. 405 of the 124th general assembly, all of the following apply:

(A) The removal of former divisions (E) and (F) of section 3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 50 of the 121st general assembly does not release the holders of certificates of need issued under those divisions from complying with any conditions on which the granting of the certificates of need was based, including the requirement of former division (E)(6) of that section that the holders not enter into provider agreements under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for at least ten years following initial licensure of the long-term care facilities for which the certificates were granted.

(B) The repeal of section 3702.55 of the Revised Code by 22469
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 22470
not release the holders of certificates of need issued under that 22471
section from complying with any conditions on which the granting 22472
of the certificates of need was based, other than the requirement 22473
of division (A)(6) of that section that the holders not seek 22474
certification under Title XVIII of the "Social Security Act" for 22475
beds recategorized under the certificates. That repeal also does 22476
not eliminate the requirement that the director of health revoke 22477
the licensure of the beds under Chapter 3721. of the Revised Code 22478
if a person to which their ownership is transferred fails, as 22479
required by division (A)(6) of the repealed section, to file 22480
within ten days after the transfer a sworn statement not to seek 22481
certification under Title XIX of the "Social Security Act" for 22482
beds recategorized under the certificates of need. 22483

(C) The repeal of section 3702.56 of the Revised Code by 22484
Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does 22485
not release the holders of certificates of need issued under that 22486
section from complying with any conditions on which the granting 22487
of the certificates of need was based. 22488

Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 22489
of the Revised Code, this section applies to the review of 22490
certificate of need applications during the period beginning July 22491
1, 1993, and ending June 30, ~~2003~~ 2005. 22492

(B)(1) Except as provided in division (B)(2) of this section, 22493
the director of health shall neither grant nor deny any 22494
application for a certificate of need submitted prior to July 1, 22495
1993, if the application was for any of the following and the 22496
director had not issued a written decision concerning the 22497
application prior to that date: 22498

(a) Approval of beds in a new health care facility or an 22499

increase of beds in an existing health care facility, if the beds 22500
are proposed to be licensed as nursing home beds under Chapter 22501
3721. of the Revised Code; 22502

(b) Approval of beds in a new county home or new county 22503
nursing home as defined in section 5155.31 of the Revised Code, or 22504
an increase of beds in an existing county home or existing county 22505
nursing home, if the beds are proposed to be certified as skilled 22506
nursing facility beds under Title XVIII or nursing facility beds 22507
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 22508
42 U.S.C.A. 301, as amended; 22509

(c) Recategorization of hospital beds as described in section 22510
3702.522 of the Revised Code, an increase of hospital beds 22511
registered pursuant to section 3701.07 of the Revised Code as 22512
long-term care beds or skilled nursing facility beds, or a 22513
recategorization of hospital beds that would result in an increase 22514
of beds registered pursuant to that section as long-term care beds 22515
or skilled nursing facility beds. 22516

On July 1, 1993, the director shall return each such 22517
application to the applicant and, notwithstanding section 3702.52 22518
of the Revised Code regarding the uses of the certificate of need 22519
fund, shall refund to the applicant the application fee paid under 22520
that section. Applications returned under division (B)(1) of this 22521
section may be resubmitted in accordance with section 3702.52 of 22522
the Revised Code no sooner than July 1, ~~2003~~ 2005. 22523

(2) The director shall continue to review and shall issue a 22524
decision regarding any application submitted prior to July 1, 22525
1993, to increase beds for either of the purposes described in 22526
division (B)(1)(a) or (b) of this section if the proposed increase 22527
in beds is attributable solely to a replacement or relocation of 22528
existing beds within the same county. The director shall authorize 22529
under such an application no additional beds beyond those being 22530
replaced or relocated. 22531

(C)(1) Except as provided in division (C)(2) of this section, 22532
the director, during the period beginning July 1, 1993, and ending 22533
June 30, ~~2003~~ 2005, shall not accept for review under section 22534
3702.52 of the Revised Code any application for a certificate of 22535
need for any of the purposes described in divisions (B)(1)(a) to 22536
(c) of this section. 22537

(2) The director shall accept for review any application for 22538
either of the purposes described in division (B)(1)(a) or (b) of 22539
this section if the proposed increase in beds is attributable 22540
solely to a replacement or relocation of existing beds within the 22541
same county. The director shall authorize under such an 22542
application no additional beds beyond those being replaced or 22543
relocated. The director also shall accept for review any 22544
application that seeks certificate of need approval for existing 22545
beds located in an infirmary that is operated exclusively by a 22546
religious order, provides care exclusively to members of religious 22547
orders who take vows of celibacy and live by virtue of their vows 22548
within the orders as if related, and was providing care 22549
exclusively to members of such a religious order on January 1, 22550
1994. 22551

(D) The director shall issue a decision regarding any case 22552
remanded by a court as the result of a decision issued by the 22553
director prior to July 1, 1993, to grant, deny, or withdraw a 22554
certificate of need for any of the purposes described in divisions 22555
(B)(1)(a) to (c) of this section. 22556

(E) The director shall not project the need for beds listed 22557
in division (B)(1) of this section for the period beginning July 22558
1, 1993, and ending June 30, ~~2003~~ 2005. 22559

This section is an interim section effective until July 1, 22560
~~2003~~ 2005. 22561

Sec. 3702.74. (A) A primary care physician who has signed a 22562
letter of intent under section 3702.73 of the Revised Code, the 22563
director of health, and the Ohio board of regents may enter into a 22564
contract for the physician's participation in the physician loan 22565
repayment program. A lending institution may also be a party to 22566
the contract. 22567

(B) The contract shall include all of the following 22568
obligations: 22569

(1) The primary care physician agrees to provide primary care 22570
services in the health resource shortage area identified in the 22571
letter of intent for at least two years or one year per twenty 22572
thousand dollars of repayment agreed to under division (B)(3) of 22573
this section, whichever is greater; 22574

(2) When providing primary care services in the health 22575
resource shortage area, the primary care physician agrees to do 22576
all of the following: 22577

(a) Provide primary care services for a minimum of forty 22578
hours per week; 22579

(b) Provide primary care services without regard to a 22580
patient's ability to pay; 22581

(c) Meet the conditions prescribed by the "Social Security 22582
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 22583
department of job and family services for participation in the 22584
medical assistance program established under Chapter 5111. of the 22585
Revised Code and enter into a contract with the department to 22586
provide primary care services to recipients of the medical 22587
assistance program; 22588

(d) Meet the conditions established by the department of job 22589
and family services for participation in the disability ~~assistance~~ 22590
medical assistance program established under Chapter 5115. of the 22591

Revised Code and enter into a contract with the department to 22592
provide primary care services to recipients of disability medical 22593
assistance. 22594

(3) The Ohio board of regents agrees, as provided in section 22595
3702.75 of the Revised Code, to repay, so long as the primary care 22596
physician performs the service obligation agreed to under division 22597
(B)(1) of this section, all or part of the principal and interest 22598
of a government or other educational loan taken by the primary 22599
care physician for expenses described in section 3702.75 of the 22600
Revised Code; 22601

(4) The primary care physician agrees to pay the board the 22602
following as damages if the physician fails to complete the 22603
service obligation agreed to under division (B)(1) of this 22604
section: 22605

(a) If the failure occurs during the first two years of the 22606
service obligation, three times the total amount the board has 22607
agreed to repay under division (B)(3) of this section; 22608

(b) If the failure occurs after the first two years of the 22609
service obligation, three times the amount the board is still 22610
obligated to repay under division (B)(3) of this section. 22611

(C) The contract may include any other terms agreed upon by 22612
the parties, including an assignment to the Ohio board of regents 22613
of the physician's duty to pay the principal and interest of a 22614
government or other educational loan taken by the physician for 22615
expenses described in section 3702.75 of the Revised Code. If the 22616
board assumes the physician's duty to pay a loan, the contract 22617
shall set forth the total amount of principal and interest to be 22618
paid, an amortization schedule, and the amount of each payment to 22619
be made under the schedule. 22620

Sec. 3705.01. As used in this chapter: 22621

(A) "Live birth" means the complete expulsion or extraction 22622
from its mother of a product of human conception that after such 22623
expulsion or extraction breathes or shows any other evidence of 22624
life such as beating of the heart, pulsation of the umbilical 22625
cord, or definite movement of voluntary muscles, whether or not 22626
the umbilical cord has been cut or the placenta is attached. 22627

(B) "Fetal death" means death caused by abortion prior to the 22628
complete expulsion or extraction from its mother of a product of 22629
human conception of at least twenty weeks of gestation, ~~which~~ 22630
~~after such expulsion or extraction does not breathe or show any~~ 22631
~~other evidence of life such as beating of the heart, pulsation of~~ 22632
~~the umbilical cord, or definite movement of voluntary muscles.~~ 22633

(C) "Still birth" means death prior to the complete expulsion 22634
or extraction from its mother of a product of human conception of 22635
at least twenty weeks of gestation, which after expulsion or 22636
extraction does not breathe or show any other evidence of life 22637
such as beating of the heart, pulsation of the umbilical cord, or 22638
definitive movement of the voluntary muscles. 22639

(D) "Dead body" means a human body or part of a human body 22640
from the condition of which it reasonably may be concluded that 22641
death recently occurred. 22642

~~(D)~~(E) "Physician" means a person licensed pursuant to 22643
Chapter 4731. of the Revised Code to practice medicine or surgery 22644
or osteopathic medicine and surgery. 22645

~~(E)~~(F) "Attending physician" means the physician in charge of 22646
the patient's care for the illness or condition that resulted in 22647
death. 22648

~~(F)~~(G) "Institution" means any establishment, public or 22649
private, that provides medical, surgical, or diagnostic care or 22650
treatment, or domiciliary care, to two or more unrelated 22651
individuals, or to persons committed by law. 22652

~~(G)~~(H) "Funeral director" has the meaning given in section 22653
4717.01 of the Revised Code. 22654

~~(H)~~(I) "State registrar" means the head of the office of 22655
vital statistics in the department of health. 22656

~~(I)~~(J) "Medical certification" means completion of the 22657
medical certification portion of the certificate of death ~~or,~~ 22658
fetal death, or still birth as to the cause of death ~~or,~~ fetal 22659
death, or still birth. 22660

~~(J)~~(K) "Final disposition" means the interment, cremation, 22661
removal from the state, donation, or other authorized disposition 22662
of a dead body ~~or a,~~ fetal death, or still birth. 22663

~~(K)~~(L) "Interment" means the final disposition of the remains 22664
of a dead body by burial or entombment. 22665

~~(L)~~(M) "Cremation" means the reduction to ashes of a dead 22666
body. 22667

~~(M)~~(N) "Donation" means gift of a dead body to a research 22668
institution or medical school. 22669

~~(N)~~(O) "System of vital statistics" means the registration, 22670
collection, preservation, amendment, and certification of vital 22671
records, the collection of other reports required by this chapter, 22672
and activities related thereto. 22673

~~(O)~~(P) "Vital records" means certificates or reports of 22674
birth, ~~death,~~ still birth, fetal death, death, marriage, divorce, 22675
dissolution of marriage, annulment, and data related thereto and 22676
other documents maintained as required by statute. 22677

~~(P)~~(Q) "File" means the presentation of vital records for 22678
registration by the office of vital statistics. 22679

~~(Q)~~(R) "Registration" means the acceptance by the office of 22680
vital statistics and the incorporation of vital records into its 22681
official records. 22682

~~(R)~~(S) "Birth record" means a birth certificate that has been 22683
registered with the office of vital statistics; or, if registered 22684
prior to the effective date of this section, with the division of 22685
vital statistics; or, if registered prior to the establishment of 22686
the division of vital statistics, with the department of health or 22687
a local registrar. 22688

~~(S)~~(T) "Certification of birth" means a document issued by 22689
the director of health or state registrar or a local registrar 22690
under division (B) of section 3705.23 of the Revised Code. 22691

Sec. 3705.02. A statewide system of registration of births, 22692
still births, fetal deaths, deaths, ~~fetal deaths,~~ and other vital 22693
statistics is hereby established, which ~~shall consist~~ consists of 22694
the office of vital statistics in the department of health and 22695
primary registration districts. The office of vital statistics 22696
shall be maintained at the capital of the state and shall be 22697
provided with sufficient staff, suitable offices, and other 22698
resources for the proper administration of the system of vital 22699
statistics and for the preservation of its official records. The 22700
director of health shall have charge of the system of vital 22701
statistics, enforce sections 3705.01 to 3705.29 of the Revised 22702
Code, and prepare and issue instructions necessary to secure the 22703
uniform observance of ~~such~~ those sections. The director shall 22704
adopt rules as necessary to ~~insure~~ ensure that this state shall 22705
have a complete and accurate registration of vital statistics. No 22706
system of registration of births, ~~deaths,~~ still births, fetal 22707
deaths, deaths, or other vital statistics shall be maintained in 22708
any political subdivision in conflict with ~~such~~ those sections. 22709

Sec. 3705.06. The local registrar of vital statistics shall 22710
supply blank forms of certificates and instructions to such 22711
persons as require them, and shall require each birth, still 22712

birth, fetal death, or death certificate, when presented for 22713
filing, to be made out in accordance with sections 3705.01 to 22714
3705.29 of the Revised Code, the rules adopted by the director of 22715
health, and the registration instructions of the director. If a 22716
birth, still birth, fetal death, or death certificate is 22717
incomplete or unsatisfactory, the local registrar shall indicate 22718
the defects therein and withhold registering the certificate or 22719
issuing a burial permit until such certificate is corrected. 22720

Sec. 3705.07. (A) The local registrar of vital statistics 22721
shall number consecutively the birth, still birth, fetal death, 22722
and death certificates in ~~three~~ four separate series, beginning 22723
with "number one" for the first birth, the first still birth, the 22724
first fetal death, and the first death registered in each calendar 22725
year. Such local registrar shall sign the local registrar's name 22726
in attest to the date of filing in the local office. The local 22727
registrar shall make a complete and accurate copy of each birth, 22728
still birth, fetal death, and death certificate registered. Each 22729
copy shall be filed and permanently preserved as the local record 22730
of such birth, still birth, fetal death, or death except as 22731
provided in sections 3705.09 and 3705.12 of the Revised Code. The 22732
local record may be a typewritten, photographic, electronic, or 22733
other reproduction. On or before the tenth day of each month, the 22734
local registrar shall transmit to the state office of vital 22735
statistics all original birth, still birth, fetal death, death, 22736
and military service certificates received, and all social 22737
security numbers obtained under section 3705.09, 3705.10, or 22738
3705.16 of the Revised Code, during the preceding month. The local 22739
registrar shall immediately notify the health commissioner with 22740
jurisdiction in the registration district of the receipt of a 22741
death certificate attesting that death resulted from a 22742
communicable disease. 22743

The office of vital statistics shall carefully examine the 22744

records and certificates received from local registrars of vital 22745
statistics and shall secure any further information that may be 22746
necessary to make each record and certificate complete and 22747
satisfactory. It shall arrange and preserve the records and 22748
certificates, or reproductions of them produced pursuant to 22749
section 3705.03 of the Revised Code, in a systematic manner and 22750
shall maintain a permanent index of all births, still births, 22751
fetal deaths, and deaths registered, which shall show the name of 22752
the child or deceased person, place and date of birth or death, 22753
number of the record or certificate, and the volume in which it is 22754
contained. 22755

(B)(1) The office of vital statistics shall make available to 22756
the division of child support in the department of job and family 22757
services all social security numbers that were furnished to a 22758
local registrar of vital statistics under division (I) of section 22759
3705.09 or under section 3705.10 or 3705.16 of the Revised Code 22760
and that were transmitted to the office under division (A) of this 22761
section. 22762

(2) The office of vital statistics also shall make available 22763
to the division of child support in the department of job and 22764
family services any other information recorded in the birth record 22765
that may enable the division to use the social security numbers 22766
provided under division (B)(1) of this section to obtain the 22767
location of the father of the child whose birth certificate was 22768
accompanied by the social security number or to otherwise enforce 22769
a child support order pertaining to that child or any other child. 22770

Sec. 3705.08. The director of health, by rule, shall 22771
prescribe the form of records and certificates required by this 22772
chapter. Records and certificates shall include the items and 22773
information prescribed by the director, including the items 22774
recommended by the national center for health statistics of the 22775

United States department of health and human services, subject to 22776
approval of and modification by the director, and all birth 22777
certificates shall include a statement setting forth the names of 22778
the child's parents and a line for the mother's and the father's 22779
signature. 22780

The director shall prescribe methods, forms, and blanks and 22781
shall furnish necessary postage, forms, and blanks for obtaining 22782
registration of births, deaths, and other vital statistics in each 22783
registration district, and for preserving the records of the 22784
office of vital statistics, and no forms or blanks shall be used 22785
other than those prescribed by the director. 22786

All birth, still birth, fetal death, and death records and 22787
certificates shall be printed legibly or typewritten in unfading 22788
black ink and signed. Except as provided in division (G) of 22789
section 3705.09, division (A) of section 3705.12, division (D) of 22790
section 3705.15, or section 3705.16 of the Revised Code, a 22791
signature required on a birth, still birth, fetal death, or death 22792
certificate shall be written by the person required to sign and a 22793
facsimile signature shall not be used. 22794

All vital records shall contain the date received for 22795
registration. 22796

Information required in certificates, records, or reports 22797
authorized by this chapter may be filed and registered by 22798
photographic, electronic, or other means as prescribed by the 22799
director. 22800

Sec. 3705.16. Each death, still birth, or fetal death that 22801
occurs in this state shall be registered with the local registrar 22802
of vital statistics of the district in which the death, still 22803
birth, or fetal death occurred by the funeral director or other 22804
person in charge of the final disposition of the remains. The 22805
personal and statistical information in the death, still birth, or 22806

fetal death certificate shall be obtained from the best qualified 22807
persons or sources available by the funeral director or other 22808
person in charge of the final disposition of the remains. The 22809
statement of facts relating to the disposition of the body and 22810
information relative to the armed services referred to in section 22811
3705.19 of the Revised Code shall be signed by the funeral 22812
director or other person in charge of the final disposition of the 22813
remains. The funeral director or other person in charge of the 22814
final disposition of the remains shall then present the death 22815
certificate to the physician or coroner for certification of the 22816
cause of death. The medical certificate of death shall be 22817
completed and signed by the physician who attended the deceased or 22818
by the coroner within forty-eight hours after death. The coroner 22819
may satisfy the requirement of signing a death certificate showing 22820
the cause of death as pending either by stamping it with a stamp 22821
of the coroner's signature or by signing it in the coroner's own 22822
hand, but the coroner shall sign a death certificate or 22823
supplementary medical certification in the coroner's own hand. Any 22824
death certificate registered pursuant to this section shall 22825
contain the social security number of the decedent, if available. 22826
A social security number obtained under this section is a public 22827
record under section 149.43 of the Revised Code. 22828

Sec. 3705.17. The body of a person whose death occurs in this 22829
state shall not be interred, deposited in a vault or tomb, 22830
cremated, or otherwise disposed of by a funeral director until a 22831
burial permit is issued by a local registrar or sub-registrar of 22832
vital statistics. No such permit shall be issued by a local 22833
registrar or sub-registrar until a satisfactory death, still 22834
birth, fetal death, or provisional death certificate is filed with 22835
the local registrar or sub-registrar. When the medical 22836
certification as to the cause of death cannot be provided by the 22837
attending physician or coroner prior to burial, for sufficient 22838

cause, as determined by rule of the director of health, the 22839
funeral director may file a provisional death certificate with the 22840
local registrar or sub-registrar for the purpose of securing a 22841
burial or burial-transit permit. When the funeral director files a 22842
provisional death certificate to secure a burial or burial-transit 22843
permit, the funeral director shall file a satisfactory and 22844
complete death certificate within five days after the date of 22845
death. The director of health, by rule, may provide additional 22846
time for filing a satisfactory death certificate. A burial permit 22847
authorizing cremation shall not be issued upon the filing of a 22848
provisional certificate of death. 22849

When a funeral director or other person obtains a burial 22850
permit from a local registrar or sub-registrar, the registrar or 22851
sub-registrar shall charge a fee of three dollars for the issuance 22852
of the burial permit. Two dollars and fifty cents of each fee 22853
collected for a burial permit shall be paid into the state 22854
treasury to the credit of the division of real estate in the 22855
department of commerce to be used by the division in discharging 22856
its duties prescribed in Chapter 4767. of the Revised Code and the 22857
Ohio cemetery dispute resolution commission created by section 22858
4767.05 of the Revised Code. A local registrar or sub-registrar 22859
shall transmit payments of that portion of the amount of each fee 22860
collected under this section to the treasurer of state on a 22861
quarterly basis or more frequently, if possible. The director of 22862
health, by rule, shall provide for the issuance of a burial permit 22863
without the payment of the fee required by this section if the 22864
total cost of the burial will be paid by an agency or 22865
instrumentality of the United States, the state or a state agency, 22866
or a political subdivision of the state. 22867

The director of commerce may by rule adopted in accordance 22868
with Chapter 119. of the Revised Code reduce the total amount of 22869
the fee required by this section and that portion of the amount of 22870

the fee required to be paid to the credit of the division of real 22871
estate for the use of the division and the Ohio cemetery dispute 22872
resolution commission, if the director determines that the total 22873
amount of funds the fee is generating at the amount required by 22874
this section exceeds the amount of funds the division of real 22875
estate and the commission need to carry out their powers and 22876
duties prescribed in Chapter 4767. of the Revised Code. 22877

No person in charge of any premises in which interments or 22878
cremations are made shall inter or cremate or otherwise dispose of 22879
a body, unless it is accompanied by a burial permit. Each person 22880
in charge of a cemetery, crematory, or other place of disposal 22881
shall indorse upon a burial permit the date of interment, 22882
cremation, or other disposal and shall retain such permits for a 22883
period of at least five years. The person in charge shall keep an 22884
accurate record of all interments, cremations, or other disposal 22885
of dead bodies, made in the premises under the person's charge, 22886
stating the name of the deceased person, place of death, date of 22887
burial, cremation, or other disposal, and name and address of the 22888
funeral director. Such record shall at all times be open to public 22889
inspection. 22890

Sec. 3705.201. A still birth shall be registered on a still 22891
birth certificate. A still birth that occurs in Ohio shall not be 22892
interred, deposited in a vault or tomb, cremated, or otherwise 22893
disposed of by a funeral director or other person until a still 22894
birth certificate or provisional certificate has been filed with 22895
and a burial permit is issued by the local registrar of vital 22896
statistics of the registration district in which the still birth 22897
occurs, or the body is found. The department of health and the 22898
local registrar shall keep a separate record and index record of 22899
still birth certificates. 22900

The personal or statistical information on the still birth 22901

certificate shall be obtained by the funeral director or other 22902
person in charge of interment or cremation from the best qualified 22903
persons or sources available. 22904

Sec. 3705.22. Whenever it is alleged that the facts stated in 22905
any birth, still birth, fetal death, or death record filed in the 22906
department of health are not true, the director may require 22907
satisfactory evidence to be presented in the form of affidavits, 22908
amended records, or certificates to establish the alleged facts. 22909
When established, the original record or certificate shall be 22910
supplemented by the affidavit or the amended certificate or record 22911
information. 22912

An affidavit in a form prescribed by the director shall be 22913
sworn to by a person having personal knowledge of the matter 22914
sought to be corrected. Medical certifications contained on still 22915
birth, fetal death, or death records may be corrected only by the 22916
person whose name appears on the original record as attending 22917
physician or by the coroner of the county in which the death 22918
occurred. 22919

The amended birth record shall be signed by the person who 22920
attended the birth and the informant or informants whose names 22921
appear on the original record. The amended ~~death or~~ still birth, 22922
fetal death, or death record shall be signed by the physician or 22923
coroner, funeral director, and informant whose names appear on the 22924
original record. 22925

An affidavit or amended record for the correction of the 22926
given name of a person shall have the signature of the person, if 22927
the person is age eighteen or older, or of both parents if the 22928
person is under eighteen, except that in the case of a child born 22929
out of wedlock, the mother's signature will suffice; in the case 22930
of the death or incapacity of either parent, the signature of the 22931
other parent will suffice; in the case of a child not in the 22932

custody of ~~his~~ the child's parents, the signature of the guardian 22933
or agency having the custody of the child will suffice; and in the 22934
case of a child whose parents are deceased, the signature of 22935
another person who knows the child will suffice. 22936

Once a correction or amendment of an item is made on a vital 22937
record, that item shall not be corrected or amended again except 22938
on the order of a court of this state or the request of a court of 22939
another state or jurisdiction. 22940

The director may refuse to accept an affidavit or amended 22941
certificate or record that appears to be submitted for the purpose 22942
of falsifying the certificate or record. 22943

A certified copy of a certificate or record issued by the 22944
department of health shall show the information as originally 22945
given and the corrected information, except that an electronically 22946
produced copy need indicate only that the certificate or record 22947
was corrected and the item that was corrected. 22948

Sec. 3705.23. (A)(1) Except as otherwise provided in this 22949
section, the director of health, the state registrar, or a local 22950
registrar, on receipt of a signed application and the fee 22951
specified in section 3705.24 of the Revised Code, shall issue a 22952
certified copy of a vital record, or of a part of a vital record, 22953
in the director's or registrar's custody to any applicant, unless 22954
the vital record has ceased to be a public record pursuant to 22955
section 3705.09, 3705.11, 3705.12, or 3705.15 of the Revised Code. 22956
The certified copy shall show the date the vital record was 22957
registered by the local registrar. 22958

(2) A certified copy of a vital record may be made by a 22959
mechanical, electronic, or other reproduction process. It shall be 22960
certified as a true copy by the director, state registrar, or 22961
local registrar who has custody of the record and shall include 22962
the date of issuance, the name of the issuing officer, the 22963

signature of the officer or an authorized facsimile of the 22964
signature, and the seal of the issuing office. 22965

(3) A certified copy of a vital record or of any part of a 22966
vital record, issued in accordance with this section, shall be 22967
considered for all purposes the same as the original and shall be 22968
prima-facie evidence of the facts stated in it in all courts and 22969
places. 22970

(4)(a) Information contained in the "information for medical 22971
and health use only" section of a birth record shall not be 22972
included as part of a certified copy of the birth record unless 22973
the information specifically is requested by the individual to 22974
whose birth the record attests, either of the individual's parents 22975
or the individual's guardian, a lineal descendant, or an official 22976
of the federal or state government or of a political subdivision 22977
of the state charged by law with detecting or prosecuting crime. 22978

(b) Except as provided in division (A)(4)(a) of this section, 22979
neither the office of vital statistics nor a local registrar shall 22980
disclose information contained in the "information for medical and 22981
health use only" section of a birth record unless a court, for 22982
good cause shown, orders disclosure of the information or the 22983
state registrar specifically authorizes release of the information 22984
for statistical or research purposes under conditions the state 22985
registrar, subject to the approval of the director of health, 22986
shall establish by rule. 22987

(B)(1) Unless the applicant specifically requests a certified 22988
copy, the director, the state registrar, or a local registrar, on 22989
receipt of a signed application for a birth record and the fee 22990
specified in section 3705.24 of the Revised Code, may issue a 22991
certification of birth, and the certification of birth shall 22992
contain at least the name, sex, date of birth, registration date, 22993
and place of birth of the person to whose birth the record attests 22994
and shall attest that the person's birth has been registered. A 22995

certification of birth shall be prima-facie evidence of the facts 22996
stated in it in all courts and places. 22997

(2) The director or the state registrar, on the receipt of a 22998
signed application for an heirloom certification of birth and the 22999
fee specified in section 3705.24 of the Revised Code, may issue an 23000
heirloom certification of birth. The director shall prescribe by 23001
rule guidelines for the form of an heirloom certification of 23002
birth, and the guidelines shall require the heirloom certification 23003
of birth to contain at least the name, sex, date of birth, 23004
registration date, and place of birth of the person to whose birth 23005
the record attests and to attest that the person's birth has been 23006
registered. An heirloom certification of birth shall be 23007
prima-facie evidence of the facts stated in it in all courts and 23008
places. 23009

(C) On evidence that a birth certificate was registered 23010
through misrepresentation or fraud, the state registrar may 23011
withhold the issuance of a certified copy of the birth record or a 23012
certification of birth until a court makes a determination that no 23013
misrepresentation or fraud occurred. 23014

~~(D) Except as provided in division (A)(4)(b) of this section,~~ 23015
~~the state registrar and a local registrar, on request, shall~~ 23016
~~provide uncertified copies of vital records in accordance with~~ 23017
~~section 149.43 of the Revised Code.~~ 23018

Sec. 3705.24. ~~(A) Except as otherwise provided in this~~ 23019
~~division or division (C) of this section, the fee for a certified~~ 23020
~~copy of a vital record or for a certification of birth shall be~~ 23021
~~seven dollars plus any fee required by section 3109.14 of the~~ 23022
~~Revised Code. Except as provided in section 3705.241 of the~~ 23023
~~Revised Code, the fee for a certified copy of a vital record or~~ 23024
~~for a certification of birth issued by the office of vital~~ 23025
~~statistics shall be an amount prescribed by the public health~~ 23026

~~council plus any fee required by section 3109.14 of the Revised Code. The fee for a certified copy of a vital record or for a certification of birth issued by a health district shall be an amount prescribed in accordance with section 3709.09 of the Revised Code plus any fee required by section 3109.14 of the Revised Code. No certified copy of a vital record or certification of birth shall be issued without payment of the fee unless otherwise specified by statute.~~

~~For a special search of the files and records to determine a date or place contained in a record on file, the office of vital statistics shall charge a fee of three dollars for each hour or fractional part of an hour required for the search.~~

~~(B)(1) The public health council shall, in accordance with section 111.15 of the Revised Code, adopt rules prescribing fees for the following services provided by the state office of vital statistics:~~

~~(a) Except as provided in division (A)(4) of this section:~~

~~(i) A certified copy of a vital record or a certification of birth;~~

~~(ii) A search by the office of vital statistics of its files and records pursuant to a request for information, regardless of whether a copy of a record is provided;~~

~~(iii) A copy of a record provided pursuant to a request;~~

~~(b) Replacement of a birth certificate following an adoption, legitimation, paternity determination or acknowledgement, or court order;~~

~~(c) Filing of a delayed registration of a vital record;~~

~~(d) Amendment of a vital record that is requested later than one year after the filing date of the vital record;~~

~~(e) Any other documents or services for which the public~~

health council considers the charging of a fee appropriate. 23057

(2) Fees prescribed under division (A)(1)(a) of this section shall not be less than seven dollars. 23058
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(3) Fees prescribed under division (A)(1) of this section shall be collected in addition to any fee required by section 3109.14 of the Revised Code. 23060
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(4) Fees prescribed under division (A) of this section shall not apply to certifications issued under division (H) of this section or copies provided under section 3705.241 of the Revised Code. 23063
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(B) In addition to the fees prescribed under division (A) of this section or section 3709.09 of the Revised Code, the office of vital statistics or the board of health of a city or general health district shall charge a five-dollar fee for each certified copy of a vital record and each certification of birth. This fee shall be deposited in the general operations fund created under section 3701.83 of the Revised Code and be used solely toward the modernization and automation of the system of vital records in this state. A board of health shall forward all fees collected under this division to the department of health not later than thirty days after the end of each calendar quarter. 23067
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(C) Except as otherwise provided in division ~~(G)~~(H) of this 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 23078
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excess of the fees imposed by this section shall be dealt with as 23088
follows: 23089

(1) An overpayment of two dollars or less shall be retained 23090
by the department and deposited in the state treasury to the 23091
credit of the general operations fund created by section 3701.83 23092
of the Revised Code. 23093

(2) An overpayment in excess of two dollars shall be returned 23094
to the person who made the overpayment. 23095

~~(C)~~(D) If a local registrar is a salaried employee of a city 23096
or a general health district, any fees the local registrar 23097
receives pursuant to section 3705.23 of the Revised Code shall be 23098
paid into the general fund of the city or the health fund of the 23099
general health district. 23100

Each local registrar of vital statistics, or each health 23101
district where the local registrar is a salaried employee of the 23102
district, shall be entitled to a fee for each birth, still birth, 23103
fetal death, death, or military service certificate properly and 23104
completely made out and registered with the local registrar or 23105
district and correctly copied and forwarded to the office of vital 23106
statistics in accordance with the population of the primary 23107
registration district at the last federal census. The fee for each 23108
birth, still birth, fetal death, death, or military service 23109
certificate shall be: 23110

(1) In primary registration districts of over two hundred 23111
fifty thousand, twenty cents; 23112

(2) In primary registration districts of over one hundred 23113
twenty-five thousand and less than two hundred fifty thousand, 23114
sixty cents; 23115

(3) In primary registration districts of over fifty thousand 23116
and less than one hundred twenty-five thousand, eighty cents; 23117

(4) In primary registration districts of less than fifty 23118
thousand, one dollar. 23119

~~(D)~~(E) The director of health shall annually certify to the 23120
county treasurers of the several counties the number of birth, 23121
still birth, fetal death, death, and military service certificates 23122
registered from their respective counties with the names of the 23123
local registrars and the amounts due each registrar and health 23124
district at the rates fixed in this section. Such amounts shall be 23125
paid by the treasurer of the county in which the registration 23126
districts are located. No fees shall be charged or collected by 23127
registrars except as provided by this chapter and section 3109.14 23128
of the Revised Code. 23129

~~(E)~~(F) A probate judge shall be paid a fee of fifteen cents 23130
for each certified abstract of marriage prepared and forwarded by 23131
the probate judge to the department of health pursuant to section 23132
3705.21 of the Revised Code. The fee shall be in addition to the 23133
fee paid for a marriage license and shall be paid by the 23134
applicants for the license. 23135

~~(F)~~(G) The clerk of a court of common pleas shall be paid a 23136
fee of one dollar for each certificate of divorce, dissolution, 23137
and annulment of marriage prepared and forwarded by the clerk to 23138
the department pursuant to section 3705.21 of the Revised Code. 23139
The fee for the certified abstract of divorce, dissolution, or 23140
annulment of marriage shall be added to the court costs allowed in 23141
these cases. 23142

~~(G)~~(H) The fee for an heirloom certification of birth issued 23143
pursuant to division (B)(2) of section 3705.23 of the Revised Code 23144
shall be an amount prescribed by rule by the director of health 23145
plus any fee required by section 3109.14 of the Revised Code. In 23146
setting the amount of the fee, the director shall establish a 23147
surcharge in addition to an amount necessary to offset the expense 23148

of processing heirloom certifications of birth. The fee prescribed 23149
by the director of health pursuant to this division shall be 23150
deposited into the state treasury to the credit of the heirloom 23151
certification of birth fund which is hereby created. Money 23152
credited to the fund shall be used by the office of vital 23153
statistics to offset the expense of processing heirloom 23154
certifications of birth. However, the money collected for the 23155
surcharge, subject to the approval of the controlling board, shall 23156
be used for the purposes specified by the family and children 23157
first council pursuant to section 121.37 of the Revised Code. 23158

Sec. 3705.26. Any person having knowledge of the facts shall 23159
furnish such information as ~~he~~ the person may possess regarding 23160
any birth, still birth, fetal death, or death upon demand of the 23161
state registrar. 23162

Sec. 3705.28. This chapter applies to all birth, still birth, 23163
fetal death, or death certificates and records, and reports of 23164
marriage, divorce, dissolution of marriage, or annulment of 23165
marriage received by the department of health prior to the 23166
effective date of this section and in the custody of the state 23167
registrar or a local registrar, but nothing in this chapter 23168
affects the validity of any certificate, record, or report created 23169
or filed prior to the effective date of this section. 23170

Sec. 3709.09. (A) The board of health of a city or general 23171
health district may, by rule, establish a uniform system of fees 23172
to pay the costs of any services provided by the board. ~~Fees~~ 23173

The fee for issuance of a certified copy of a vital record or 23174
a certification of birth shall not be less than the fee prescribed 23175
for the same service under division (A)(1) of section 3705.24 of 23176
the Revised Code and shall include the fees required by division 23177
(B) of section 3705.24 and section 3109.14 of the Revised Code. 23178

Fees for services provided by the board for purposes 23179
specified in sections 3701.344, 3711.05, 3730.03, 3733.04, 23180
3733.25, and 3749.04 of the Revised Code shall be established in 23181
accordance with rules adopted under division (B) of this section. 23182
The district advisory council, in the case of a general health 23183
district, and the legislative authority of the city, in the case 23184
of a city health district, may disapprove any fee established by 23185
the board of health under this division, and any such fee, as 23186
disapproved, shall not be charged by the board of health. 23187

(B) The public health council shall adopt rules under section 23188
111.15 of the Revised Code that establish fee categories and 23189
uniform methodologies for use in calculating the costs of services 23190
provided for purposes specified in sections 3701.344, 3711.05, 23191
3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code. In 23192
adopting the rules, the public health council shall consider 23193
recommendations it receives from advisory boards established 23194
either by statute or the director of health for entities subject 23195
to the fees. 23196

(C) At least thirty days prior to establishing a fee for a 23197
service provided by the board for a purpose specified in section 23198
3701.344, 3711.05, 3730.03, 3733.04, 3733.25, or 3749.04 of the 23199
Revised Code, a board of health shall notify any entity that would 23200
be affected by the proposed fee of the amount of the proposed fee. 23201

Sec. 3710.05. (A) Except as otherwise provided in this 23202
chapter, no person shall engage in any asbestos hazard abatement 23203
activities in this state unless licensed or certified pursuant to 23204
this chapter. 23205

(B) To apply for licensure as an asbestos abatement 23206
contractor or certification as an asbestos hazard abatement 23207
specialist, an asbestos hazard evaluation specialist, an asbestos 23208
hazard abatement project designer, or an asbestos hazard abatement 23209

air-monitoring technician, a person shall do all of the following:	23210
(1) Submit a completed application to the department of health, on a form provided by the department;	23211 23212
(2) Pay the requisite fee as provided in division (D) of this section;	23213 23214
(3) Submit any other information the public health council by rule requires.	23215 23216
(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:	23217 23218 23219
(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;	23220 23221 23222 23223 23224
(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;	23225 23226 23227 23228 23229
(3) The name and address of each asbestos disposal site that the business entity or public entity might use during the year;	23230 23231
(4) A description of the site decontamination procedures that the business entity or public entity will use;	23232 23233
(5) A description of the asbestos hazard abatement procedures that the business entity or public entity will use;	23234 23235
(6) A description of the procedures that the business entity or public entity will use for handling waste containing asbestos;	23236 23237
(7) A description of the air-monitoring procedures that the business entity or public entity will use to prevent contamination	23238 23239

or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos;	23240 23241
(8) A description of the final clean-up procedures that the business entity or public entity will use;	23242 23243
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	23244 23245
(10) The federal tax identification number of the business entity or the public entity.	23246 23247
(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:	23248 23249 23250 23251 23252
(1) Five <u>Seven</u> hundred fifty dollars for asbestos hazard abatement contractors;	23253 23254
(2) One <u>Two</u> hundred twenty-five dollars for asbestos hazard abatement project designers;	23255 23256
(3) Twenty-five <u>Fifty</u> dollars for asbestos hazard abatement workers;	23257 23258
(4) One <u>Two</u> hundred twenty-five dollars for asbestos hazard abatement specialists;	23259 23260
(5) One <u>Two</u> hundred twenty-five dollars for asbestos hazard evaluation specialists; and	23261 23262
(6) Seven <u>Nine</u> hundred fifty dollars for approval or renewal of asbestos hazard training providers.	23263 23264
(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	23265 23266 23267 23268 23269

standards of the United States environmental protection agency and 23270
the United States occupational safety and health administration 23271
and provided further that all persons employed by the business 23272
entity on the activity meet the requirements of this chapter. 23273

Sec. 3711.021. For the purposes of this chapter, a maternity 23274
hospital or lying-in hospital includes a limited maternity unit, 23275
which is a unit in a hospital that contains no other maternity 23276
unit, in which care is provided during all or part of the 23277
maternity cycle and newborns receive care in a private room 23278
serving all antepartum, labor, delivery, recovery, postpartum, and 23279
nursery needs. 23280

The director of health may charge a maternity hospital or 23281
lying-in hospital seeking an initial or renewal license under this 23282
chapter a fee not exceeding the following: 23283

(A) ~~Three~~ Four thousand ~~eight hundred fifty~~ forty-two dollars 23284
for a hospital in which not less than two thousand births occurred 23285
the previous calendar year; 23286

(B) Three thousand ~~three~~ five hundred ~~fifty~~ seventeen dollars 23287
for a hospital in which not more than one thousand nine hundred 23288
ninety-nine and not less than one thousand births occurred the 23289
previous calendar year; 23290

(C) Two thousand ~~eight~~ nine hundred ~~fifty~~ ninety-two dollars 23291
for a hospital in which not more than nine hundred ninety-nine and 23292
not less than six hundred fifty births occurred the previous 23293
calendar year; 23294

(D) Two thousand ~~three~~ four hundred ~~fifty~~ sixty-seven dollars 23295
for a hospital in which not more than six hundred forty-nine and 23296
not less than four hundred fifty births occurred the previous 23297
calendar year; 23298

(E) One thousand ~~eight~~ nine hundred ~~fifty~~ forty-two dollars 23299

for a hospital in which not more than four hundred forty-nine 23300
births and not less than one hundred births occurred the previous 23301
calendar year; 23302

(F) One thousand ~~three~~ four hundred ~~fifty~~ seventeen dollars 23303
for a hospital in which not more than ninety-nine births occurred 23304
the previous calendar year. 23305

The director shall deposit all fees collected under this 23306
section into the general operations fund created under section 23307
3701.83 of the Revised Code. Money generated by the fees shall be 23308
used only for administration and enforcement of this chapter and 23309
rules adopted under it. 23310

Sec. 3717.42. (A) The following are not food service 23311
operations: 23312

(1) A retail food establishment licensed under this chapter, 23313
including a retail food establishment that provides the services 23314
of a food service operation pursuant to an endorsement issued 23315
under section 3717.24 of the Revised Code; 23316

(2) An entity exempt from the requirement to be licensed as a 23317
retail food establishment under division (B) of section 3717.22 of 23318
the Revised Code; 23319

(3) A business or that portion of a business that is 23320
regulated by the federal government or the department of 23321
agriculture as a food manufacturing or food processing business, 23322
including a business or that portion of a business regulated by 23323
the department of agriculture under Chapter 911., 913., 915., 23324
917., 918., or 925. of the Revised Code. 23325

(B) All of the following are exempt from the requirement to 23326
be licensed as a food service operation: 23327

(1) A private home in which individuals related by blood, 23328
marriage, or law reside and in which the food that is prepared or 23329

served is intended only for those individuals and their nonpaying guests; 23330
23331

(2) A private home operated as a bed-and-breakfast that 23332
prepares and offers food to guests, if the home is owner-occupied, 23333
the number of available guest bedrooms does not exceed six, 23334
breakfast is the only meal offered, and the number of guests 23335
served does not exceed sixteen; 23336

(3) A stand operated on the premises of a private home by one 23337
or more children under the age of twelve, if the food served is 23338
not potentially hazardous; 23339

(4) A residential facility that accommodates not more than 23340
sixteen residents; is licensed, certified, registered, or 23341
otherwise regulated by the federal government or by the state or a 23342
political subdivision of the state; and prepares food for or 23343
serves food to only the residents of the facility, the staff of 23344
the facility, and any nonpaying guests of residents or staff; 23345

(5) A church, school, fraternal or veterans' organization, 23346
volunteer fire organization, or volunteer emergency medical 23347
service organization preparing or serving food intended for 23348
individual portion service on its premises for not more than seven 23349
consecutive days or not more than fifty-two separate days during a 23350
licensing period. This exemption extends to any individual or 23351
group raising all of its funds during the time periods specified 23352
in division (B)(5) of this section for the benefit of the church, 23353
school, or organization by preparing or serving food intended for 23354
individual portion service under the same conditions. 23355

(6) A common carrier that prepares or serves food, if the 23356
carrier is regulated by the federal government; 23357

(7) A food service operation serving ~~five~~ thirteen or fewer 23358
individuals daily; 23359

(8) A type A or type B family day-care home, as defined in 23360

section 5104.01 of the Revised Code, that prepares or serves food	23361
for the children receiving day-care;	23362
(9) A vending machine location where the only foods dispensed	23363
are foods from one or both of the following categories:	23364
(a) Prepackaged foods that are not potentially hazardous;	23365
(b) Nuts, panned or wrapped bulk chewing gum, or panned or	23366
wrapped bulk candies.	23367
(10) A place servicing the vending machines at a vending	23368
machine location described in division (B)(9) of this section;	23369
(11) A commissary servicing vending machines that dispense	23370
only milk, milk products, or frozen desserts that are under a	23371
state or federal inspection and analysis program;	23372
(12) A "controlled location vending machine location," which	23373
means a vending machine location at which all of the following	23374
apply:	23375
(a) The vending machines dispense only foods that are not	23376
potentially hazardous;	23377
(b) The machines are designed to be filled and maintained in	23378
a sanitary manner by untrained persons;	23379
(c) Minimal protection is necessary to ensure against	23380
contamination of food and equipment.	23381
(13) A private home that prepares and offers food to guests,	23382
if the home is owner-occupied, meals are served on the premises of	23383
that home, the number of meals served does not exceed one hundred	23384
fifteen per week, and the home displays a notice in a place	23385
conspicuous to all of its guests informing them that the home is	23386
not required to be licensed as a food service operation;	23387
(14) An individual who prepares full meals or meal	23388
components, such as pies or baked goods, in the individual's home	23389
to be served off the premises of that home, if the number of meals	23390

or meal components prepared for that purpose does not exceed 23391
twenty in a seven-day period. 23392

Sec. 3721.02. (A) The director of health shall license homes 23393
and establish procedures to be followed in inspecting and 23394
licensing homes. The director may inspect a home at any time. Each 23395
home shall be inspected by the director at least once prior to the 23396
issuance of a license and at least once every fifteen months 23397
thereafter. The state fire marshal or a township, municipal, or 23398
other legally constituted fire department approved by the marshal 23399
shall also inspect a home prior to issuance of a license, at least 23400
once every fifteen months thereafter, and at any other time 23401
requested by the director. A home does not have to be inspected 23402
prior to issuance of a license by the director, state fire 23403
marshal, or a fire department if ownership of the home is assigned 23404
or transferred to a different person and the home was licensed 23405
under this chapter immediately prior to the assignment or 23406
transfer. The director may enter at any time, for the purposes of 23407
investigation, any institution, residence, facility, or other 23408
structure that has been reported to the director or that the 23409
director has reasonable cause to believe is operating as a nursing 23410
home, residential care facility, or home for the aging without a 23411
valid license required by section 3721.05 of the Revised Code or, 23412
in the case of a county home or district home, is operating 23413
despite the revocation of its residential care facility license. 23414
The director may delegate the director's authority and duties 23415
under this chapter to any division, bureau, agency, or official of 23416
the department of health. 23417

(B) A single facility may be licensed both as a nursing home 23418
pursuant to this chapter and as an adult care facility pursuant to 23419
Chapter 3722. of the Revised Code if the director determines that 23420
the part or unit to be licensed as a nursing home can be 23421
maintained separate and discrete from the part or unit to be 23422

licensed as an adult care facility. 23423

(C) In determining the number of residents in a home for the 23424
purpose of licensing, the director shall consider all the 23425
individuals for whom the home provides accommodations as one group 23426
unless one of the following is the case: 23427

(1) The home is a home for the aging, in which case all the 23428
individuals in the part or unit licensed as a nursing home shall 23429
be considered as one group, and all the individuals in the part or 23430
unit licensed as a rest home shall be considered as another group. 23431

(2) The home is both a nursing home and an adult care 23432
facility. In that case, all the individuals in the part or unit 23433
licensed as a nursing home shall be considered as one group, and 23434
all the individuals in the part or unit licensed as an adult care 23435
facility shall be considered as another group. 23436

(3) The home maintains, in addition to a nursing home or 23437
residential care facility, a separate and discrete part or unit 23438
that provides accommodations to individuals who do not require or 23439
receive skilled nursing care and do not receive personal care 23440
services from the home, in which case the individuals in the 23441
separate and discrete part or unit shall not be considered in 23442
determining the number of residents in the home if the separate 23443
and discrete part or unit is in compliance with the Ohio basic 23444
building code established by the board of building standards under 23445
Chapters 3781. and 3791. of the Revised Code and the home permits 23446
the director, on request, to inspect the separate and discrete 23447
part or unit and speak with the individuals residing there, if 23448
they consent, to determine whether the separate and discrete part 23449
or unit meets the requirements of this division. 23450

(D) The director of health shall charge an application fee 23451
and an annual renewal licensing and inspection fee of one hundred 23452
five dollars for each fifty persons or part thereof of a home's 23453

licensed capacity. All fees collected by the director for the 23454
issuance or renewal of licenses shall be deposited into the state 23455
treasury to the credit of the general operations fund created in 23456
section 3701.83 of the Revised Code for use only in administering 23457
and enforcing this chapter and rules adopted under it. 23458

(E)(1) Except as otherwise provided in this section, the 23459
results of an inspection or investigation of a home that is 23460
conducted under this section, including any statement of 23461
deficiencies and all findings and deficiencies cited in the 23462
statement on the basis of the inspection or investigation, shall 23463
be used solely to determine the home's compliance with this 23464
chapter or another chapter of the Revised Code in any action or 23465
proceeding other than an action commenced under division (I) of 23466
section 3721.17 of the Revised Code. Those results of an 23467
inspection or investigation, that statement of deficiencies, and 23468
the findings and deficiencies cited in that statement shall not be 23469
used in any court or in any action or proceeding that is pending 23470
in any court and are not admissible in evidence in any action or 23471
proceeding unless that action or proceeding is an appeal of an 23472
action by the department of health under this chapter or is an 23473
action by any department or agency of the state to enforce this 23474
chapter or another chapter of the Revised Code. 23475

(2) Nothing in division (E)(1) of this section prohibits the 23476
results of an inspection or investigation conducted under this 23477
section from being used in a criminal investigation or 23478
prosecution. 23479

Sec. 3721.19. (A) As used in this section: 23480

(1) "Home" and "residential care facility" have the same 23481
meanings as in section 3721.01 of the Revised Code; 23482

(2) "Sponsor" and "residents' rights advocate" have the same 23483
meanings as in section 3721.10 of the Revised Code. 23484

A home licensed under this chapter that is not a party to a provider agreement, as defined in section 5111.20 of the Revised Code, shall provide each prospective resident, before admission, with the following information, orally and in a separate written notice on which is printed in a conspicuous manner: "This home is not a participant in the medical assistance program administered by the Ohio department of job and family services. Consequently, you may be discharged from this home if you are unable to pay for the services provided by this home."

If the prospective resident has a sponsor whose identity is made known to the home, the home shall also inform the sponsor, before admission of the resident, of the home's status relative to the medical assistance program. Written acknowledgement of the receipt of the information shall be provided by the resident and, if the prospective resident has a sponsor who has been identified to the home, by the sponsor. The written acknowledgement shall be made part of the resident's record by the home.

No home shall terminate its status as a provider under the medical assistance program unless it has complied with section 5111.66 of the Revised Code and, at least ninety days prior to such termination, provided written notice to the ~~department of job and family services~~ and residents of the home and their sponsors of such action. This requirement shall not apply in cases where the department of job and family services terminates a home's provider agreement or provider status.

(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 23517
policy and the provisions that may be contained in a risk 23518
agreement. At the time the information is provided, the facility 23519
shall obtain a statement signed by the individual receiving the 23520
information acknowledging that the individual received the 23521
information. The facility shall maintain on file the individual's 23522
signed statement. 23523

(C) A resident has a cause of action against a home for 23524
breach of any duty imposed by this section. The action may be 23525
commenced by the resident, or on the resident's behalf by the 23526
resident's sponsor or a residents' rights advocate, by the filing 23527
of a civil action in the court of common pleas of the county in 23528
which the home is located, or in the court of common pleas of 23529
Franklin county. 23530

If the court finds that a breach of any duty imposed by this 23531
section has occurred, the court shall enjoin the home from 23532
discharging the resident from the home until arrangements 23533
satisfactory to the court are made for the orderly transfer of the 23534
resident to another mode of health care including, but not limited 23535
to, another home, and may award the resident and a person or 23536
public agency that brings an action on behalf of a resident 23537
reasonable attorney's fees. If a home discharges a resident to 23538
whom or to whose sponsor information concerning its status 23539
relative to the medical assistance program was not provided as 23540
required under this section, the court shall grant any appropriate 23541
relief including, but not limited to, actual damages, reasonable 23542
attorney's fees, and costs. 23543

Sec. 3727.17. Each hospital shall provide a staff person to 23544
do all of the following: 23545

(A) Meet with each unmarried mother who gave birth in or en 23546
route to the hospital within twenty-four hours after the birth or 23547

before the mother is released from the hospital; 23548

(B) Attempt to meet with the father of the unmarried mother's 23549
child if possible; 23550

(C) Explain to the unmarried mother and the father, if the 23551
father is present, the benefit to the child of establishing a 23552
parent and child relationship between the father and the child and 23553
the various proper procedures for establishing a parent and child 23554
relationship; 23555

(D) Present to the unmarried mother and, if possible, the 23556
father, the pamphlet or statement regarding the rights and 23557
responsibilities of a natural parent prepared by the department of 23558
job and family services pursuant to section 3111.32 of the Revised 23559
Code; 23560

(E) Provide the unmarried mother, and if possible the father, 23561
all forms and statements necessary to voluntarily establish a 23562
parent and child relationship, including the acknowledgment of 23563
paternity form prepared by the department of job and family 23564
services pursuant to section 3111.31 of the Revised Code; 23565

(F) Explain to the mother and father the availability of 23566
immediate genetic testing at the hospital to establish the parent 23567
and child relationship and that the test is at no cost to the 23568
mother or father; 23569

(G) Upon both the mother's and father's request, help the 23570
mother and father complete any specific form or statement 23571
necessary to establish a parent and child relationship; 23572

~~(G)~~(H) Present to an unmarried mother who is not a recipient 23573
of medicaid or a participant in Ohio works first an application 23574
for Title IV-D services; 23575

~~(H)~~(I) Mail the voluntary acknowledgment of paternity, no 23576
later than ten days after it is completed, to the office of child 23577

support in the department of job and family services. 23578

Each hospital shall provide a notary public to notarize an 23579
acknowledgment of paternity signed by the mother and father. If a 23580
hospital knows or determines that a man is presumed under section 23581
3111.03 of the Revised Code to be the father of the child 23582
described in this section and that the presumed father is not the 23583
man who signed or is attempting to sign an acknowledgment with 23584
respect to the child, the hospital shall take no further action 23585
with regard to the acknowledgment and shall not mail the 23586
acknowledgment pursuant to this section. 23587

A hospital may contract with a person or government entity to 23588
fulfill its responsibilities under this section and sections 23589
3111.71 to 3111.74 of the Revised Code. Services provided by a 23590
hospital under this section or pursuant to a contract under 23591
sections 3111.71 and 3111.77 of the Revised Code do not constitute 23592
the practice of law. A hospital shall not be subject to criminal 23593
or civil liability for any damage or injury alleged to result from 23594
services provided pursuant to this section or sections 3111.71 to 23595
3111.74 of the Revised Code unless the hospital acted with 23596
malicious purpose, in bad faith, or in a wanton or reckless 23597
manner. 23598

Sec. 3733.43. (A) Except as otherwise provided in this 23599
division, prior to the fifteenth day of April in each year, every 23600
person who intends to operate an agricultural labor camp shall 23601
make application to the licenser for a license to operate such 23602
camp, effective for the calendar year in which it is issued. The 23603
licenser may accept an application on or after the fifteenth day 23604
of April. The license fees specified in this division shall be 23605
submitted to the licenser with the application for a license. No 23606
agricultural labor camp shall be operated in this state without a 23607
license. Any person operating an agricultural labor camp without a 23608

current and valid agricultural labor camp license is not excepted 23609
from compliance with sections 3733.41 to 3733.49 of the Revised 23610
Code by holding a valid and current hotel license. Each person 23611
proposing to open an agricultural labor camp shall submit with the 23612
application for a license any plans required by any rule adopted 23613
under section 3733.42 of the Revised Code. The annual license fee 23614
is ~~twenty~~ seventy-five dollars, unless the application for a 23615
license is made on or after the fifteenth day of April, in which 23616
case the annual license fee is ~~forty~~ one hundred dollars. An 23617
additional fee of ~~three~~ ten dollars per housing unit per year 23618
shall be assessed to defray the costs of enforcing sections 23619
3733.41 to 3733.49 of the Revised Code, unless the application for 23620
a license is made on or after the fifteenth day of April, in which 23621
case an additional fee of ~~six~~ fifteen dollars per housing unit 23622
shall be assessed. All fees collected under this division shall be 23623
deposited in the state treasury to the credit of the general 23624
operations fund created in section 3701.83 of the Revised Code and 23625
shall be used for the administration and enforcement of sections 23626
3733.41 to 3733.49 of the Revised Code and rules adopted 23627
thereunder. 23628

(B) Any license under this section may be denied, suspended, 23629
or revoked by the licensor for violation of sections 3733.41 to 23630
3733.49 of the Revised Code or the rules adopted thereunder. 23631
Unless there is an immediate serious public health hazard, no 23632
denial, suspension, or revocation of a license shall be made 23633
effective until the person operating the agricultural labor camp 23634
has been given notice in writing of the specific violations and a 23635
reasonable time to make corrections. When the licensor determines 23636
that an immediate serious public health hazard exists, ~~he~~ the 23637
licensor shall issue an order denying or suspending the license 23638
without a prior hearing. 23639

(C) All proceedings under this section are subject to Chapter 23640

119. of the Revised Code except as provided in section 3733.431 of 23641
the Revised Code. 23642

(D) Every occupant of an agricultural labor camp shall keep 23643
that part of the dwelling unit, and premises thereof, that ~~he~~ the 23644
occupant occupies and controls in a clean and sanitary condition. 23645

Sec. 3733.45. (A) The licensor shall inspect all agricultural 23646
labor camps and shall require compliance with sections 3733.41 to 23647
3733.49 of the Revised Code and the rules adopted thereunder prior 23648
to the issuance of a license. Upon receipt of a complaint from the 23649
migrant agricultural ~~ombudsman~~ ombudsperson or upon the basis of a 23650
licensor's own information that an agricultural labor camp is 23651
operating without a license, the licensor shall inspect the camp. 23652
If the camp is operating without a license, the licensor shall 23653
require the camp to comply with sections 3733.41 to 3733.49 of the 23654
Revised Code and the rules adopted under those sections. No 23655
license shall be issued unless results of water supply tests 23656
indicate that the water supply meets required standards or if any 23657
violations exist concerning sanitation, drainage, or habitability 23658
of housing units. 23659

(B) The licensor shall, upon issuance of each license, 23660
distribute posters containing the toll-free telephone number of 23661
the migrant agricultural ~~ombudsman~~ ombudsperson established in 23662
section 3733.49 of the Revised Code and information in English and 23663
Spanish describing the purpose of the ~~ombudsman's~~ ombudsperson's 23664
office, as provided in that section. The licensor shall provide at 23665
least two posters to the licensee, one for ~~his~~ the licensee's 23666
personal use and at least one that shall be posted in a 23667
conspicuous place within the camp. 23668

(C) The licensor may, upon proper identification to the 23669
operator or ~~his~~ the operator's agent, enter on any property or 23670
into any structure at any reasonable time for the purpose of 23671

making inspections required by this section. 23672

The licensor shall make at least one inspection prior to 23673
licensing, ~~and at least two inspections during occupancy of the~~ 23674
~~amps, at least one of which shall be an unannounced evening~~ 23675
~~inspection conducted after five p.m. The licensor shall determine~~ 23676
~~and record housing unit occupancy during each evening inspection.~~ 23677
The licensor shall make such other inspections as ~~he~~ the licensor 23678
considers necessary to enforce sections 3733.41 to 3733.49 of the 23679
Revised Code adequately. 23680

(D) Any plans submitted to the licensor shall be in 23681
compliance with rules adopted pursuant to section 3733.42 of the 23682
Revised Code and shall be approved or disapproved within thirty 23683
days after they are filed. 23684

(E) ~~All designees of the licensor who conduct inspections in~~ 23685
~~the evening in accordance with this section shall speak both~~ 23686
~~English and Spanish fluently. At least one member of the permanent~~ 23687
~~staff assigned to conduct inspections in accordance with this~~ 23688
~~section shall speak both English and Spanish fluently.~~ 23689

~~(F)~~ The licensor shall issue an annual report that shall 23690
accurately reflect the results of that year's inspections, 23691
including, but not limited to, numbers of ~~pre and post occupancy~~ 23692
inspections, number of violations found, and action taken in 23693
regard to violations. The report shall also include an assessment 23694
of any problems found in that year and proposed solutions for 23695
them. 23696

Sec. 3734.02. (A) The director of environmental protection, 23697
in accordance with Chapter 119. of the Revised Code, shall adopt 23698
and may amend, suspend, or rescind rules having uniform 23699
application throughout the state governing solid waste facilities 23700
and the inspections of and issuance of permits and licenses for 23701
all solid waste facilities in order to ensure that the facilities 23702

will be located, maintained, and operated, and will undergo 23703
closure and post-closure care, in a sanitary manner so as not to 23704
create a nuisance, cause or contribute to water pollution, create 23705
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 23706
257.3-8, as amended. The rules may include, without limitation, 23707
financial assurance requirements for closure and post-closure care 23708
and corrective action and requirements for taking corrective 23709
action in the event of the surface or subsurface discharge or 23710
migration of explosive gases or leachate from a solid waste 23711
facility, or of ground water contamination resulting from the 23712
transfer or disposal of solid wastes at a facility, beyond the 23713
boundaries of any area within a facility that is operating or is 23714
undergoing closure or post-closure care where solid wastes were 23715
disposed of or are being disposed of. The rules shall not concern 23716
or relate to personnel policies, salaries, wages, fringe benefits, 23717
or other conditions of employment of employees of persons owning 23718
or operating solid waste facilities. The director, in accordance 23719
with Chapter 119. of the Revised Code, shall adopt and may amend, 23720
suspend, or rescind rules governing the issuance, modification, 23721
revocation, suspension, or denial of variances from the director's 23722
solid waste rules, including, without limitation, rules adopted 23723
under this chapter governing the management of scrap tires. 23724

Variances shall be issued, modified, revoked, suspended, or 23725
rescinded in accordance with this division, rules adopted under 23726
it, and Chapter 3745. of the Revised Code. The director may order 23727
the person to whom a variance is issued to take such action within 23728
such time as the director may determine to be appropriate and 23729
reasonable to prevent the creation of a nuisance or a hazard to 23730
the public health or safety or the environment. Applications for 23731
variances shall contain such detail plans, specifications, and 23732
information regarding objectives, procedures, controls, and other 23733
pertinent data as the director may require. The director shall 23734
grant a variance only if the applicant demonstrates to the 23735

director's satisfaction that construction and operation of the 23736
solid waste facility in the manner allowed by the variance and any 23737
terms or conditions imposed as part of the variance will not 23738
create a nuisance or a hazard to the public health or safety or 23739
the environment. In granting any variance, the director shall 23740
state the specific provision or provisions whose terms are to be 23741
varied and also shall state specific terms or conditions imposed 23742
upon the applicant in place of the provision or provisions. The 23743
director may hold a public hearing on an application for a 23744
variance or renewal of a variance at a location in the county 23745
where the operations that are the subject of the application for 23746
the variance are conducted. The director shall give not less than 23747
twenty days' notice of the hearing to the applicant by certified 23748
mail and shall publish at least one notice of the hearing in a 23749
newspaper with general circulation in the county where the hearing 23750
is to be held. The director shall make available for public 23751
inspection at the principal office of the environmental protection 23752
agency a current list of pending applications for variances and a 23753
current schedule of pending variance hearings. The director shall 23754
make a complete stenographic record of testimony and other 23755
evidence submitted at the hearing. Within ten days after the 23756
hearing, the director shall make a written determination to issue, 23757
renew, or deny the variance and shall enter the determination and 23758
the basis for it into the record of the hearing. The director 23759
shall issue, renew, or deny an application for a variance or 23760
renewal of a variance within six months of the date upon which the 23761
director receives a complete application with all pertinent 23762
information and data required. No variance shall be issued, 23763
revoked, modified, or denied until the director has considered the 23764
relative interests of the applicant, other persons and property 23765
affected by the variance, and the general public. Any variance 23766
granted under this division shall be for a period specified by the 23767
director and may be renewed from time to time on such terms and 23768

for such periods as the director determines to be appropriate. No 23769
application shall be denied and no variance shall be revoked or 23770
modified without a written order stating the findings upon which 23771
the denial, revocation, or modification is based. A copy of the 23772
order shall be sent to the applicant or variance holder by 23773
certified mail. 23774

(B) The director shall prescribe and furnish the forms 23775
necessary to administer and enforce this chapter. The director may 23776
cooperate with and enter into agreements with other state, local, 23777
or federal agencies to carry out the purposes of this chapter. The 23778
director may exercise all incidental powers necessary to carry out 23779
the purposes of this chapter. 23780

The director may use moneys in the infectious waste 23781
management fund created in section 3734.021 of the Revised Code 23782
exclusively for administering and enforcing the provisions of this 23783
chapter governing the management of infectious wastes. Of each 23784
registration and renewal fee collected under rules adopted under 23785
division (A)(2)(a) of section 3734.021 or under section 3734.022 23786
of the Revised Code, the director, within forty-five days of its 23787
receipt, shall remit from the fund one-half of the fee received to 23788
the board of health of the health district in which the registered 23789
premises is located, or, in the instance of an infectious wastes 23790
transporter, to the board of health of the health district in 23791
which the transporter's principal place of business is located. 23792
However, if the board of health having jurisdiction over a 23793
registrant's premises or principal place of business is not on the 23794
approved list under section 3734.08 of the Revised Code, the 23795
director shall not make that payment to the board of health. 23796

(C) Except as provided in this division and divisions (N)(2) 23797
and (3) of this section, no person shall establish a new solid 23798
waste facility or infectious waste treatment facility, or modify 23799
an existing solid waste facility or infectious waste treatment 23800

facility, without submitting an application for a permit with 23801
accompanying detail plans, specifications, and information 23802
regarding the facility and method of operation and receiving a 23803
permit issued by the director, except that no permit shall be 23804
required under this division to install or operate a solid waste 23805
facility for sewage sludge treatment or disposal when the 23806
treatment or disposal is authorized by a current permit issued 23807
under Chapter 3704. or 6111. of the Revised Code. 23808

No person shall continue to operate a solid waste facility 23809
for which the director has denied a permit for which an 23810
application was required under division (A)(3) of section 3734.05 23811
of the Revised Code, or for which the director has disapproved 23812
plans and specifications required to be filed by an order issued 23813
under division (A)(5) of that section, after the date prescribed 23814
for commencement of closure of the facility in the order issued 23815
under division (A)(6) of section 3734.05 of the Revised Code 23816
denying the permit application or approval. 23817

On and after the effective date of the rules adopted under 23818
division (A) of this section and division (D) of section 3734.12 23819
of the Revised Code governing solid waste transfer facilities, no 23820
person shall establish a new, or modify an existing, solid waste 23821
transfer facility without first submitting an application for a 23822
permit with accompanying engineering detail plans, specifications, 23823
and information regarding the facility and its method of operation 23824
to the director and receiving a permit issued by the director. 23825

No person shall establish a new compost facility or continue 23826
to operate an existing compost facility that accepts exclusively 23827
source separated yard wastes without submitting a completed 23828
registration for the facility to the director in accordance with 23829
rules adopted under divisions (A) and (N)(3) of this section. 23830

This division does not apply to an infectious waste treatment 23831
facility that meets any of the following conditions: 23832

(1) Is owned or operated by the generator of the wastes and 23833
exclusively treats, by methods, techniques, and practices 23834
established by rules adopted under division (C)(1) or (3) of 23835
section 3734.021 of the Revised Code, wastes that are generated at 23836
any premises owned or operated by that generator regardless of 23837
whether the wastes are generated on the premises where the 23838
generator's treatment facility is located or, if the generator is 23839
a hospital as defined in section 3727.01 of the Revised Code, 23840
infectious wastes that are described in division (A)(1)(g), (h), 23841
or (i) of section 3734.021 of the Revised Code; 23842

(2) Holds a license or renewal of a license to operate a 23843
crematory facility issued under Chapter 4717. and a permit issued 23844
under Chapter 3704. of the Revised Code; 23845

(3) Treats or disposes of dead animals or parts thereof, or 23846
the blood of animals, and is subject to any of the following: 23847

(a) Inspection under the "Federal Meat Inspection Act," 81 23848
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 23849

(b) Chapter 918. of the Revised Code; 23850

(c) Chapter 953. of the Revised Code. 23851

(D) Neither this chapter nor any rules adopted under it apply 23852
to single-family residential premises; to infectious wastes 23853
generated by individuals for purposes of their own care or 23854
treatment that are disposed of with solid wastes from the 23855
individual's residence; to the temporary storage of solid wastes, 23856
other than scrap tires, prior to their collection for disposal; to 23857
the storage of one hundred or fewer scrap tires unless they are 23858
stored in such a manner that, in the judgment of the director or 23859
the board of health of the health district in which the scrap 23860
tires are stored, the storage causes a nuisance, a hazard to 23861
public health or safety, or a fire hazard; or to the collection of 23862
solid wastes, other than scrap tires, by a political subdivision 23863

or a person holding a franchise or license from a political 23864
subdivision of the state; to composting, as defined in section 23865
1511.01 of the Revised Code, conducted in accordance with section 23866
1511.022 of the Revised Code; or to any person who is licensed to 23867
transport raw rendering material to a compost facility pursuant to 23868
section 953.23 of the Revised Code. 23869

(E)(1) As used in this division and section 3734.18 of the 23870
Revised Code: 23871

(a) "On-site facility" means a facility that stores, treats, 23872
or disposes of hazardous waste that is generated on the premises 23873
of the facility. 23874

(b) "Off-site facility" means a facility that stores, treats, 23875
or disposes of hazardous waste that is generated off the premises 23876
of the facility and includes such a facility that is also an 23877
on-site facility. 23878

(c) "Satellite facility" means any of the following: 23879

(i) An on-site facility that also receives hazardous waste 23880
from other premises owned by the same person who generates the 23881
waste on the facility premises; 23882

(ii) An off-site facility operated so that all of the 23883
hazardous waste it receives is generated on one or more premises 23884
owned by the person who owns the facility; 23885

(iii) An on-site facility that also receives hazardous waste 23886
that is transported uninterruptedly and directly to the facility 23887
through a pipeline from a generator who is not the owner of the 23888
facility. 23889

(2) Except as provided in division (E)(3) of this section, no 23890
person shall establish or operate a hazardous waste facility, or 23891
use a solid waste facility for the storage, treatment, or disposal 23892
of any hazardous waste, without a hazardous waste facility 23893

installation and operation permit ~~from the hazardous waste~~ 23894
~~facility board~~ issued in accordance with section 3734.05 of the 23895
Revised Code and subject to the payment of an application fee not 23896
to exceed one thousand five hundred dollars, payable upon 23897
application for a hazardous waste facility installation and 23898
operation permit and upon application for a renewal permit issued 23899
under division (H) of section 3734.05 of the Revised Code, to be 23900
credited to the hazardous waste facility management fund created 23901
in section 3734.18 of the Revised Code. The term of a hazardous 23902
waste facility installation and operation permit shall not exceed 23903
five years. 23904

In addition to the application fee, there is hereby levied an 23905
annual permit fee to be paid by the permit holder upon the 23906
anniversaries of the date of issuance of the hazardous waste 23907
facility installation and operation permit and of any subsequent 23908
renewal permits and to be credited to the hazardous waste facility 23909
management fund. Annual permit fees totaling forty thousand 23910
dollars or more for any one facility may be paid on a quarterly 23911
basis with the first quarterly payment each year being due on the 23912
anniversary of the date of issuance of the hazardous waste 23913
facility installation and operation permit and of any subsequent 23914
renewal permits. The annual permit fee shall be determined for 23915
each permit holder by the director in accordance with the 23916
following schedule: 23917

TYPE OF BASIC				23918
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	23919
Storage facility using: 23920				
Containers	On-site, off-site, and			23921
	satellite		\$ 500	23922
Tanks	On-site, off-site, and			23923
	satellite		500	23924
Waste pile	On-site, off-site, and			23925
	satellite		3,000	23926

Surface impoundment	On-site and satellite	8,000	23927
	Off-site	10,000	23928
Disposal facility using:			23929
Deep well injection	On-site and satellite	15,000	23930
	Off-site	25,000	23931
Landfill	On-site and satellite	25,000	23932
	Off-site	40,000	23933
Land application	On-site and satellite	2,500	23934
	Off-site	5,000	23935
Surface impoundment	On-site and satellite	10,000	23936
	Off-site	20,000	23937
Treatment facility using:			23938
Tanks	On-site, off-site, and		23939
	satellite	700	23940
Surface impoundment	On-site and satellite	8,000	23941
	Off-site	10,000	23942
Incinerator	On-site and satellite	5,000	23943
	Off-site	<u>10,000</u>	23944
Other forms			23945
of treatment	On-site, off-site, and		23946
	satellite	1,000	23947

In determining the annual permit fee required by this 23948
section, the director shall not require additional payments for 23949
multiple units of the same method of storage, treatment, or 23950
disposal or for individual units that are used for both storage 23951
and treatment. A facility using more than one method of storage, 23952
treatment, or disposal shall pay the permit fee indicated by the 23953
schedule for each such method. 23954

The director shall not require the payment of that portion of 23955
an annual permit fee of any permit holder that would apply to a 23956
hazardous waste management unit for which a permit has been 23957
issued, but for which construction has not yet commenced. Once 23958

construction has commenced, the director shall require the payment 23959
of a part of the appropriate fee indicated by the schedule that 23960
bears the same relationship to the total fee that the number of 23961
days remaining until the next anniversary date at which payment of 23962
the annual permit fee is due bears to three hundred sixty-five. 23963

The director, by rules adopted in accordance with Chapters 23964
119. and 3745. of the Revised Code, shall prescribe procedures for 23965
collecting the annual permit fee established by this division and 23966
may prescribe other requirements necessary to carry out this 23967
division. 23968

(3) The prohibition against establishing or operating a 23969
hazardous waste facility without a hazardous waste facility 23970
installation and operation permit ~~from the board~~ does not apply to 23971
either of the following: 23972

(a) A facility that is operating in accordance with a permit 23973
renewal issued under division (H) of section 3734.05 of the 23974
Revised Code, a revision issued under division (I) of that section 23975
as it existed prior to August 20, 1996, or a modification issued 23976
by the director under division (I) of that section on and after 23977
August 20, 1996; 23978

(b) Except as provided in division (J) of section 3734.05 of 23979
the Revised Code, a facility that will operate or is operating in 23980
accordance with a permit by rule, or that is not subject to permit 23981
requirements, under rules adopted by the director. In accordance 23982
with Chapter 119. of the Revised Code, the director shall adopt, 23983
and subsequently may amend, suspend, or rescind, rules for the 23984
purposes of division (E)(3)(b) of this section. Any rules so 23985
adopted shall be consistent with and equivalent to regulations 23986
pertaining to interim status adopted under the "Resource 23987
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 23988
6921, as amended, except as otherwise provided in this chapter. 23989

If a modification is requested or proposed for a facility 23990
described in division (E)(3)(a) or (b) of this section, division 23991
(I)~~(8)~~(7) of section 3734.05 of the Revised Code applies. 23992

(F) No person shall store, treat, or dispose of hazardous 23993
waste identified or listed under this chapter and rules adopted 23994
under it, regardless of whether generated on or off the premises 23995
where the waste is stored, treated, or disposed of, or transport 23996
or cause to be transported any hazardous waste identified or 23997
listed under this chapter and rules adopted under it to any other 23998
premises, except at or to any of the following: 23999

(1) A hazardous waste facility operating under a permit 24000
issued in accordance with this chapter; 24001

(2) A facility in another state operating under a license or 24002
permit issued in accordance with the "Resource Conservation and 24003
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 24004
amended; 24005

(3) A facility in another nation operating in accordance with 24006
the laws of that nation; 24007

(4) A facility holding a permit issued pursuant to Title I of 24008
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 24009
Stat. 1052, 33 U.S.C.A. 1401, as amended; 24010

(5) A hazardous waste facility as described in division 24011
(E)(3)(a) or (b) of this section. 24012

(G) The director, by order, may exempt any person generating, 24013
collecting, storing, treating, disposing of, or transporting solid 24014
wastes or hazardous waste, or processing solid wastes that consist 24015
of scrap tires, in such quantities or under such circumstances 24016
that, in the determination of the director, are unlikely to 24017
adversely affect the public health or safety or the environment 24018
from any requirement to obtain a registration certificate, permit, 24019

or license or comply with the manifest system or other 24020
requirements of this chapter. Such an exemption shall be 24021
consistent with and equivalent to any regulations adopted by the 24022
administrator of the United States environmental protection agency 24023
under the "Resource Conservation and Recovery Act of 1976," 90 24024
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 24025
provided in this chapter. 24026

(H) No person shall engage in filling, grading, excavating, 24027
building, drilling, or mining on land where a hazardous waste 24028
facility, or a solid waste facility, was operated without prior 24029
authorization from the director, who shall establish the procedure 24030
for granting such authorization by rules adopted in accordance 24031
with Chapter 119. of the Revised Code. 24032

A public utility that has main or distribution lines above or 24033
below the land surface located on an easement or right-of-way 24034
across land where a solid waste facility was operated may engage 24035
in any such activity within the easement or right-of-way without 24036
prior authorization from the director for purposes of performing 24037
emergency repair or emergency replacement of its lines; of the 24038
poles, towers, foundations, or other structures supporting or 24039
sustaining any such lines; or of the appurtenances to those 24040
structures, necessary to restore or maintain existing public 24041
utility service. A public utility may enter upon any such easement 24042
or right-of-way without prior authorization from the director for 24043
purposes of performing necessary or routine maintenance of those 24044
portions of its existing lines; of the existing poles, towers, 24045
foundations, or other structures sustaining or supporting its 24046
lines; or of the appurtenances to any such supporting or 24047
sustaining structure, located on or above the land surface on any 24048
such easement or right-of-way. Within twenty-four hours after 24049
commencing any such emergency repair, replacement, or maintenance 24050
work, the public utility shall notify the director or the 24051

director's authorized representative of those activities and shall 24052
provide such information regarding those activities as the 24053
director or the director's representative may request. Upon 24054
completion of the emergency repair, replacement, or maintenance 24055
activities, the public utility shall restore any land of the solid 24056
waste facility disturbed by those activities to the condition 24057
existing prior to the commencement of those activities. 24058

(I) No owner or operator of a hazardous waste facility, in 24059
the operation of the facility, shall cause, permit, or allow the 24060
emission therefrom of any particulate matter, dust, fumes, gas, 24061
mist, smoke, vapor, or odorous substance that, in the opinion of 24062
the director, unreasonably interferes with the comfortable 24063
enjoyment of life or property by persons living or working in the 24064
vicinity of the facility, or that is injurious to public health. 24065
Any such action is hereby declared to be a public nuisance. 24066

(J) Notwithstanding any other provision of this chapter, in 24067
the event the director finds an imminent and substantial danger to 24068
public health or safety or the environment that creates an 24069
emergency situation requiring the immediate treatment, storage, or 24070
disposal of hazardous waste, the director may issue a temporary 24071
emergency permit to allow the treatment, storage, or disposal of 24072
the hazardous waste at a facility that is not otherwise authorized 24073
by a hazardous waste facility installation and operation permit to 24074
treat, store, or dispose of the waste. The emergency permit shall 24075
not exceed ninety days in duration and shall not be renewed. The 24076
director shall adopt, and may amend, suspend, or rescind, rules in 24077
accordance with Chapter 119. of the Revised Code governing the 24078
issuance, modification, revocation, and denial of emergency 24079
permits. 24080

(K) No owner or operator of a sanitary landfill shall 24081
knowingly accept for disposal, or dispose of, any infectious 24082
wastes, other than those subject to division (A)(1)(c) of section 24083

3734.021 of the Revised Code, that have not been treated to render 24084
them noninfectious. For the purposes of this division, 24085
certification by the owner or operator of the treatment facility 24086
where the wastes were treated on the shipping paper required by 24087
rules adopted under division (D)(2) of that section creates a 24088
rebuttable presumption that the wastes have been so treated. 24089

(L) The director, in accordance with Chapter 119. of the 24090
Revised Code, shall adopt, and may amend, suspend, or rescind, 24091
rules having uniform application throughout the state establishing 24092
a training and certification program that shall be required for 24093
employees of boards of health who are responsible for enforcing 24094
the solid waste and infectious waste provisions of this chapter 24095
and rules adopted under them and for persons who are responsible 24096
for the operation of solid waste facilities or infectious waste 24097
treatment facilities. The rules shall provide all of the 24098
following, without limitation: 24099

(1) The program shall be administered by the director and 24100
shall consist of a course on new solid waste and infectious waste 24101
technologies, enforcement procedures, and rules; 24102

(2) The course shall be offered on an annual basis; 24103

(3) Those persons who are required to take the course under 24104
division (L) of this section shall do so triennially; 24105

(4) Persons who successfully complete the course shall be 24106
certified by the director; 24107

(5) Certification shall be required for all employees of 24108
boards of health who are responsible for enforcing the solid waste 24109
or infectious waste provisions of this chapter and rules adopted 24110
under them and for all persons who are responsible for the 24111
operation of solid waste facilities or infectious waste treatment 24112
facilities; 24113

(6)(a) All employees of a board of health who, on the 24114

effective date of the rules adopted under this division, are 24115
responsible for enforcing the solid waste or infectious waste 24116
provisions of this chapter and the rules adopted under them shall 24117
complete the course and be certified by the director not later 24118
than January 1, 1995; 24119

(b) All employees of a board of health who, after the 24120
effective date of the rules adopted under division (L) of this 24121
section, become responsible for enforcing the solid waste or 24122
infectious waste provisions of this chapter and rules adopted 24123
under them and who do not hold a current and valid certification 24124
from the director at that time shall complete the course and be 24125
certified by the director within two years after becoming 24126
responsible for performing those activities. 24127

No person shall fail to obtain the certification required 24128
under this division. 24129

(M) The director shall not issue a permit under section 24130
3734.05 of the Revised Code to establish a solid waste facility, 24131
or to modify a solid waste facility operating on December 21, 24132
1988, in a manner that expands the disposal capacity or geographic 24133
area covered by the facility, that is or is to be located within 24134
the boundaries of a state park established or dedicated under 24135
Chapter 1541. of the Revised Code, a state park purchase area 24136
established under section 1541.02 of the Revised Code, any unit of 24137
the national park system, or any property that lies within the 24138
boundaries of a national park or recreation area, but that has not 24139
been acquired or is not administered by the secretary of the 24140
United States department of the interior, located in this state, 24141
or any candidate area located in this state and identified for 24142
potential inclusion in the national park system in the edition of 24143
the "national park system plan" submitted under paragraph (b) of 24144
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 24145
U.S.C.A. 1a-5, as amended, current at the time of filing of the 24146

application for the permit, unless the facility or proposed 24147
facility is or is to be used exclusively for the disposal of solid 24148
wastes generated within the park or recreation area and the 24149
director determines that the facility or proposed facility will 24150
not degrade any of the natural or cultural resources of the park 24151
or recreation area. The director shall not issue a variance under 24152
division (A) of this section and rules adopted under it, or issue 24153
an exemption order under division (G) of this section, that would 24154
authorize any such establishment or expansion of a solid waste 24155
facility within the boundaries of any such park or recreation 24156
area, state park purchase area, or candidate area, other than a 24157
solid waste facility exclusively for the disposal of solid wastes 24158
generated within the park or recreation area when the director 24159
determines that the facility will not degrade any of the natural 24160
or cultural resources of the park or recreation area. 24161

(N)(1) The rules adopted under division (A) of this section, 24162
other than those governing variances, do not apply to scrap tire 24163
collection, storage, monocell, monofill, and recovery facilities. 24164
Those facilities are subject to and governed by rules adopted 24165
under sections 3734.70 to 3734.73 of the Revised Code, as 24166
applicable. 24167

(2) Division (C) of this section does not apply to scrap tire 24168
collection, storage, monocell, monofill, and recovery facilities. 24169
The establishment and modification of those facilities are subject 24170
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 24171
Code, as applicable. 24172

(3) The director may adopt, amend, suspend, or rescind rules 24173
under division (A) of this section creating an alternative system 24174
for authorizing the establishment, operation, or modification of a 24175
solid waste compost facility in lieu of the requirement that a 24176
person seeking to establish, operate, or modify a solid waste 24177
compost facility apply for and receive a permit under division (C) 24178

of this section and section 3734.05 of the Revised Code and a 24179
license under division (A)(1) of that section. The rules may 24180
include requirements governing, without limitation, the 24181
classification of solid waste compost facilities, the submittal of 24182
operating records for solid waste compost facilities, and the 24183
creation of a registration or notification system in lieu of the 24184
issuance of permits and licenses for solid waste compost 24185
facilities. The rules shall specify the applicability of divisions 24186
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 24187
Code to a solid waste compost facility. 24188

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 24189
(8), and (9) of this section, no person shall operate or maintain 24190
a solid waste facility without a license issued under this 24191
division by the board of health of the health district in which 24192
the facility is located or by the director of environmental 24193
protection when the health district in which the facility is 24194
located is not on the approved list under section 3734.08 of the 24195
Revised Code. 24196

During the month of December, but before the first day of 24197
January of the next year, every person proposing to continue to 24198
operate an existing solid waste facility shall procure a license 24199
under this division to operate the facility for that year from the 24200
board of health of the health district in which the facility is 24201
located or, if the health district is not on the approved list 24202
under section 3734.08 of the Revised Code, from the director. The 24203
application for such a license shall be submitted to the board of 24204
health or to the director, as appropriate, on or before the last 24205
day of September of the year preceding that for which the license 24206
is sought. In addition to the application fee prescribed in 24207
division (A)(2) of this section, a person who submits an 24208
application after that date shall pay an additional ten per cent 24209
of the amount of the application fee for each week that the 24210

application is late. Late payment fees accompanying an application 24211
submitted to the board of health shall be credited to the special 24212
fund of the health district created in division (B) of section 24213
3734.06 of the Revised Code, and late payment fees accompanying an 24214
application submitted to the director shall be credited to the 24215
general revenue fund. A person who has received a license, upon 24216
sale or disposition of a solid waste facility, and upon consent of 24217
the board of health and the director, may have the license 24218
transferred to another person. The board of health or the director 24219
may include such terms and conditions in a license or revision to 24220
a license as are appropriate to ensure compliance with this 24221
chapter and rules adopted under it. The terms and conditions may 24222
establish the authorized maximum daily waste receipts for the 24223
facility. Limitations on maximum daily waste receipts shall be 24224
specified in cubic yards of volume for the purpose of regulating 24225
the design, construction, and operation of solid waste facilities. 24226
Terms and conditions included in a license or revision to a 24227
license by a board of health shall be consistent with, and pertain 24228
only to the subjects addressed in, the rules adopted under 24229
division (A) of section 3734.02 and division (D) of section 24230
3734.12 of the Revised Code. 24231

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 24232
(9) of this section, each person proposing to open a new solid 24233
waste facility or to modify an existing solid waste facility shall 24234
submit an application for a permit with accompanying detail plans 24235
and specifications to the environmental protection agency for 24236
required approval under the rules adopted by the director pursuant 24237
to division (A) of section 3734.02 of the Revised Code and 24238
applicable rules adopted under division (D) of section 3734.12 of 24239
the Revised Code at least two hundred seventy days before proposed 24240
operation of the facility and shall concurrently make application 24241
for the issuance of a license under division (A)(1) of this 24242
section with the board of health of the health district in which 24243

the proposed facility is to be located. 24244

(b) On and after the effective date of the rules adopted 24245
under division (A) of section 3734.02 of the Revised Code and 24246
division (D) of section 3734.12 of the Revised Code governing 24247
solid waste transfer facilities, each person proposing to open a 24248
new solid waste transfer facility or to modify an existing solid 24249
waste transfer facility shall submit an application for a permit 24250
with accompanying engineering detail plans, specifications, and 24251
information regarding the facility and its method of operation to 24252
the environmental protection agency for required approval under 24253
those rules at least two hundred seventy days before commencing 24254
proposed operation of the facility and concurrently shall make 24255
application for the issuance of a license under division (A)(1) of 24256
this section with the board of health of the health district in 24257
which the facility is located or proposed. 24258

(c) Each application for a permit under division (A)(2)(a) or 24259
(b) of this section shall be accompanied by a nonrefundable 24260
application fee of four hundred dollars that shall be credited to 24261
the general revenue fund. Each application for an annual license 24262
under division (A)(1) or (2) of this section shall be accompanied 24263
by a nonrefundable application fee of one hundred dollars. If the 24264
application for an annual license is submitted to a board of 24265
health on the approved list under section 3734.08 of the Revised 24266
Code, the application fee shall be credited to the special fund of 24267
the health district created in division (B) of section 3734.06 of 24268
the Revised Code. If the application for an annual license is 24269
submitted to the director, the application fee shall be credited 24270
to the general revenue fund. If a permit or license is issued, the 24271
amount of the application fee paid shall be deducted from the 24272
amount of the permit fee due under division (Q) of section 3745.11 24273
of the Revised Code or the amount of the license fee due under 24274
division (A)(1), (2), (3), or (4) of section 3734.06 of the 24275

Revised Code.	24276
(d) As used in divisions (A)(2)(d), (e), and (f) of this section, <u>"modify"</u> means any of the following:	24277 24278
(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;	24279 24280
(ii) Any expansion of the limits of solid waste placement at a solid waste facility;	24281 24282
(iii) Any increase in the depth of excavation at a solid waste facility;	24283 24284
(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.	24285 24286 24287 24288
Not later than thirty-five days after submitting an application under division (A)(2)(a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public meeting on the application, the applicant shall publish notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public meeting and a general description of the proposed new or modified facility. Not later than five days after publishing the notice, the applicant shall send by certified mail a copy of the notice and the date the	24289 24290 24291 24292 24293 24294 24295 24296 24297 24298 24299 24300 24301 24302 24303 24304 24305 24306

notice was published to the director and the legislative authority 24307
of each municipal corporation, township, and county, and to the 24308
chief executive officer of each municipal corporation, in which 24309
the facility is or is proposed to be located. At the public 24310
meeting, the applicant shall provide information and describe the 24311
application and respond to comments or questions concerning the 24312
application, and the officer or employee of the agency shall 24313
describe the permit application process. At the public meeting, 24314
any person may submit written or oral comments on or objections to 24315
the application. Not more than thirty days after the public 24316
meeting, the applicant shall provide the director with a copy of a 24317
transcript of the full meeting, copies of any exhibits, displays, 24318
or other materials presented by the applicant at the meeting, and 24319
the original copy of any written comments submitted at the 24320
meeting. 24321

(e) Except as provided in division (A)(2)(f) of this section, 24322
prior to taking an action, other than a proposed or final denial, 24323
upon an application submitted under division (A)(2)(a) of this 24324
section for a permit to open a new or modify an existing solid 24325
waste facility, the director shall hold a public information 24326
session and a public hearing on the application within the county 24327
in which the new or modified solid waste facility is or is 24328
proposed to be located or within a contiguous county. If the 24329
application is for a permit to open a new solid waste facility, 24330
the director shall hold the hearing not less than fourteen days 24331
after the information session. If the application is for a permit 24332
to modify an existing solid waste facility, the director may hold 24333
both the information session and the hearing on the same day 24334
unless any individual affected by the application requests in 24335
writing that the information session and the hearing not be held 24336
on the same day, in which case the director shall hold the hearing 24337
not less than fourteen days after the information session. The 24338
director shall publish notice of the public information session or 24339

public hearing not less than thirty days before holding the 24340
information session or hearing, as applicable. The notice shall be 24341
published in each newspaper of general circulation that is 24342
published in the county in which the facility is or is proposed to 24343
be located. If no newspaper of general circulation is published in 24344
the county, the director shall publish the notice in a newspaper 24345
of general circulation in the county. The notice shall contain the 24346
date, time, and location of the information session or hearing, as 24347
applicable, and a general description of the proposed new or 24348
modified facility. At the public information session, an officer 24349
or employee of the environmental protection agency shall describe 24350
the status of the permit application and be available to respond 24351
to comments or questions concerning the application. At the public 24352
hearing, any person may submit written or oral comments on or 24353
objections to the approval of the application. The applicant, or a 24354
representative of the applicant who has knowledge of the location, 24355
construction, and operation of the facility, shall attend the 24356
information session and public hearing to respond to comments or 24357
questions concerning the facility directed to the applicant or 24358
representative by the officer or employee of the environmental 24359
protection agency presiding at the information session and 24360
hearing. 24361

(f) The solid waste management policy committee of a county 24362
or joint solid waste management district may adopt a resolution 24363
requesting expeditious consideration of a specific application 24364
submitted under division (A)(2)(a) of this section for a permit to 24365
modify an existing solid waste facility within the district. The 24366
resolution shall make the finding that expedited consideration of 24367
the application without the public information session and public 24368
hearing under division (A)(2)(e) of this section is in the public 24369
interest and will not endanger human health, as determined by the 24370
director by rules adopted in accordance with Chapter 119. of the 24371
Revised Code. Upon receiving such a resolution, the director, at 24372

the director's discretion, may issue a final action upon the 24373
application without holding a public information session or public 24374
hearing pursuant to division (A)(2)(e) of this section. 24375

(3) Except as provided in division (A)(10) of this section, 24376
and unless the owner or operator of any solid waste facility, 24377
other than a solid waste transfer facility or a compost facility 24378
that accepts exclusively source separated yard wastes, that 24379
commenced operation on or before July 1, 1968, has obtained an 24380
exemption from the requirements of division (A)(3) of this section 24381
in accordance with division (G) of section 3734.02 of the Revised 24382
Code, the owner or operator shall submit to the director an 24383
application for a permit with accompanying engineering detail 24384
plans, specifications, and information regarding the facility and 24385
its method of operation for approval under rules adopted under 24386
division (A) of section 3734.02 of the Revised Code and applicable 24387
rules adopted under division (D) of section 3734.12 of the Revised 24388
Code in accordance with the following schedule: 24389

(a) Not later than September 24, 1988, if the facility is 24390
located in the city of Garfield Heights or Parma in Cuyahoga 24391
county; 24392

(b) Not later than December 24, 1988, if the facility is 24393
located in Delaware, Greene, Guernsey, Hamilton, Madison, 24394
Mahoning, Ottawa, or Vinton county; 24395

(c) Not later than March 24, 1989, if the facility is located 24396
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 24397
Washington county, or is located in the city of Brooklyn or 24398
Cuyahoga Heights in Cuyahoga county; 24399

(d) Not later than June 24, 1989, if the facility is located 24400
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 24401
Summit county or is located in Cuyahoga county outside the cities 24402
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 24403

(e) Not later than September 24, 1989, if the facility is 24404
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 24405
county; 24406

(f) Not later than December 24, 1989, if the facility is 24407
located in a county not listed in divisions (A)(3)(a) to (e) of 24408
this section; 24409

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 24410
section, not later than December 31, 1990, if the facility is a 24411
solid waste facility owned by a generator of solid wastes when the 24412
solid waste facility exclusively disposes of solid wastes 24413
generated at one or more premises owned by the generator 24414
regardless of whether the facility is located on a premises where 24415
the wastes are generated and if the facility disposes of more than 24416
one hundred thousand tons of solid wastes per year, provided that 24417
any such facility shall be subject to division (A)(5) of this 24418
section. 24419

(4) Except as provided in divisions (A)(8), (9), and (10) of 24420
this section, unless the owner or operator of any solid waste 24421
facility for which a permit was issued after July 1, 1968, but 24422
before January 1, 1980, has obtained an exemption from the 24423
requirements of division (A)(4) of this section under division (G) 24424
of section 3734.02 of the Revised Code, the owner or operator 24425
shall submit to the director an application for a permit with 24426
accompanying engineering detail plans, specifications, and 24427
information regarding the facility and its method of operation for 24428
approval under those rules. 24429

(5) The director may issue an order in accordance with 24430
Chapter 3745. of the Revised Code to the owner or operator of a 24431
solid waste facility requiring the person to submit to the 24432
director updated engineering detail plans, specifications, and 24433
information regarding the facility and its method of operation for 24434

approval under rules adopted under division (A) of section 3734.02 24435
of the Revised Code and applicable rules adopted under division 24436
(D) of section 3734.12 of the Revised Code if, in the director's 24437
judgment, conditions at the facility constitute a substantial 24438
threat to public health or safety or are causing or contributing 24439
to or threatening to cause or contribute to air or water pollution 24440
or soil contamination. Any person who receives such an order shall 24441
submit the updated engineering detail plans, specifications, and 24442
information to the director within one hundred eighty days after 24443
the effective date of the order. 24444

(6) The director shall act upon an application submitted 24445
under division (A)(3) or (4) of this section and any updated 24446
engineering plans, specifications, and information submitted under 24447
division (A)(5) of this section within one hundred eighty days 24448
after receiving them. If the director denies any such permit 24449
application, the order denying the application or disapproving the 24450
plans shall include the requirements that the owner or operator 24451
submit a plan for closure and post-closure care of the facility to 24452
the director for approval within six months after issuance of the 24453
order, cease accepting solid wastes for disposal or transfer at 24454
the facility, and commence closure of the facility not later than 24455
one year after issuance of the order. If the director determines 24456
that closure of the facility within that one-year period would 24457
result in the unavailability of sufficient solid waste management 24458
facility capacity within the county or joint solid waste 24459
management district in which the facility is located to dispose of 24460
or transfer the solid waste generated within the district, the 24461
director in the order of denial or disapproval may postpone 24462
commencement of closure of the facility for such period of time as 24463
the director finds necessary for the board of county commissioners 24464
or directors of the district to secure access to or for there to 24465
be constructed within the district sufficient solid waste 24466
management facility capacity to meet the needs of the district, 24467

provided that the director shall certify in the director's order 24468
that postponing the date for commencement of closure will not 24469
endanger ground water or any property surrounding the facility, 24470
allow methane gas migration to occur, or cause or contribute to 24471
any other type of environmental damage. 24472

If an emergency need for disposal capacity that may affect 24473
public health and safety exists as a result of closure of a 24474
facility under division (A)(6) of this section, the director may 24475
issue an order designating another solid waste facility to accept 24476
the wastes that would have been disposed of at the facility to be 24477
closed. 24478

(7) If the director determines that standards more stringent 24479
than those applicable in rules adopted under division (A) of 24480
section 3734.02 of the Revised Code and division (D) of section 24481
3734.12 of the Revised Code, or standards pertaining to subjects 24482
not specifically addressed by those rules, are necessary to ensure 24483
that a solid waste facility constructed at the proposed location 24484
will not cause a nuisance, cause or contribute to water pollution, 24485
or endanger public health or safety, the director may issue a 24486
permit for the facility with such terms and conditions as the 24487
director finds necessary to protect public health and safety and 24488
the environment. If a permit is issued, the director shall state 24489
in the order issuing it the specific findings supporting each such 24490
term or condition. 24491

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 24492
not apply to a solid waste compost facility that accepts 24493
exclusively source separated yard wastes and that is registered 24494
under division (C) of section 3734.02 of the Revised Code or, 24495
unless otherwise provided in rules adopted under division (N)(3) 24496
of section 3734.02 of the Revised Code, to a solid waste compost 24497
facility if the director has adopted rules establishing an 24498
alternative system for authorizing the establishment, operation, 24499

or modification of a solid waste compost facility under that 24500
division. 24501

(9) Divisions (A)(1) to (7) of this section do not apply to 24502
scrap tire collection, storage, monocell, monofill, and recovery 24503
facilities. The approval of plans and specifications, as 24504
applicable, and the issuance of registration certificates, 24505
permits, and licenses for those facilities are subject to sections 24506
3734.75 to 3734.78 of the Revised Code, as applicable, and section 24507
3734.81 of the Revised Code. 24508

(10) Divisions (A)(3) and (4) of this section do not apply to 24509
a solid waste incinerator that was placed into operation on or 24510
before October 12, 1994, and that is not authorized to accept and 24511
treat infectious wastes pursuant to division (B) of this section. 24512

(B)(1) Each person who is engaged in the business of treating 24513
infectious wastes for profit at a treatment facility located off 24514
the premises where the wastes are generated that is in operation 24515
on August 10, 1988, and who proposes to continue operating the 24516
facility shall submit to the board of health of the health 24517
district in which the facility is located an application for a 24518
license to operate the facility. 24519

Thereafter, no person shall operate or maintain an infectious 24520
waste treatment facility without a license issued by the board of 24521
health of the health district in which the facility is located or 24522
by the director when the health district in which the facility is 24523
located is not on the approved list under section 3734.08 of the 24524
Revised Code. 24525

(2)(a) During the month of December, but before the first day 24526
of January of the next year, every person proposing to continue to 24527
operate an existing infectious waste treatment facility shall 24528
procure a license to operate the facility for that year from the 24529
board of health of the health district in which the facility is 24530

located or, if the health district is not on the approved list 24531
under section 3734.08 of the Revised Code, from the director. The 24532
application for such a license shall be submitted to the board of 24533
health or to the director, as appropriate, on or before the last 24534
day of September of the year preceding that for which the license 24535
is sought. In addition to the application fee prescribed in 24536
division (B)(2)(c) of this section, a person who submits an 24537
application after that date shall pay an additional ten per cent 24538
of the amount of the application fee for each week that the 24539
application is late. Late payment fees accompanying an application 24540
submitted to the board of health shall be credited to the special 24541
infectious waste fund of the health district created in division 24542
(C) of section 3734.06 of the Revised Code, and late payment fees 24543
accompanying an application submitted to the director shall be 24544
credited to the general revenue fund. A person who has received a 24545
license, upon sale or disposition of an infectious waste treatment 24546
facility and upon consent of the board of health and the director, 24547
may have the license transferred to another person. The board of 24548
health or the director may include such terms and conditions in a 24549
license or revision to a license as are appropriate to ensure 24550
compliance with the infectious waste provisions of this chapter 24551
and rules adopted under them. 24552

(b) Each person proposing to open a new infectious waste 24553
treatment facility or to modify an existing infectious waste 24554
treatment facility shall submit an application for a permit with 24555
accompanying detail plans and specifications to the environmental 24556
protection agency for required approval under the rules adopted by 24557
the director pursuant to section 3734.021 of the Revised Code two 24558
hundred seventy days before proposed operation of the facility and 24559
concurrently shall make application for a license with the board 24560
of health of the health district in which the facility is or is 24561
proposed to be located. Not later than ninety days after receiving 24562
a completed application under division (B)(2)(b) of this section 24563

for a permit to open a new infectious waste treatment facility or 24564
modify an existing infectious waste treatment facility to expand 24565
its treatment capacity, or receiving a completed application under 24566
division (A)(2)(a) of this section for a permit to open a new 24567
solid waste incineration facility, or modify an existing solid 24568
waste incineration facility to also treat infectious wastes or to 24569
increase its infectious waste treatment capacity, that pertains to 24570
a facility for which a notation authorizing infectious waste 24571
treatment is included or proposed to be included in the solid 24572
waste incineration facility's license pursuant to division (B)(3) 24573
of this section, the director shall hold a public hearing on the 24574
application within the county in which the new or modified 24575
infectious waste or solid waste facility is or is proposed to be 24576
located or within a contiguous county. Not less than thirty days 24577
before holding the public hearing on the application, the director 24578
shall publish notice of the hearing in each newspaper that has 24579
general circulation and that is published in the county in which 24580
the facility is or is proposed to be located. If there is no 24581
newspaper that has general circulation and that is published in 24582
the county, the director shall publish the notice in a newspaper 24583
of general circulation in the county. The notice shall contain the 24584
date, time, and location of the public hearing and a general 24585
description of the proposed new or modified facility. At the 24586
public hearing, any person may submit written or oral comments on 24587
or objections to the approval or disapproval of the application. 24588
The applicant, or a representative of the applicant who has 24589
knowledge of the location, construction, and operation of the 24590
facility, shall attend the public hearing to respond to comments 24591
or questions concerning the facility directed to the applicant or 24592
representative by the officer or employee of the environmental 24593
protection agency presiding at the hearing. 24594

(c) Each application for a permit under division (B)(2)(b) of 24595
this section shall be accompanied by a nonrefundable application 24596

fee of four hundred dollars that shall be credited to the general 24597
revenue fund. Each application for an annual license under 24598
division (B)(2)(a) of this section shall be accompanied by a 24599
nonrefundable application fee of one hundred dollars. If the 24600
application for an annual license is submitted to a board of 24601
health on the approved list under section 3734.08 of the Revised 24602
Code, the application fee shall be credited to the special 24603
infectious waste fund of the health district created in division 24604
(C) of section 3734.06 of the Revised Code. If the application for 24605
an annual license is submitted to the director, the application 24606
fee shall be credited to the general revenue fund. If a permit or 24607
license is issued, the amount of the application fee paid shall be 24608
deducted from the amount of the permit fee due under division (Q) 24609
of section 3745.11 of the Revised Code or the amount of the 24610
license fee due under division (C) of section 3734.06 of the 24611
Revised Code. 24612

(d) The owner or operator of any infectious waste treatment 24613
facility that commenced operation on or before July 1, 1968, shall 24614
submit to the director an application for a permit with 24615
accompanying engineering detail plans, specifications, and 24616
information regarding the facility and its method of operation for 24617
approval under rules adopted under section 3734.021 of the Revised 24618
Code in accordance with the following schedule: 24619

(i) Not later than December 24, 1988, if the facility is 24620
located in Delaware, Greene, Guernsey, Hamilton, Madison, 24621
Mahoning, Ottawa, or Vinton county; 24622

(ii) Not later than March 24, 1989, if the facility is 24623
located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, 24624
or Washington county, or is located in the city of Brooklyn, 24625
Cuyahoga Heights, or Parma in Cuyahoga county; 24626

(iii) Not later than June 24, 1989, if the facility is 24627
located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, 24628

Lucas, or Summit county or is located in Cuyahoga county outside 24629
the cities of Brooklyn, Cuyahoga Heights, and Parma; 24630

(iv) Not later than September 24, 1989, if the facility is 24631
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 24632
county; 24633

(v) Not later than December 24, 1989, if the facility is 24634
located in a county not listed in divisions (B)(2)(d)(i) to (iv) 24635
of this section. 24636

The owner or operator of an infectious waste treatment 24637
facility required to submit a permit application under division 24638
(B)(2)(d) of this section is not required to pay any permit 24639
application fee under division (B)(2)(c) of this section, or 24640
permit fee under division (Q) of section 3745.11 of the Revised 24641
Code, with respect thereto unless the owner or operator also 24642
proposes to modify the facility. 24643

(e) The director may issue an order in accordance with 24644
Chapter 3745. of the Revised Code to the owner or operator of an 24645
infectious waste treatment facility requiring the person to submit 24646
to the director updated engineering detail plans, specifications, 24647
and information regarding the facility and its method of operation 24648
for approval under rules adopted under section 3734.021 of the 24649
Revised Code if, in the director's judgment, conditions at the 24650
facility constitute a substantial threat to public health or 24651
safety or are causing or contributing to or threatening to cause 24652
or contribute to air or water pollution or soil contamination. Any 24653
person who receives such an order shall submit the updated 24654
engineering detail plans, specifications, and information to the 24655
director within one hundred eighty days after the effective date 24656
of the order. 24657

(f) The director shall act upon an application submitted 24658
under division (B)(2)(d) of this section and any updated 24659

engineering plans, specifications, and information submitted under 24660
division (B)(2)(e) of this section within one hundred eighty days 24661
after receiving them. If the director denies any such permit 24662
application or disapproves any such updated engineering plans, 24663
specifications, and information, the director shall include in the 24664
order denying the application or disapproving the plans the 24665
requirement that the owner or operator cease accepting infectious 24666
wastes for treatment at the facility. 24667

(3) Division (B) of this section does not apply to an 24668
infectious waste treatment facility that meets any of the 24669
following conditions: 24670

(a) Is owned or operated by the generator of the wastes and 24671
exclusively treats, by methods, techniques, and practices 24672
established by rules adopted under division (C)(1) or (3) of 24673
section 3734.021 of the Revised Code, wastes that are generated at 24674
any premises owned or operated by that generator regardless of 24675
whether the wastes are generated on the same premises where the 24676
generator's treatment facility is located or, if the generator is 24677
a hospital as defined in section 3727.01 of the Revised Code, 24678
infectious wastes that are described in division (A)(1)(g), (h), 24679
or (i) of section 3734.021 of the Revised Code; 24680

(b) Holds a license or renewal of a license to operate a 24681
crematory facility issued under Chapter 4717. and a permit issued 24682
under Chapter 3704. of the Revised Code; 24683

(c) Treats or disposes of dead animals or parts thereof, or 24684
the blood of animals, and is subject to any of the following: 24685

(i) Inspection under the "Federal Meat Inspection Act," 81 24686
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 24687

(ii) Chapter 918. of the Revised Code; 24688

(iii) Chapter 953. of the Revised Code. 24689

Nothing in division (B) of this section requires a facility 24690
that holds a license issued under division (A) of this section as 24691
a solid waste facility and that also treats infectious wastes by 24692
the same method, technique, or process to obtain a license under 24693
division (B) of this section as an infectious waste treatment 24694
facility. However, the solid waste facility license for the 24695
facility shall include the notation that the facility also treats 24696
infectious wastes. 24697

On and after the effective date of the amendments to the 24698
rules adopted under division (C)(2) of section 3734.021 of the 24699
Revised Code that are required by Section 6 of Substitute House 24700
Bill No. 98 of the 120th General Assembly, the director shall not 24701
issue a permit to open a new solid waste incineration facility 24702
unless the proposed facility complies with the requirements for 24703
the location of new infectious waste incineration facilities 24704
established in the required amendments to those rules. 24705

(C) Except for a facility or activity described in division 24706
(E)(3) of section 3734.02 of the Revised Code, a person who 24707
proposes to establish or operate a hazardous waste facility shall 24708
submit ~~an~~ a complete application for a hazardous waste facility 24709
installation and operation permit and accompanying detail plans, 24710
specifications, and such information as the director may require 24711
to the environmental protection agency, ~~except as provided in~~ 24712
~~division (E)(2) of this section,~~ at least one hundred eighty days 24713
before the proposed beginning of operation of the facility. The 24714
applicant shall notify by certified mail the legislative authority 24715
of each municipal corporation, township, and county in which the 24716
facility is proposed to be located of the submission of the 24717
application within ten days after the submission or at such 24718
earlier time as the director may establish by rule. If the 24719
application is for a proposed new hazardous waste disposal or 24720
thermal treatment facility, the applicant also shall give actual 24721

notice of the general design and purpose of the facility to the 24722
legislative authority of each municipal corporation, township, and 24723
county in which the facility is proposed to be located at least 24724
ninety days before the permit application is submitted to the 24725
environmental protection agency. 24726

In accordance with rules adopted under section 3734.12 of the 24727
Revised Code, prior to the submission of a complete application 24728
for a hazardous waste facility installation and operation permit, 24729
the applicant shall hold at least one meeting in the township or 24730
municipal corporation in which the facility is proposed to be 24731
located, whichever is geographically closer to the proposed 24732
location of the facility. The meeting shall be open to the public 24733
and shall be held to inform the community of the proposed 24734
hazardous waste management activities and to solicit questions 24735
from the community concerning the activities. 24736

~~(D)(1) There is hereby created the hazardous waste facility 24737~~
~~board, composed of the director of environmental protection who 24738~~
~~shall serve as chairperson, the director of natural resources, and 24739~~
~~the chairperson of the Ohio water development authority, or their 24740~~
~~respective designees, and one chemical engineer and one geologist 24741~~
~~who each shall be employed by a state university as defined in 24742~~
~~section 3345.011 of the Revised Code. The chemical engineer and 24743~~
~~geologist each shall be appointed by the governor, with the advice 24744~~
~~and consent of the senate, for a term of two years. The chemical 24745~~
~~engineer and geologist each shall receive as compensation five 24746~~
~~thousand dollars per year, plus expenses necessarily incurred in 24747~~
~~the performance of their duties.~~ 24748

~~The board shall not issue any final order without the consent 24749~~
~~of at least three members.~~ 24750

~~(2) The hazardous waste facility board shall do both of the 24751~~
~~following:~~ 24752

~~(a) Pursuant to Chapter 119. of the Revised Code, adopt rules governing procedure to be followed in hearings before the board;~~ 24753
24754

~~(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.~~ 24755
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~~(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:~~ 24761
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~~(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 facility shall attend the public hearing in order to respond to comments or questions concerning the facility directed to the representative by the presiding officer.~~ 24770
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~~(b) Give public notice of the date of the public hearing and a summary of the application in a newspaper having general circulation in the county in which the facility is proposed to be located. The notice shall contain, at a minimum, the date, time,~~ 24780
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~~and location of the public hearing and shall include the location 24784
and street address of, or the nearest intersection to, the 24785
proposed facility, a description of the proposed facility, and the 24786
location where copies of the application, a short statement by the 24787
applicant of the anticipated environmental impact of the facility, 24788
and a map of the facility are available for inspection. 24789~~

~~(c) Promptly fix a date for an adjudication hearing, not 24790
fewer than ninety nor more than one hundred twenty days after 24791
receipt of the completed application, at which hearing the board 24792
shall hear and decide all disputed issues between the parties 24793
respecting the approval or disapproval of the application. 24794~~

~~(4) The parties to any adjudication hearing before the board 24795
upon a completed application shall be the following: 24796~~

~~(a) The applicant; 24797~~

~~(b) The staff of the environmental protection agency; 24798~~

~~(c) The board of county commissioners of the county, the 24799
board of township trustees of the township, and the chief 24800
executive officer of the municipal corporation in which the 24801
facility is proposed to be located; 24802~~

~~(d) Any other person who would be aggrieved or adversely 24803
affected by the proposed facility and who files a petition to 24804
intervene in the adjudication hearing not later than thirty days 24805
after the date of publication of the notice required in division 24806
(D)(3)(b) of this section if the petition is granted by the board 24807
for good cause shown. The board may allow intervention by other 24808
aggrieved or adversely affected persons up to fifteen days prior 24809
to the date of the adjudication hearing for good cause shown when 24810
the intervention would not be unduly burdensome to or cause a 24811
delay in the permitting process. 24812~~

~~(5) The hazardous waste facility board shall conduct any 24813
adjudication hearing upon disputed issues in accordance with 24814~~

~~Chapter 119. of the Revised Code and the rules of the board~~ 24815
~~governing the procedure of such hearings. Each party may call and~~ 24816
~~examine witnesses and submit other evidence respecting the~~ 24817
~~disputed issues presented by an application. A written record~~ 24818
~~shall be made of the hearing and of all testimony and evidence~~ 24819
~~submitted to the board upon receipt of a complete application for~~ 24820
~~a hazardous waste facility installation and operation permit under~~ 24821
~~division (C) of this section, the director shall consider the~~ 24822
~~application and accompanying information to determine whether the~~ 24823
~~application complies with agency rules and the requirements of~~ 24824
~~division (D)(2) of this section. After making a determination, the~~ 24825
~~director shall issue either a draft permit or a notice of intent~~ 24826
~~to deny the permit. The director, in accordance with rules adopted~~ 24827
~~under section 3734.12 of the Revised Code or with rules adopted to~~ 24828
~~implement Chapter 3745. of the Revised Code, shall provide public~~ 24829
~~notice of the application and the draft permit or the notice of~~ 24830
~~intent to deny the permit, provide an opportunity for public~~ 24831
~~comments, and, if significant interest is shown, schedule a public~~ 24832
~~meeting in the county in which the facility is proposed to be~~ 24833
~~located and give public notice of the date, time, and location of~~ 24834
~~the public meeting in a newspaper of general circulation in that~~ 24835
~~county.~~ 24836

~~(6)(2) The board~~ director shall not approve an application 24837
for a hazardous waste facility installation and operation permit 24838
or an application for a modification under division (I)(3) of this 24839
section unless ~~it~~ the director finds and determines as follows: 24840

(a) The nature and volume of the waste to be treated, stored, 24841
or disposed of at the facility; 24842

(b) That the facility complies with the director's hazardous 24843
waste standards adopted pursuant to section 3734.12 of the Revised 24844
Code; 24845

(c) That the facility represents the minimum adverse 24846

environmental impact, considering the state of available 24847
technology and the nature and economics of various alternatives, 24848
and other pertinent considerations; 24849

(d) That the facility represents the minimum risk of all of 24850
the following: 24851

(i) ~~Contamination of ground and surface waters;~~ 24852

~~(ii)~~ Fires or explosions from treatment, storage, or disposal 24853
methods; 24854

~~(iii)~~ ~~Accident~~ (ii) Release of hazardous waste during 24855
transportation of hazardous waste to or from the facility; 24856

~~(iv)~~ ~~Impact~~ (iii) Adverse impact on the public health and 24857
safety; 24858

~~(v)~~ ~~Air pollution;~~ 24859

~~(vi)~~ ~~Soil contamination.~~ 24860

(e) That the facility will comply with this chapter and 24861
Chapters 3704., ~~3734.~~, and 6111. of the Revised Code and all rules 24862
and standards adopted under ~~those chapters~~ them; 24863

(f) That if the owner of the facility, the operator of the 24864
facility, or any other person in a position with the facility from 24865
which the person may influence the installation and operation of 24866
the facility has been involved in any prior activity involving 24867
transportation, treatment, storage, or disposal of hazardous 24868
waste, that person has a history of compliance with this chapter 24869
and Chapters 3704., ~~3734.~~, and 6111. of the Revised Code and all 24870
rules and standards adopted under ~~those chapters~~ them, the 24871
"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 24872
42 U.S.C.A. 6921, as amended, and all regulations adopted under 24873
it, and similar laws and rules of other states if any such prior 24874
operation was located in another state that demonstrates 24875
sufficient reliability, expertise, and competency to operate a 24876

hazardous waste facility under the applicable provisions of this 24877
chapter and Chapters 3704., ~~3734.~~, and 6111. of the Revised Code, 24878
the applicable rules and standards adopted under ~~those chapters~~ 24879
them, and terms and conditions of a hazardous waste facility 24880
installation and operation permit, given the potential for harm to 24881
the public health and safety and the environment that could result 24882
from the irresponsible operation of the facility~~;~~. For off-site 24883
facilities, as defined in section 3734.41 of the Revised Code, the 24884
director may use the investigative reports of the attorney general 24885
prepared pursuant to section 3734.42 of the Revised Code as a 24886
basis for making a finding and determination under division 24887
(D)(2)(f) of this section. 24888

(g) That the active areas within a new hazardous waste 24889
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 24890
(e), as amended, or organic waste that is toxic and is listed 24891
under 40 C.F.R. 261, as amended, is being stored, treated, or 24892
disposed of and where the aggregate of the storage design capacity 24893
and the disposal design capacity of all hazardous waste in those 24894
areas is greater than two hundred fifty thousand gallons, are not 24895
located or operated within any of the following: 24896

(i) Two thousand feet of any residence, school, hospital, 24897
jail, or prison; 24898

(ii) Any naturally occurring wetland; 24899

(iii) Any flood hazard area if the applicant cannot show that 24900
the facility will be designed, constructed, operated, and 24901
maintained to prevent washout by a one-hundred-year flood ~~or that~~ 24902
~~procedures will be in effect to remove the waste before flood~~ 24903
~~waters can reach it.~~ 24904

Division (D)~~(6)~~(2)(g) of this section does not apply to the 24905
facility of any applicant who demonstrates to the ~~board~~ director 24906
that the limitations specified in that division are not necessary 24907

because of the nature or volume of the waste and the manner of 24908
management applied, the facility will impose no substantial danger 24909
to the health and safety of persons occupying the structures 24910
listed in division (D)~~(6)~~(2)(g)(i) of this section, and the 24911
facility is to be located or operated in an area where the 24912
proposed hazardous waste activities will not be incompatible with 24913
existing land uses in the area. 24914

(h) That the facility will not be located within the 24915
boundaries of a state park established or dedicated under Chapter 24916
1541. of the Revised Code, a state park purchase area established 24917
under section 1541.02 of the Revised Code, any unit of the 24918
national park system, or any property that lies within the 24919
boundaries of a national park or recreation area, but that has not 24920
been acquired or is not administered by the secretary of the 24921
United States department of the interior, located in this state, 24922
or any candidate area located in this state identified for 24923
potential inclusion in the national park system in the edition of 24924
the "national park system plan" submitted under paragraph (b) of 24925
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 24926
U.S.C.A. 1a-5, as amended, current at the time of filing of the 24927
application for the permit, unless the facility will be used 24928
exclusively for the storage of hazardous waste generated within 24929
the park or recreation area in conjunction with the operation of 24930
the park or recreation area. Division (D)~~(6)~~(2)(h) of this section 24931
does not apply to the facility of any applicant for modification 24932
of a permit unless the modification application proposes to 24933
increase the land area included in the facility or to increase the 24934
quantity of hazardous waste that will be treated, stored, or 24935
disposed of at the facility. 24936

~~In rendering a decision upon an application for a hazardous 24937
waste facility installation and operation permit, the board shall 24938
issue a written order and opinion, which shall include the 24939~~

~~specific findings of fact and conclusions of law that support the board's approval or disapproval of the application.~~ 24940
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(3) Not later than one hundred eighty days after the end of the public comment period, the director, without prior hearing, shall issue or deny the permit in accordance with Chapter 3745. of the Revised Code. If the ~~board~~ director approves an application for a hazardous waste facility installation and operation permit, ~~as a part of its written order, it~~ the director shall issue the permit, upon such terms and conditions as the ~~board~~ director finds are necessary to ensure the construction and operation of the hazardous waste facility in accordance with the standards of this section. 24942
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~~(7) Any party adversely affected by an order of the hazardous waste facility board may appeal the order and decision of the board to the court of appeals of Franklin county. An appellant shall file with the board a notice of appeal, which shall designate the order appealed from. A copy of the notice also shall be filed by the appellant with the court, and a copy shall be sent by certified mail to each party to the adjudication hearing before the board. Such notices shall be filed and mailed within thirty days after the date upon which the appellant received notice from the board by certified mail of the making of the order appealed from. No appeal bond shall be required to make an appeal effective.~~ 24952
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~~The filing of a notice of appeal shall not operate automatically as a suspension of the order of the board. If it appears to the court that an unjust hardship to the appellant will result from the execution of the board's order pending determination of the appeal, the court may grant a suspension of the order and fix its terms.~~ 24964
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~~Within twenty days after receipt of the notice of appeal, the board shall prepare and file in the court the complete record of~~ 24970
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~~proceedings out of which the appeal arises, including any 24972
transcript of the testimony and any other evidence that has been 24973
submitted before the board. The expense of preparing and 24974
transcribing the record shall be taxed as a part of the costs of 24975
the appeal. The appellant, other than the state or a political 24976
subdivision, an agency of either, or any officer of the appellant 24977
acting in the officer's representative capacity, shall provide 24978
security for costs satisfactory to the court considering the 24979
respective interests of the parties and the public interest. Upon 24980
demand by a party, the board shall furnish, at the cost of the 24981
party requesting it, a copy of the record. If the complete record 24982
is not filed within the time provided for in this section, any 24983
party may apply to the court to have the case docketed, and the 24984
court shall order the record filed. 24985~~

~~In hearing the appeal, the court is confined to the record as 24986
certified to it by the board. The court may grant a request for 24987
the admission of additional evidence when satisfied that the 24988
additional evidence is newly discovered and could not with 24989
reasonable diligence have been ascertained prior to the hearing 24990
before the board. 24991~~

~~The court shall affirm the order complained of in the appeal 24992
if it finds, upon consideration of the entire record and such 24993
additional evidence as the court has admitted, that the order is 24994
supported by reliable, probative, and substantial evidence and is 24995
in accordance with law. In the absence of such findings, it shall 24996
reverse, vacate, or modify the order or make such other ruling as 24997
is supported by reliable, probative, and substantial evidence and 24998
is in accordance with law. The judgment of the court shall be 24999
final and conclusive unless reversed, vacated, or modified on 25000
appeal. Such appeals may be taken by any party to the appeal 25001
pursuant to the Rules of Practice of the Supreme Court and, to the 25002
extent not in conflict with those rules, Chapter 2505. of the 25003~~

Revised Code.	25004
(E)(1) Upon receipt of a completed application, the board shall issue a hazardous waste facility installation and operation permit for a hazardous waste facility subject to the requirements of divisions (D)(6) and (7) of this section and all applicable federal regulations if the facility for which the permit is requested satisfies all of the following:	25005
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(a) Was in operation immediately prior to October 9, 1980;	25011
(b) Was in substantial compliance with applicable statutes and rules in effect immediately prior to October 9, 1980, as determined by the director;	25012
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(c) Demonstrates to the board that its operations after October 9, 1980, comply with applicable performance standards adopted by the director pursuant to division (D) of section 3734.12 of the Revised Code;	25015
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(d) Submits a completed application for a permit under division (C) of this section within six months after October 9, 1980.	25019
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The board shall act on the application within twelve months after October 9, 1980.	25022
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(2) A hazardous waste facility that was in operation immediately prior to October 9, 1980, may continue to operate after that date if it does all of the following:	25024
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(a) Complies with performance standards adopted by the director pursuant to division (D) of section 3734.12 of the Revised Code;	25027
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	25029
(b) Submits a completed application for a hazardous waste installation and operation permit under division (C) of this section within six months after October 9, 1980;	25030
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(c) Obtains the permit under division (D) of this section	25033

~~within twelve months after October 9, 1980.~~ 25034

~~(3) No political subdivision of this state shall require any additional zoning or other approval, consent, permit, certificate, or condition for the construction or operation of a hazardous waste facility authorized by a hazardous waste facility installation and operation permit issued pursuant to this chapter, nor shall any political subdivision adopt or enforce any law, ordinance, or rule that in any way alters, impairs, or limits the authority granted in the permit.~~ 25035
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~~(4) After the issuance of a hazardous waste facility installation and operation permit by the board, each hazardous waste facility shall be subject to the rules and supervision of the director during the period of its operation, closure, and post-closure care, if applicable.~~ 25043
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~~(F) Upon approval of the board in accordance with divisions (D) and (E) of this section, the board~~ The director may issue a single hazardous waste facility installation and operation permit to a person who operates two or more adjoining facilities where hazardous waste is stored, treated, or disposed of if the application includes detail plans, specifications, and information on all facilities. For the purposes of this section, "adjoining" means sharing a common boundary, separated only by a public road, or in such proximity that the director determines that the issuance of a single permit will not create a hazard to the public health or safety or the environment. 25048
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(G) No person shall falsify or fail to keep or submit any plans, specifications, data, reports, records, manifests, or other information required to be kept or submitted to the director ~~or to the hazardous waste facility board~~ by this chapter or the rules adopted under it. 25059
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(H)(1) Each person who holds an installation and operation 25064

permit issued under this section and who wishes to obtain a permit 25065
renewal shall submit a completed application for an installation 25066
and operation permit renewal and any necessary accompanying 25067
general plans, detail plans, specifications, and such information 25068
as the director may require to the director no later than one 25069
hundred eighty days prior to the expiration date of the existing 25070
permit or upon a later date prior to the expiration of the 25071
existing permit if the permittee can demonstrate good cause for 25072
the late submittal. The director shall consider the application 25073
and accompanying information, inspection reports of the facility, 25074
results of performance tests, a report regarding the facility's 25075
compliance or noncompliance with the terms and conditions of its 25076
permit and rules adopted by the director under this chapter, and 25077
such other information as is relevant to the operation of the 25078
facility and shall issue a draft renewal permit or a notice of 25079
intent to deny the renewal permit. The director, in accordance 25080
with rules adopted under this section or with rules adopted to 25081
implement Chapter 3745. of the Revised Code, shall give public 25082
notice of the application and draft renewal permit or notice of 25083
intent to deny the renewal permit, provide for the opportunity for 25084
public comments within a specified time period, schedule a public 25085
meeting in the county in which the facility is located if 25086
significant interest is shown, and give public notice of the 25087
public meeting. 25088

(2) Within sixty days after the public meeting or close of 25089
the public comment period, the director, without prior hearing, 25090
shall issue or deny the renewal permit in accordance with Chapter 25091
3745. of the Revised Code. The director shall not issue a renewal 25092
permit unless the director determines that the facility under the 25093
existing permit has a history of compliance with this chapter, 25094
rules adopted under it, the existing permit, or orders entered to 25095
enforce such requirements that demonstrates sufficient 25096
reliability, expertise, and competency to operate the facility 25097

henceforth under this chapter, rules adopted under it, and the 25098
renewal permit. If the director approves an application for a 25099
renewal permit, the director shall issue the permit subject to the 25100
payment of the annual permit fee required under division (E) of 25101
section 3734.02 of the Revised Code and upon such terms and 25102
conditions as the director finds are reasonable to ensure that 25103
continued operation, maintenance, closure, and post-closure care 25104
of the hazardous waste facility are in accordance with the rules 25105
adopted under section 3734.12 of the Revised Code. 25106

(3) An installation and operation permit renewal application 25107
submitted to the director that also contains or would constitute 25108
an application for a modification shall be acted upon by the 25109
director in accordance with division (I) of this section in the 25110
same manner as an application for a modification. In approving or 25111
disapproving the renewal portion of a permit renewal application 25112
containing an application for a modification, the director shall 25113
apply the criteria established under division (H)(2) of this 25114
section. 25115

(4) An application for renewal or modification of a permit 25116
that does not contain an application for a modification as 25117
described in divisions (I)(3)(a) to (d) of this section shall not 25118
be subject to division (D)(2) of this section. 25119

(I)(1) As used in this section, "modification" means a change 25120
or alteration to a hazardous waste facility or its operations that 25121
is inconsistent with or not authorized by its existing permit or 25122
authorization to operate. Modifications shall be classified as 25123
Class 1, 2, or 3 modifications in accordance with rules adopted 25124
under division (K) of this section. Modifications classified as 25125
Class 3 modifications, in accordance with rules adopted under that 25126
division, shall be further classified by the director as either 25127
Class 3 modifications that are to be approved or disapproved by 25128
the ~~hazardous waste facility board as described in~~ director under 25129

divisions (I)(3)(a) to (d) of this section or as Class 3 25130
modifications that are to be approved or disapproved by the 25131
director under division (I)(5) of this section. Not later than 25132
thirty days after receiving a request for a modification under 25133
division (I)(4) of this section that is not listed in Appendix I 25134
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 25135
section, the director shall classify the modification and shall 25136
notify the owner or operator of the facility requesting the 25137
modification of the classification. Notwithstanding any other law 25138
to the contrary, any modification that involves the transfer of a 25139
hazardous waste facility installation and operation permit to a 25140
new owner or operator shall be classified as a Class 3 25141
modification. 25142

(2) Except as provided in section 3734.123 of the Revised 25143
Code, a hazardous waste facility installation and operation permit 25144
may be modified at the request of the director or upon the written 25145
request of the permittee only if any of the following applies: 25146

(a) The permittee desires to accomplish alterations, 25147
additions, or deletions to the permitted facility or to undertake 25148
alterations, additions, deletions, or activities that are 25149
inconsistent with or not authorized by the existing permit; 25150

(b) New information or data justify permit conditions in 25151
addition to or different from those in the existing permit; 25152

(c) The standards, criteria, or rules upon which the existing 25153
permit is based have been changed by new, amended, or rescinded 25154
standards, criteria, or rules, or by judicial decision after the 25155
existing permit was issued, and the change justifies permit 25156
conditions in addition to or different from those in the existing 25157
permit; 25158

(d) The permittee proposes to transfer the permit to another 25159
person. 25160

(3) The director ~~has jurisdiction to~~ shall approve or 25161
disapprove ~~applications~~ an application for Class 1 modifications, 25162
~~Class 2 modifications, and Class 3 modifications not otherwise~~ 25163
~~described in divisions (I)(3)(a) to (d) of this section. The~~ 25164
~~hazardous waste facility board has jurisdiction to approve or~~ 25165
~~disapprove applications for any~~ a modification in accordance with 25166
division (D)(2) of this section and rules adopted under division 25167
(K) of this section for all of the following categories of Class 3 25168
modifications: 25169

(a) Authority to conduct treatment, storage, or disposal at a 25170
site, location, or tract of land that has not been authorized for 25171
the proposed category of treatment, storage, or disposal activity 25172
by the facility's permit; 25173

(b) Modification or addition of a hazardous waste management 25174
unit, as defined in rules adopted under section 3734.12 of the 25175
Revised Code, that results in an increase in a facility's storage 25176
capacity of more than twenty-five per cent over the capacity 25177
authorized by the facility's permit, an increase in a facility's 25178
treatment rate of more than twenty-five per cent over the rate so 25179
authorized, or an increase in a facility's disposal capacity over 25180
the capacity so authorized. The authorized disposal capacity for a 25181
facility shall be calculated from the approved design plans for 25182
the disposal units at that facility. In no case during a five-year 25183
period shall a facility's storage capacity or treatment rate be 25184
modified to increase by more than twenty-five per cent in the 25185
aggregate without ~~board~~ the director's approval in accordance with 25186
division (D)(2) of this section. Notwithstanding any provision of 25187
division (I) of this section to the contrary, a request for 25188
modification of a facility's annual total waste receipt limit 25189
shall be classified and approved or disapproved by the director 25190
under division (I)(5) of this section. 25191

(c) Authority to add any of the following categories of 25192

regulated activities not previously authorized at a facility by 25193
the facility's permit: storage at a facility not previously 25194
authorized to store hazardous waste, treatment at a facility not 25195
previously authorized to treat hazardous waste, or disposal at a 25196
facility not previously authorized to dispose of hazardous waste; 25197
or authority to add a category of hazardous waste management unit 25198
not previously authorized at the facility by the facility's 25199
permit. Notwithstanding any provision of division (I) of this 25200
section to the contrary, a request for authority to add or to 25201
modify an activity or a hazardous waste management unit for the 25202
purposes of performing a corrective action shall be classified and 25203
approved or disapproved by the director under division (I)(5) of 25204
this section. 25205

(d) Authority to treat, store, or dispose of waste types 25206
listed or characterized as reactive or explosive, in rules adopted 25207
under section 3734.12 of the Revised Code, or any acute hazardous 25208
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 25209
previously authorized to treat, store, or dispose of those types 25210
of wastes by the facility's permit unless the requested authority 25211
is limited to wastes that no longer exhibit characteristics 25212
meeting the criteria for listing or characterization as reactive 25213
or explosive wastes, or for listing as acute hazardous waste, but 25214
still are required to carry those waste codes as established in 25215
rules adopted under section 3734.12 of the Revised Code because of 25216
the requirements established in 40 C.F.R. 261(a) and (e), as 25217
amended, that is, the "mixture," "derived-from," or "contained-in" 25218
regulations. 25219

(4) A written request for a modification from the permittee 25220
shall be submitted to the director and shall contain such 25221
information as is necessary to support the request. ~~The director~~ 25222
~~shall transmit to the board requests for Class 3 modifications~~ 25223
~~described in divisions (I)(3)(a) to (d) of this section within two~~ 25224

~~hundred forty days after receiving the requests.~~ Requests for 25225
modifications shall be acted upon by the director ~~or the board, as~~ 25226
~~appropriate,~~ in accordance with this section and rules adopted 25227
under it. 25228

(5) Class 1 modification applications that require prior 25229
approval of the director, as determined in accordance with rules 25230
adopted under division (K) of this section, Class 2 modification 25231
applications, and Class 3 modification applications that are not 25232
described in divisions (I)(3)(a) to (d) of this section shall be 25233
approved or disapproved by the director in accordance with rules 25234
adopted under division (K) of this section. The board of county 25235
commissioners of the county, the board of township trustees of the 25236
township, and the city manager or mayor of the municipal 25237
corporation in which a hazardous waste facility is located shall 25238
receive notification of any application for a modification for 25239
that facility and shall be considered as interested persons with 25240
respect to the director's consideration of the application. 25241

For those modification applications for a transfer of a 25242
permit to a new owner or operator of a facility, the director also 25243
shall determine that, if the transferee owner or operator has been 25244
involved in any prior activity involving the transportation, 25245
treatment, storage, or disposal of hazardous waste, the transferee 25246
owner or operator has a history of compliance with this chapter 25247
and Chapters 3704. and 6111. of the Revised Code and all rules and 25248
standards adopted under them, the "Resource Conservation and 25249
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 25250
amended, and all regulations adopted under it, and similar laws 25251
and rules of another state if the transferee owner or operator 25252
owns or operates a facility in that state, that demonstrates 25253
sufficient reliability, expertise, and competency to operate a 25254
hazardous waste facility under this chapter and Chapters 3704. and 25255
6111. of the Revised Code, all rules and standards adopted under 25256

them, and terms and conditions of a hazardous waste facility 25257
installation and operation permit, given the potential for harm to 25258
the public health and safety and the environment that could result 25259
from the irresponsible operation of the facility. A permit may be 25260
transferred to a new owner or operator only pursuant to a Class 3 25261
permit modification. 25262

As used in division (I)(5) of this section: 25263

(a) "Owner" means the person who owns a majority or 25264
controlling interest in a facility. 25265

(b) "Operator" means the person who is responsible for the 25266
overall operation of a facility. 25267

The director shall approve or disapprove an application for a 25268
Class 1 modification that requires the director's approval within 25269
sixty days after receiving the request for modification. The 25270
director shall approve or disapprove an application for a Class 2 25271
modification within three hundred days after receiving the request 25272
for modification. The director shall approve or disapprove an 25273
application for a Class 3 modification ~~that is not described in~~ 25274
~~divisions (I)(3)(a) to (d) of this section~~ within three hundred 25275
sixty-five days after receiving the request for modification. 25276

(6) The approval or disapproval by the director of a Class 1 25277
modification application is not a final action that is appealable 25278
under Chapter 3745. of the Revised Code. The approval or 25279
disapproval by the director of a Class 2 modification or a Class 3 25280
modification ~~that is not described in divisions (I)(3)(a) to (d)~~ 25281
~~of this section~~ is a final action that is appealable under that 25282
chapter. In approving or disapproving a request for a 25283
modification, the director shall consider all comments pertaining 25284
to the request that are received during the public comment period 25285
and the public meetings. The administrative record for appeal of a 25286
final action by the director in approving or disapproving a 25287

request for a modification shall include all comments received 25288
during the public comment period relating to the request for 25289
modification, written materials submitted at the public meetings 25290
relating to the request, and any other documents related to the 25291
director's action. 25292

~~(7) The hazardous waste facility board shall approve or 25293
disapprove an application for a Class 3 modification transmitted 25294
to it under division (I)(4) of this section, or that portion of a 25295
permit renewal application that constitutes a Class 3 modification 25296
application so transmitted, of a hazardous waste facility 25297
installation and operation permit in accordance with division (D) 25298
of this section. No other request for a modification shall be 25299
subject to division (D)(6) of this section. No aspect of a 25300
permitted facility or its operations that is not being modified as 25301
described in division (I)(3)(a), (b), (c), or (d) of this section 25302
shall be subject to review by the board under division (D) of this 25303
section. 25304~~

~~(8)~~ Notwithstanding any other provision of law to the 25305
contrary, a change or alteration to a hazardous waste facility 25306
described in division (E)(3)(a) or (b) of section 3734.02 of the 25307
Revised Code, or its operations, is a modification for the 25308
purposes of this section. An application for a modification at 25309
such a facility shall be submitted, classified, and approved or 25310
disapproved in accordance with divisions (I)(1) to ~~(7)~~(6) of this 25311
section in the same manner as a modification to a hazardous waste 25312
facility installation and operation permit. 25313

(J)(1) Except as provided in division (J)(2) of this section, 25314
an owner or operator of a hazardous waste facility that is 25315
operating in accordance with a permit by rule under rules adopted 25316
by the director under division (E)(3)(b) of section 3734.02 of the 25317
Revised Code shall submit either a hazardous waste facility 25318
installation and operation permit application for the facility or 25319

a modification application, whichever is required under division 25320
(J)(1)(a) or (b) of this section, within one hundred eighty days 25321
after the director has requested the application or upon a later 25322
date if the owner or operator demonstrates to the director good 25323
cause for the late submittal. 25324

(a) If the owner or operator does not have a hazardous waste 25325
facility installation and operation permit for any hazardous waste 25326
treatment, storage, or disposal activities at the facility, the 25327
owner or operator shall submit an application for such a permit to 25328
the director for the activities authorized by the permit by rule. 25329
Notwithstanding any other provision of law to the contrary, the 25330
director shall approve or disapprove the application for the 25331
permit in accordance with the procedures governing the approval or 25332
disapproval of permit renewals under division (H) of this section. 25333

(b) If the owner or operator has a hazardous waste facility 25334
installation and operation permit for hazardous waste treatment, 25335
storage, or disposal activities at the facility other than those 25336
authorized by the permit by rule, the owner or operator shall 25337
submit to the director a request for modification in accordance 25338
with division (I) of this section. Notwithstanding any other 25339
provision of law to the contrary, the director shall approve or 25340
disapprove the modification application in accordance with ~~rules~~ 25341
~~adopted under~~ division (K)(I)(5) of this section. 25342

(2) The owner or operator of a boiler or industrial furnace 25343
that is conducting thermal treatment activities in accordance with 25344
a permit by rule under rules adopted by the director under 25345
division (E)(3)(b) of section 3734.02 of the Revised Code shall 25346
submit a hazardous waste facility installation and operation 25347
permit application if the owner or operator does not have such a 25348
permit for any hazardous waste treatment, storage, or disposal 25349
activities at the facility or, if the owner or operator has such a 25350
permit for hazardous waste treatment, storage, or disposal 25351

activities at the facility other than thermal treatment activities 25352
authorized by the permit by rule, a modification application to 25353
add those activities authorized by the permit by rule, whichever 25354
is applicable, within one hundred eighty days after the director 25355
has requested the submission of the application or upon a later 25356
date if the owner or operator demonstrates to the director good 25357
cause for the late submittal. The application shall be accompanied 25358
by information necessary to support the request. The ~~hazardous~~ 25359
~~waste facility board~~ director shall approve or disapprove ~~the an~~ 25360
application for a hazardous waste facility installation and 25361
operation permit in accordance with division (D) of this section 25362
and approve or disapprove an application for a modification in 25363
accordance with division (I)(3) of this section, except that the 25364
~~board~~ director shall not disapprove an application for the thermal 25365
treatment activities on the basis of the criteria set forth in 25366
division (D)~~(6)~~(2)(g) or (h) of this section. 25367

(3) As used in division (J) of this section: 25368

(a) "Modification application" means a request for a 25369
modification submitted in accordance with division (I) of this 25370
section. 25371

(b) "Thermal treatment," "boiler," and "industrial furnace" 25372
have the same meanings as in rules adopted under section 3734.12 25373
of the Revised Code. 25374

(K) The director shall adopt, and may amend, suspend, or 25375
rescind, rules in accordance with Chapter 119. of the Revised Code 25376
in order to implement divisions (H) and (I) of this section. 25377
Except when in actual conflict with this section, rules governing 25378
the classification of and procedures for the modification of 25379
hazardous waste facility installation and operation permits shall 25380
be substantively and procedurally identical to the regulations 25381
governing hazardous waste facility permitting and permit 25382
modifications adopted under the "Resource Conservation and 25383

Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 25384
amended. 25385

Sec. 3734.12. The director of environmental protection shall 25386
adopt and may amend, suspend, and rescind rules in accordance with 25387
Chapter 119. of the Revised Code, which shall be consistent with 25388
and equivalent to the regulations adopted under the "Resource 25389
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 25390
6921, as amended, except for rules adopted under divisions (D) and 25391
(F) of this section governing solid waste facilities and except as 25392
otherwise provided in this chapter, doing all of the following: 25393

(A) Adopting the criteria and procedures established under 25394
the "Resource Conservation and Recovery Act of 1976," 90 Stat. 25395
2806, 42 U.S.C.A. 6921, as amended, for identifying hazardous 25396
waste. The director shall prepare, revise when appropriate, and 25397
publish a list of substances or categories of substances 25398
identified to be hazardous using the criteria specified in 40 25399
C.F.R. 261, as amended, which shall be composed of at least those 25400
substances identified as hazardous pursuant to section 3001(B) of 25401
that act. The director shall not list any waste that the 25402
administrator of the United States environmental protection agency 25403
delisted or excluded by an amendment to the federal regulations, 25404
any waste that the administrator declined to list by publishing a 25405
denial of a rulemaking petition or by withdrawal of a proposed 25406
listing in the United States federal register after May 18, 1980, 25407
or any waste oil or polychlorinated biphenyl not listed by the 25408
administrator. 25409

(B) Establishing standards for generators of hazardous waste 25410
necessary to protect human health or safety or the environment in 25411
accordance with this chapter, including, but not limited to, 25412
requirements respecting all of the following: 25413

(1) Record-keeping practices that accurately identify the 25414

quantities of hazardous waste generated, the constituents that are	25415
significant in quantity or in potential harm to human health or	25416
safety or the environment, and the disposition of the waste;	25417
(2) Labeling of containers used for storage, transportation,	25418
or disposal of hazardous waste to identify the waste accurately;	25419
(3) Use of appropriate containers for hazardous waste;	25420
(4) Providing information on the general chemical composition	25421
of hazardous waste to persons transporting, treating, storing, or	25422
disposing of the waste;	25423
(5) A manifest system requiring a manifest consistent with	25424
that prescribed under the "Resource Conservation and Recovery Act	25425
of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as amended, requiring a	25426
manifest for any hazardous waste transported off the premises	25427
where generated and assuring that all hazardous waste that is	25428
transported off the premises where generated is designated for	25429
treatment, storage, or disposal in facilities for which a permit	25430
has been issued or in the other facilities specified in division	25431
(F) of section 3734.02 of the Revised Code;	25432
(6) Submission of such reports to the director as the	25433
director determines necessary;	25434
(7) Establishment of quality control and testing procedures	25435
that ensure compliance with the rules adopted under this section;	25436
(8) Obtainment of a United States environmental protection	25437
agency identification number.	25438
(C) Establishing standards for transporters of hazardous	25439
waste necessary to protect human health or safety or the	25440
environment in accordance with this chapter, including, but not	25441
limited to, requirements respecting all of the following:	25442
(1) Record-keeping concerning hazardous waste transported,	25443
including source and delivery points;	25444

(2) Submission of such reports to the director as the	25445
director determines necessary;	25446
(3) Transportation of only properly labeled waste;	25447
(4) Compliance with the manifest system required by division	25448
(B) of this section;	25449
(5) Transportation of hazardous waste only to the treatment,	25450
storage, or disposal facility that the shipper designates on the	25451
manifest to be a facility holding a permit or another facility	25452
specified in division (F) of section 3734.02 of the Revised Code;	25453
(6) Contingency plans to minimize unanticipated damage from	25454
transportation of hazardous waste;	25455
(7) Financial responsibility, including, but not limited to,	25456
provisions requiring a financial mechanism to cover the costs of	25457
spill cleanup and liability for sudden accidental occurrences that	25458
result in damage to persons, property, or the environment;	25459
(8) Obtainment of a United States environmental protection	25460
agency identification number.	25461
In the case of any hazardous waste that is subject to the	25462
"Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49	25463
U.S.C.A. 1801, as amended, the rules shall be consistent with that	25464
act and regulations adopted under it.	25465
(D) Establishing performance standards for owners and	25466
operators of hazardous waste facilities and owners and operators	25467
of solid waste facilities, necessary to protect human health or	25468
safety or the environment in accordance with this chapter,	25469
including, but not limited to, requirements respecting all of the	25470
following:	25471
(1) Maintaining records of all hazardous waste that is	25472
treated, stored, or disposed of and of the manner in which the	25473
waste was treated, stored, or disposed of or records of all solid	25474

wastes transferred or disposed of and of the manner in which the	25475
wastes were disposed of;	25476
(2) Submission of such reports to the director as the	25477
director determines necessary;	25478
(3) Reporting, monitoring, inspection, and, except with	25479
respect to solid waste facilities, compliance with the manifest	25480
system referred to in division (B) of this section;	25481
(4) Treatment, storage, or disposal of all hazardous waste	25482
received by methods, techniques, and practices approved by the	25483
director and disposal or transfer of all solid wastes received by	25484
methods, techniques, and practices approved by the director;	25485
(5) Location, design, and construction of hazardous waste	25486
facilities and location, design, and construction of solid waste	25487
facilities;	25488
(6) Contingency plans for effective action to minimize	25489
unanticipated damage from treatment, storage, or disposal of	25490
hazardous waste and the disposal or transfer of solid wastes;	25491
(7) Ownership, continuity of operation, training for	25492
personnel, and financial responsibility, including the filing of	25493
closure and post-closure financial assurance, if applicable. No	25494
private entity shall be precluded by reason of these requirements	25495
from the ownership or operation of facilities providing hazardous	25496
waste treatment, storage, or disposal services if the entity can	25497
provide assurances of financial responsibility and continuity of	25498
operation consistent with the degree and duration of risks	25499
associated with the treatment, storage, or disposal of specified	25500
hazardous waste.	25501
(8) Closure and post-closure care of a hazardous waste	25502
facility where hazardous waste will no longer be treated, stored,	25503
or disposed of and of a solid waste facility where solid wastes	25504
will no longer be disposed of or transferred;	25505

(9) Establishment of quality control and testing procedures that ensure compliance with the rules adopted under this section;	25506 25507
(10) Obtainment of a United States environmental protection agency identification number for each hazardous waste treatment, storage, or disposal facility;	25508 25509 25510
(11) Trial burns and land treatment demonstrations.	25511
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.	25512 25513 25514 25515 25516 25517
(E) Governing the issuance, modification, revocation, suspension, withdrawal, and denial of installation and operation permits, draft permits, and transportation certificates of registration;	25518 25519 25520 25521
(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:	25522 25523 25524 25525 25526
(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 director may require regarding the method of operation;	25527 25528 25529 25530
(2) The facility to which the waste will be transported or where it will be stored, treated, or disposed of;	25531 25532
(3) The closure and post-closure care of a 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	25533 25534 25535

disposed of or transferred. 25536

(G) Establishing procedures ensuring that all information 25537
entitled to protection as trade secrets disclosed to the director 25538
or the director's authorized representative is not disclosed 25539
without the consent of the owner, except that such information may 25540
be disclosed, upon request, to authorized representatives of the 25541
United States environmental protection agency, or as required by 25542
law. As used in this section, "trade secrets" means any formula, 25543
plan, pattern, process, tool, mechanism, compound, procedure, 25544
production date, or compilation of information that is not 25545
patented, that is known only to certain individuals within a 25546
commercial concern who are using it to fabricate, produce, or 25547
compound an article, trade, or service having commercial value, 25548
and that gives its user an opportunity to obtain a business 25549
advantage over competitors who do not know or use it. 25550

(H) Prohibiting the disposal of specified hazardous wastes in 25551
this state if the director has determined both of the following: 25552

(1) The potential impacts on human health or safety or the 25553
environment are such that disposal of those wastes should not be 25554
allowed. 25555

(2) A technically feasible and environmentally sound 25556
alternative is reasonably available, either within or outside this 25557
state, for processing, recycling, fixation of, neutralization of, 25558
or other treatment of those wastes. Such reasonable availability 25559
shall not be determined without a consideration of the costs to 25560
the generator of implementing the alternatives. 25561

The director shall adopt, and may amend, suspend, or rescind, 25562
rules to specify hazardous wastes that shall not be disposed of in 25563
accordance with this division. Nothing in this division, either 25564
prior to or after adoption of those rules, shall preclude the 25565
director ~~or the hazardous waste facility board created in section~~ 25566

~~3734.05 of the Revised Code from prohibiting the disposal of 25567~~
~~specified hazardous wastes at particular facilities under the 25568~~
~~terms or conditions of a permit or preclude the director from 25569~~
~~prohibiting that disposal by order. 25570~~

(I)(1)(a) Governing the following that may be more stringent 25571
than the regulations adopted under the "Resource Conservation and 25572
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 25573
amended, when the director determines that such more stringent 25574
rules are reasonable in order to protect human health or safety or 25575
the environment: 25576

(i) Specific wastes that the director determines, because of 25577
their physical, chemical, or biological characteristics, are so 25578
extremely hazardous that the storage, treatment, or disposal of 25579
the wastes in compliance with those regulations would present an 25580
imminent danger to human health or safety or the environment; 25581

(ii) The use of only properly designed, operated, and 25582
approved transfer facilities; 25583

(iii) Preventing illegitimate activities relating to the 25584
reuse, recycling, or reclaiming of hazardous waste, including 25585
record-keeping, reporting, and manifest requirements. 25586

(b) In adopting such more stringent rules, the director shall 25587
give consideration to and base the rules on evidence concerning 25588
factors including, but not limited to, the following insofar as 25589
pertinent: 25590

(i) Geography of the state; 25591

(ii) Geology of the state; 25592

(iii) Hydrogeology of the state; 25593

(iv) Climate of the state; 25594

(v) Engineering and technical feasibility; 25595

(vi) Availability of alternative technologies or methods of 25596

storage, treatment, or disposal. 25597

(2) The director may require from generators and transporters 25598
of hazardous waste and from owners or operators of treatment, 25599
storage, or disposal facilities, the submission of reports in 25600
addition to those required under regulations adopted under the 25601
"Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 25602
42 U.S.C.A. 6921, as amended, to the extent that such reports 25603
contain information that the generator, transporter, or facility 25604
owner or operator is required to obtain in order to comply with 25605
the regulations adopted by the administrator of the United States 25606
environmental protection agency under the "Resource Conservation 25607
and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 25608
amended, or to the extent that such reports are required by the 25609
director to meet the requirements of division (B)(7), (D)(9), or 25610
(H) of this section or section 3734.121 of the Revised Code. 25611

(J) Governing the storage, treatment, or disposal of 25612
hazardous waste in, and the permitting, design, construction, 25613
operation, monitoring, inspection, closure, and post-closure care 25614
of, hazardous waste underground injection wells, surface 25615
impoundments, waste piles other than those composed of materials 25616
removed from the ground as part of coal or mineral extraction or 25617
cleaning processes, land treatment facilities, thermal treatment 25618
facilities, and landfills that may be more stringent than the 25619
regulations adopted under the "Resource Conservation and Recovery 25620
Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, 25621
whenever the director reasonably determines that federal 25622
regulations will not adequately protect the public health or 25623
safety or the environment of this state with respect to the 25624
subject matter of the more stringent rules. Such more stringent 25625
rules shall be developed to achieve a degree of protection, as 25626
determined by the director, consistent with the degree of hazard 25627
potentially posed by the various wastes or categories of wastes to 25628

be treated, stored, or disposed of and the types of facilities at 25629
which they are to be treated, stored, or disposed of. In adopting 25630
such more stringent rules, the director shall give consideration 25631
to and base the rules on evidence concerning factors including, 25632
but not limited to, the following insofar as pertinent: 25633

(1) Geography of the state; 25634

(2) Geology of the state; 25635

(3) Hydrogeology of the state; 25636

(4) Climate of the state; 25637

(5) Engineering and technical feasibility; 25638

(6) Availability of alternative technologies or methods of 25639
storage, treatment, or disposal. 25640

(K) Establishing performance standards and other requirements 25641
necessary to protect public health and the environment from 25642
hazards associated with used oil, including, without limitation, 25643
standards and requirements respecting all of the following: 25644

(1) Material that is subject to regulation as used oil; 25645

(2) Generation of used oil; 25646

(3) Used oil collection centers and aggregation points; 25647

(4) Transportation of used oil; 25648

(5) Processing and re-refining of used oil; 25649

(6) Burning of used oil; 25650

(7) Marketing of used oil; 25651

(8) Disposal of used oil; 25652

(9) Use of used oil as a dust suppressant. 25653

Sec. 3734.123. (A) As used in this section and section 25654
3734.124 of the Revised Code, "commercial hazardous waste 25655

incinerator" means an enclosed device that treats hazardous waste 25656
by means of controlled flame combustion and that accepts for 25657
treatment hazardous waste that is generated off the premises on 25658
which the device is located by any person other than the one who 25659
owns or operates the device or one who controls, is controlled by, 25660
or is under common control with the person who owns or operates 25661
the device. "Commercial hazardous waste incinerator" does not 25662
include any "boiler" or "industrial furnace" as those terms are 25663
defined in rules adopted under section 3734.12 of the Revised 25664
Code. 25665

(B) Not sooner than three years after April 15, 1993, and 25666
triennially thereafter, the director of environmental protection 25667
shall prepare, publish, and issue as a final action an assessment 25668
of commercial hazardous waste incinerator capacity in this state. 25669
However, after the issuance as a final action of a determination 25670
under division (A) of section 3734.124 of the Revised Code that 25671
terminates the restrictions established in division (C) of this 25672
section, the director shall cease preparing, publishing, and 25673
issuing the periodic assessments required under this division. The 25674
assessment shall determine the amount of commercial hazardous 25675
waste incinerator capacity needed to manage the hazardous waste 25676
expected to be generated in this state and imported into this 25677
state for incineration at commercial hazardous waste incinerators 25678
during the next succeeding twenty calendar years. The assessment 25679
shall include at least all of the following: 25680

(1) A determination of the aggregate treatment capacity 25681
authorized at commercial hazardous waste incinerators located in 25682
this state; 25683

(2) A determination of the quantity of hazardous waste 25684
generated in this state that is being treated at commercial 25685
hazardous waste incinerators located in this state and projections 25686
of the quantity of hazardous waste generated in this state that 25687

will be treated at those facilities; 25688

(3) A determination of the quantity of hazardous waste 25689
generated outside this state that is being treated at commercial 25690
hazardous waste incinerators located in this state and projections 25691
of the quantity of hazardous waste generated outside this state 25692
that will be treated at those facilities; 25693

(4) A determination of the quantity of hazardous waste 25694
generated in this state that is being treated at commercial 25695
hazardous waste incinerators located outside this state, and 25696
projections of the quantity of hazardous waste generated in this 25697
state that will be treated at those facilities; 25698

(5) The amount of commercial hazardous waste incinerator 25699
capacity that the director reasonably anticipates will be needed 25700
during the first three years of the planning period to treat 25701
hazardous waste generated from the remediation of sites in this 25702
state that are on the national priority list required under the 25703
"Comprehensive Environmental Response, Compensation, and Liability 25704
Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended; as a 25705
result of corrective actions implemented under the "Resource 25706
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 25707
6921, as amended; and as a result of clean-up activities conducted 25708
at sites listed on the master sites list prepared by the 25709
environmental protection agency; 25710

(6) Based upon available data, provided that the data are 25711
reliable and are compatible with the data base of the 25712
environmental protection agency, an identification of any 25713
hazardous waste first listed as a hazardous waste in regulations 25714
adopted under the "Resource Conservation and Recovery Act of 25715
1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, on or after 25716
April 15, 1993, and of any hazardous waste that has been proposed 25717
for such listing by publication of a notice in the federal 25718
register on or before December 1 of the year immediately preceding 25719

the triennial assessment;	25720
(7) An analysis of other factors that may result in capacity changes over the period addressed by the assessment.	25721 25722
(C) Except as otherwise provided in section 3734.124 of the Revised Code, none of the following shall occur on or after April 15, 1993:	25723 25724 25725
(1) The director shall not do any of the following:	25726
(a) Pursuant to division (D)(3) or (I)(4) of section 3734.05 of the Revised Code, as applicable, transmit to the hazardous waste facility board created in that section any application for a <u>Issue any</u> hazardous waste facility installation and operation permit <u>under division (D) of section 3745.05 of the Revised Code</u> for the establishment of a new commercial hazardous waste incinerator, or any request for a modification, as described in divisions (I)(3)(a) to (d) of section 3734.05 of the Revised Code, of an existing commercial hazardous waste incinerator to increase either the treatment capacity of the incinerator or the quantity of hazardous waste authorized to be treated by it, for which the staff of the environmental protection agency has made a preliminary determination as to whether the application or request appears to comply with the rules and standards set forth under divisions (D), (I), and (J) of section 3734.12 of the Revised Code;	25727 25728 25729 25730 25731 25732 25733 25734 25735 25736 25737 25738 25739 25740 25741 25742
(b) <u>Issue issue</u> any modified hazardous waste facility installation and operation permit under division (I)(5) of <u>that</u> section 3734.05 of the Revised Code that would authorize an increase in either the treatment capacity of a commercial hazardous waste incinerator or the quantity of hazardous waste authorized to be treated by it;	25743 25744 25745 25746 25747 25748
(e)(<u>b</u>) Issue any permit pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code, division (J)	25749 25750

of section 6111.03 of the Revised Code, or the solid waste 25751
provisions of this chapter and rules adopted under those 25752
provisions, that is necessary for the establishment, modification, 25753
or operation of any appurtenant facility or equipment that is 25754
necessary for the operation of a new commercial hazardous waste 25755
incinerator, or the modification of such an existing incinerator 25756
to increase either the treatment capacity of the incinerator or 25757
the quantity of hazardous waste that is authorized to be treated 25758
by it. Upon determining that an application for any permit 25759
pertains to the establishment, modification, or operation of any 25760
appurtenant facility or equipment, the director shall cease 25761
reviewing the application and return the application and 25762
accompanying materials to the applicant along with a written 25763
notice that division (C)(1)~~(e)~~(b) of this section precludes the 25764
director from reviewing and acting upon the application. 25765

~~(d)~~(c) Issue any exemption order under division (G) of 25766
section 3734.02 of the Revised Code exempting the establishment of 25767
a new commercial hazardous waste incinerator; the modification of 25768
an existing facility to increase either the treatment capacity of 25769
the incinerator or the quantity of hazardous waste that is 25770
authorized to be treated by it; or the establishment, 25771
modification, or operation of any facility or equipment 25772
appurtenant to a new or modified commercial hazardous waste 25773
incinerator, from divisions (C)(1)(a)~~,~~ or (b)~~,~~ ~~or~~ ~~(e)~~ or (C)(2) ~~or~~ 25774
~~(3)~~ of this section. 25775

(2) ~~The staff of the environmental protection agency shall~~ 25776
~~not take any action under division (D)(3) of section 3734.05 of~~ 25777
~~the Revised Code to review, or to make a preliminary determination~~ 25778
~~of compliance with the rules and standards set forth in divisions~~ 25779
~~(D), (I), and (J) of section 3734.12 of the Revised Code~~ 25780
~~regarding, any~~ If the director determines that an application for 25781
a hazardous waste facility installation and operation permit 25782

submitted under division (D)~~(3)~~ of section 3734.05 of the Revised 25783
Code ~~that~~ pertains to the establishment of a new commercial 25784
hazardous waste incinerator, or ~~any~~ a request for a modification 25785
of an existing incinerator submitted under division (I)~~(4)~~ of that 25786
section ~~to modify an existing incinerator~~ pertains to an increase 25787
of either the treatment capacity of the incinerator or the 25788
quantity of hazardous waste that is authorized to be treated by 25789
it. ~~Upon determining that an application or request submitted~~ 25790
~~under those divisions pertains to the establishment of a new~~ 25791
~~commercial hazardous waste incinerator or the modification of an~~ 25792
~~existing incinerator,~~ the ~~staff of the agency~~ director shall cease 25793
reviewing the application or request and shall return it and the 25794
accompanying materials to the applicant along with a written 25795
notice that division (C)(2) of this section precludes the ~~staff~~ 25796
~~from reviewing or making any preliminary determination of~~ 25797
~~compliance regarding~~ review of the application or request. 25798

~~(3) The hazardous waste facility board created in section~~ 25799
~~3734.05 of the Revised Code shall not do either of the following:~~ 25800

~~(a) Approve any application for a hazardous waste facility~~ 25801
~~installation and operation permit, or issue any permit, under~~ 25802
~~divisions (D) and (F) of section 3734.05 of the Revised Code that~~ 25803
~~authorizes the establishment and operation of a new commercial~~ 25804
~~hazardous waste incinerator;~~ 25805

~~(b) Approve any request to modify an existing commercial~~ 25806
~~hazardous waste incinerator under divisions (D) and (I)(7) of~~ 25807
~~section 3734.05 of the Revised Code that authorizes an increase in~~ 25808
~~either the treatment capacity of the incinerator or the quantity~~ 25809
~~of hazardous waste authorized to be treated by it.~~ 25810

Sec. 3734.124. (A) Promptly after issuing a periodic 25811
assessment under division (B) of section 3734.123 of the Revised 25812
Code, the director of environmental protection shall make a 25813

determination as to whether it is necessary or appropriate to 25814
continue the restrictions established in division (C) of section 25815
3734.123 of the Revised Code during the period of time between the 25816
issuance of the assessment and the issuance of the next succeeding 25817
periodic assessment or as to whether it is necessary or 25818
appropriate to terminate the restrictions. The director shall 25819
consider all of the following when making a determination under 25820
this division: 25821

(1) The findings of the assessment; 25822

(2) The findings of an evaluation conducted by the director, 25823
in consultation with the chairperson of the state emergency 25824
response commission created in section 3750.02 of the Revised 25825
Code, regarding the capability of this state to respond to the 25826
types and frequencies of releases of hazardous waste that are 25827
likely to occur at commercial hazardous waste incinerators; 25828

(3) The effect that a new commercial hazardous waste 25829
incinerator may have on ambient air quality in this state; 25830

(4) The findings of a review of relevant information 25831
regarding the impacts of commercial hazardous waste incinerators 25832
on human health and the environment, such as health studies and 25833
risk assessments; 25834

(5) The findings of a review of the operational records of 25835
commercial hazardous waste incinerators operating in this state; 25836

(6) The findings of any review of relevant information 25837
concerning the following: 25838

(a) The cost of and access to commercial hazardous waste 25839
incinerator capacity; 25840

(b) The length of time and the regulatory review process 25841
necessary to fully permit a commercial hazardous waste 25842
incinerator; 25843

(c) Access to long-term capital investment to fund the building of a commercial hazardous waste incinerator in this state;

(d) Efforts by generators of hazardous waste accepted by commercial hazardous waste incinerators to reduce the amount of hazardous waste that they generate.

(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.

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.

(B) Beginning three years after April 15, 1993, but only on and after the date of issuance as final actions of an assessment under division (B) of section 3734.123 of the Revised Code and a determination under division (A) of this section that it is necessary or appropriate to terminate the restrictions established

in division (C) of section 3734.123 of the Revised Code, ~~any of~~ 25875
~~the following may occur:~~ 25876

~~(1) The the director may do any of the following:~~ 25877

~~(a) Pursuant to division (D)(3) or (I)(4) of section 3734.05 25878
of the Revised Code, as applicable, transmit to the hazardous 25879
waste facility board created in that section an application for a 25880
hazardous waste facility installation and operation permit that 25881
pertains to the establishment of a new commercial hazardous waste 25882
incinerator, or a request for a modification, as described in 25883
divisions (I)(3)(a) to (d) of section 3734.05 of the Revised Code, 25884
of a commercial hazardous waste incinerator to increase either the 25885
treatment capacity of the incinerator or the quantity of hazardous 25886
waste authorized to be treated by it, for which the staff of the 25887
environmental protection agency has made a preliminary 25888
determination as to whether the application or request appears to 25889
comply with the rules and standards set forth under divisions (D), 25890
(I), and (K) of section 3734.05 of the Revised Code;~~ 25891

~~(b) To the extent otherwise authorized in division (I)(5) of 25892
section 3734.05 of the Revised Code, issue a modified hazardous 25893
waste facility installation and operation permit under that 25894
division that authorizes an increase in either the treatment 25895
capacity of a commercial hazardous waste incinerator or the 25896
quantity of hazardous waste authorized to be treated by it;~~ 25897

~~(c)(1) To the extent otherwise authorized thereunder, issue 25898
any permit pursuant to rules adopted under division (F) of section 25899
3704.03 of the Revised Code, division (J) of section 6111.03 of 25900
the Revised Code, or the solid waste provisions of this chapter 25901
and rules adopted under those provisions, that is necessary for 25902
the establishment, modification, or operation of any appurtenant 25903
facility or equipment that is necessary for the operation of a new 25904
commercial hazardous waste incinerator, or for the modification of 25905
an existing incinerator to increase either the treatment capacity 25906~~

of the incinerator or the quantity of hazardous waste authorized 25907
to be treated by it; 25908

~~(d)(2)~~ To the extent otherwise authorized in division (G) of 25909
section 3734.02 of the Revised Code, issue an order exempting the 25910
establishment of a new commercial hazardous waste incinerator; the 25911
modification of an existing incinerator to increase either the 25912
treatment capacity of the incinerator or the quantity of hazardous 25913
waste that is authorized to be treated by it; or the 25914
establishment, modification, or operation of any facility or 25915
equipment appurtenant to a new or modified commercial hazardous 25916
waste incinerator, from division (C)(1)(a), or (b), ~~or (e)~~ or 25917
(C)(2) ~~or (3)~~ of section 3734.123 of the Revised Code. 25918

~~(2) The staff of the environmental protection agency may do 25919
both of the following: 25920~~

~~(a) Pursuant to division (D)(3) or (I)(4) of section 3734.05 25921
of the Revised Code, review an application for a hazardous waste 25922
facility installation and operation permit to establish a new 25923
commercial hazardous waste incinerator or a request to modify an 25924
existing incinerator to increase either the treatment capacity of 25925
the incinerator or the quantity of hazardous waste authorized to 25926
be treated by it; 25927~~

~~(b) Pursuant to division (D)(3) or (I)(4) of section 3734.05 25928
of the Revised Code, make a preliminary determination as to 25929
whether an application for a hazardous waste facility permit to 25930
install and operate a new commercial hazardous waste incinerator 25931
or a request to modify an existing incinerator to increase either 25932
the treatment capacity of the incinerator or the quantity of 25933
hazardous waste authorized to be treated by it appears to comply 25934
with the rules and performance standards set forth under divisions 25935
(D), (I), and (J) of section 3734.12 of the Revised Code. 25936~~

~~(3) The hazardous waste facility board may do both of the 25937~~

following:	25938
(a) Approve or disapprove an application for a hazardous waste facility installation and operation permit, and issue a permit, under divisions <u>division</u> (D) and (F) of section 3734.05 of the Revised Code for a new commercial hazardous waste incinerator;	25939 25940 25941 25942
(b) Under divisions (D) and (I)(7) of that section, approve <u>(4) Approve or disapprove under division (I) of section 3734.05 of the Revised Code</u> a request to modify the permit of an existing commercial hazardous waste incinerator to increase either the treatment capacity of the incinerator or the quantity of hazardous waste authorized to be treated by it.	25943 25944 25945 25946 25947 25948
Sec. 3734.18. (A) There are hereby levied fees on the disposal of hazardous waste to be collected according to the following schedule at each disposal facility to which the hazardous waste facility board has issued a hazardous waste facility installation and operation permit or the director of environmental protection has issued a renewal of a permit pursuant to section 3734.05 of the Revised Code <u>has been issued under this chapter:</u>	25949 25950 25951 25952 25953 25954 25955 25956
(1) For disposal facilities that are off-site facilities as defined in division (E) of section 3734.02 of the Revised Code, fees shall be levied at the rate of four dollars and fifty cents per ton for hazardous waste disposed of by deep well injection and nine dollars per ton for hazardous waste disposed of by land application or landfilling. The owner or operator of the facility, as a trustee for the state, shall collect the fees and forward them to the director in accordance with rules adopted under this section.	25957 25958 25959 25960 25961 25962 25963 25964 25965
(2) For disposal facilities that are on-site or satellite facilities, as defined in division (E) of section 3734.02 of the Revised Code, fees shall be levied at the rate of two dollars per	25966 25967 25968

ton for hazardous waste disposed of by deep well injection and 25969
four dollars per ton for hazardous waste disposed of by land 25970
application or landfilling. The maximum annual disposal fee for an 25971
on-site disposal facility that disposes of one hundred thousand 25972
tons or less of hazardous waste in a year is twenty-five thousand 25973
dollars. The maximum annual disposal fee for an on-site facility 25974
that disposes of more than one hundred thousand tons of hazardous 25975
waste in a year by land application or landfilling is fifty 25976
thousand dollars, and the maximum annual fee for an on-site 25977
facility that disposes of more than one hundred thousand tons of 25978
hazardous waste in a year by deep well injection is one hundred 25979
thousand dollars. The maximum annual disposal fee for a satellite 25980
facility that disposes of one hundred thousand tons or less of 25981
hazardous waste in a year is thirty-seven thousand five hundred 25982
dollars, and the maximum annual disposal fee for a satellite 25983
facility that disposes of more than one hundred thousand tons of 25984
hazardous waste in a year is seventy-five thousand dollars, except 25985
that a satellite facility defined under division (E)(3)(b) of 25986
section 3734.02 of the Revised Code that receives hazardous waste 25987
from a single generation site is subject to the same maximum 25988
annual disposal fees as an on-site disposal facility. The owner or 25989
operator shall pay the fee to the director each year upon the 25990
anniversary of the date of issuance of the owner's or operator's 25991
installation and operation permit during the term of that permit 25992
and any renewal permit issued under division (H) of section 25993
3734.05 of the Revised Code. If payment is late, the owner or 25994
operator shall pay an additional ten per cent of the amount of the 25995
fee for each month that it is late. 25996

(B) There are hereby levied fees at the rate of two dollars 25997
per ton on hazardous waste that is treated at treatment facilities 25998
that are not on-site or satellite facilities, as defined in 25999
division (E) of section 3734.02 of the Revised Code, to which ~~the~~ 26000
~~hazardous waste facility board has issued~~ a hazardous waste 26001

facility installation and operation permit or ~~the director~~ renewal 26002
of a permit has been issued a ~~renewal permit~~ under this chapter, 26003
or that are not subject to the hazardous waste facility 26004
installation and operation permit requirements under rules adopted 26005
by the director. 26006

(C) There are hereby levied additional fees on the treatment 26007
and disposal of hazardous waste at the rate of ten per cent of the 26008
applicable fees prescribed in division (A) or (B) of this section 26009
for the purposes of paying the costs of municipal corporations and 26010
counties for conducting reviews of applications for hazardous 26011
waste facility installation and operation permits for proposed new 26012
or modified hazardous waste landfills within their boundaries, 26013
emergency response actions with respect to releases of hazardous 26014
waste from hazardous waste facilities within their boundaries, 26015
monitoring the operation of such hazardous waste facilities, and 26016
local waste management planning programs. The owner or operator of 26017
a facility located within a municipal corporation, as a trustee 26018
for the municipal corporation, shall collect the fees levied by 26019
this division and forward them to the treasurer of the municipal 26020
corporation or such officer as, by virtue of the charter, has the 26021
duties of the treasurer in accordance with rules adopted under 26022
this section. The owner or operator of a facility located in an 26023
unincorporated area, as a trustee of the county in which the 26024
facility is located, shall collect the fees levied by this 26025
division and forward them to the county treasurer of that county 26026
in accordance with rules adopted under this section. The owner or 26027
operator shall pay the fees levied by this division to the 26028
treasurer or such other officer of the municipal corporation or to 26029
the county treasurer each year upon the anniversary of the date of 26030
issuance of the owner's or operator's installation and operation 26031
permit during the term of that permit and any renewal permit 26032
issued under division (H) of section 3734.05 of the Revised Code. 26033
If payment is late, the owner or operator shall pay an additional 26034

ten per cent of the amount of the fee for each month that the payment is late. 26035
26036

Moneys received by a municipal corporation under this 26037
division shall be paid into a special fund of the municipal 26038
corporation and used exclusively for the purposes of conducting 26039
reviews of applications for hazardous waste facility installation 26040
and operation permits for new or modified hazardous waste 26041
landfills located or proposed within the municipal corporation, 26042
conducting emergency response actions with respect to releases of 26043
hazardous waste from facilities located within the municipal 26044
corporation, monitoring operation of such hazardous waste 26045
facilities, and conducting waste management planning programs 26046
within the municipal corporation through employees of the 26047
municipal corporation or pursuant to contracts entered into with 26048
persons or political subdivisions. Moneys received by a board of 26049
county commissioners under this division shall be paid into a 26050
special fund of the county and used exclusively for those purposes 26051
within the unincorporated area of the county through employees of 26052
the county or pursuant to contracts entered into with persons or 26053
political subdivisions. 26054

(D) As used in this section, "treatment" or "treated" does 26055
not include any method, technique, or process designed to recover 26056
energy or material resources from the waste or to render the waste 26057
amenable for recovery. The fees levied by division (B) of this 26058
section do not apply to hazardous waste that is treated and 26059
disposed of on the same premises or by the same person. 26060

(E) The director, by rules adopted in accordance with 26061
Chapters 119. and 3745. of the Revised Code, shall prescribe any 26062
dates not specified in this section and procedures for collecting 26063
and forwarding the fees prescribed by this section and may 26064
prescribe other requirements that are necessary to carry out this 26065
section. 26066

The director shall deposit the moneys collected under 26067
divisions (A) and (B) of this section into one or more minority 26068
banks, as "minority bank" is defined in division (F)(1) of section 26069
135.04 of the Revised Code, to the credit of the hazardous waste 26070
facility management fund, which is hereby created in the state 26071
treasury, except that the director shall deposit to the credit of 26072
the underground injection control fund created in section 6111.046 26073
of the Revised Code moneys in excess of fifty thousand dollars 26074
that are collected during a fiscal year under division (A)(2) of 26075
this section from the fee levied on the disposal of hazardous 26076
waste by deep well injection at an on-site disposal facility that 26077
disposes of more than one hundred thousand tons of hazardous waste 26078
in a year. 26079

The environmental protection agency ~~and the hazardous waste~~ 26080
~~facility board~~ may use moneys in the hazardous waste facility 26081
management fund for administration of the hazardous waste program 26082
established under this chapter and, in accordance with this 26083
section, may request approval by the controlling board for that 26084
use on an annual basis. In addition, the agency may use and pledge 26085
moneys in that fund for repayment of and for interest on any loans 26086
made by the Ohio water development authority to the agency for the 26087
hazardous waste program established under this chapter without the 26088
necessity of requesting approval by the controlling board, which 26089
use and pledge shall have priority over any other use of the 26090
moneys in the fund. 26091

Until September 28, 1996, the director also may use moneys in 26092
the fund to pay the start-up costs of administering Chapter 3746. 26093
of the Revised Code. 26094

If moneys in the fund that the agency uses in accordance with 26095
this chapter are reimbursed by grants or other moneys from the 26096
United States government, the grants or other moneys shall be 26097
placed in the fund. 26098

Before the agency makes any expenditure from the fund other than for repayment of and interest on any loan made by the Ohio water development authority to the agency in accordance with this section, the controlling board shall approve the expenditure.

Sec. 3734.28. All moneys collected under sections 3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised Code and natural resource damages collected by the state under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, shall be paid into the state treasury to the credit of the hazardous waste clean-up fund, which is hereby created. The environmental protection agency shall use the moneys in the fund for the purposes set forth in division (D) of section 3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 3734.26, and 3734.27, and, through ~~June 30, 2003~~ October 15, 2005, divisions (A)(1) and (2) of section 3745.12 and Chapter 3746. of the Revised Code, including any related enforcement expenses. In addition, the agency shall use the moneys in the fund to pay the state's long-term operation and maintenance costs or matching share for actions taken under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," as amended. If those moneys are reimbursed by grants or other moneys from the United States or any other person, the moneys shall be placed in the fund and not in the general revenue fund.

Sec. 3734.42. (A)(1) Except as otherwise provided in division (E)(2) of this section, every applicant for a permit other than a permit modification or renewal shall file a disclosure statement, on a form developed by the attorney general, with the director of environmental protection and the attorney general at the same time the applicant files an application for a permit other than a permit modification or renewal with the director.

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(2) Any individual required to be listed in the disclosure statement shall be fingerprinted for identification and investigation purposes in accordance with procedures established by the attorney general. An individual required to be fingerprinted under this section shall not be required to be fingerprinted more than once under this section.

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(3) The attorney general, within one hundred eighty days after receipt of the disclosure statement from an applicant for a permit, shall prepare and transmit to the director an investigative report on the applicant, based in part upon the disclosure statement, except that this deadline may be extended for a reasonable period of time, for good cause, by the director or the attorney general. In preparing this report, the attorney general may request and receive criminal history information from the federal bureau of investigation and any other law enforcement agency or organization. The attorney general may provide such confidentiality regarding the information received from a law enforcement agency as may be imposed by that agency as a condition for providing that information to the attorney general.

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(4) The review of the application by the director ~~or the hazardous waste facility board~~ shall include a review of the disclosure statement and investigative report.

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(B) All applicants and permittees shall provide any assistance or information requested by the director or the attorney general and shall cooperate in any inquiry or investigation conducted by the attorney general and any inquiry, investigation, or hearing conducted by the director ~~or the hazardous waste facility board~~. If, upon issuance of a formal request to answer any inquiry or produce information, evidence, or testimony, any applicant or permittee, any officer, director, or partner of any business concern, or any key employee of the

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applicant or permittee refuses to comply, the permit of the 26162
applicant or permittee may be denied or revoked by the director ~~or~~ 26163
~~the board.~~ 26164

(C) The attorney general may charge and collect such fees 26165
from applicants and permittees as are necessary to cover the costs 26166
of administering and enforcing the investigative procedures 26167
authorized in sections 3734.41 to 3734.47 of the Revised Code. The 26168
attorney general shall transmit moneys collected under this 26169
division to the treasurer of state to be credited to the solid and 26170
hazardous waste background investigations fund, which is hereby 26171
created in the state treasury. Moneys in the fund shall be used 26172
solely for paying the attorney general's costs of administering 26173
and enforcing the investigative procedures authorized in sections 26174
3734.41 to 3734.47 of the Revised Code. 26175

(D) Annually on the anniversary date of the submission to the 26176
director by the attorney general of the investigative report for a 26177
specific facility, or annually on another date assigned by the 26178
attorney general, the appropriate applicant, permittee, or 26179
prospective owner shall submit to the attorney general, on a form 26180
provided by the attorney general, any and all information required 26181
to be included in a disclosure statement that has changed or been 26182
added in the immediately preceding year. If, in the immediately 26183
preceding year, there have been no changes in or additions to the 26184
information required to be included in a disclosure statement, the 26185
appropriate applicant, permittee, or prospective owner shall 26186
submit to the attorney general an affidavit stating that there 26187
have been no changes in or additions to that information during 26188
that time period. 26189

Notwithstanding the requirement for an annual submission of 26190
information, the following information shall be submitted within 26191
the periods specified: 26192

(1) Information required to be included in the disclosure 26193

statement for any new officer, director, partner, or key employee, 26194
to be submitted within ninety days from the addition of the 26195
officer, director, partner, or key employee; 26196

(2) Information required to be included in a disclosure 26197
statement for any new business concern, to be submitted within 26198
ninety days from the addition of the new business concern; 26199

(3) Information regarding any new criminal conviction, to be 26200
submitted within ninety days from the judgment entry of 26201
conviction. 26202

The failure to provide such information may constitute the 26203
basis for the revocation or denial of renewal of any permit or 26204
license issued in accordance with this chapter, provided that 26205
prior to any such denial or revocation, the director shall notify 26206
the applicant or permittee of the director's intention to do so 26207
and give the applicant or permittee fourteen days from the date of 26208
the notice to explain why the information was not provided. The 26209
director shall consider this information when determining whether 26210
to revoke or deny the permit or license. 26211

Nothing in this division affects the rights of the director 26212
or the attorney general granted under sections 3734.40 to 3734.47 26213
of the Revised Code to request information from a person at any 26214
other time. 26215

(E)(1) Except as otherwise provided in division (E)(2) of 26216
this section, every permittee who is not otherwise required to 26217
file a disclosure statement shall file a disclosure statement 26218
within five years after June 24, 1988, pursuant to a schedule for 26219
submissions of disclosure statements developed by the attorney 26220
general. The schedule shall provide all permittees and holders of 26221
a license with at least one hundred eighty days' notice prior to 26222
the date upon which the statement is to be submitted. All other 26223
terms of the schedule shall be established at the discretion of 26224

the attorney general and shall not be subject to judicial review. 26225

(2) An applicant for a permit for an off-site solid waste 26226
facility that is a scrap tire storage, monocell, monofill, or 26227
recovery facility issued under section 3734.76, 3734.77, or 26228
3734.78 of the Revised Code, as applicable, shall file a 26229
disclosure statement within five years after October 29, 1993, 26230
pursuant to a schedule for submissions of disclosure statements 26231
developed by the attorney general. The schedule shall provide all 26232
such applicants with at least one hundred eighty days' notice 26233
prior to the date upon which the statement shall be submitted. All 26234
other terms of the schedule shall be established at the discretion 26235
of the attorney general and shall not be subject to judicial 26236
review. 26237

Beginning five years after October 29, 1993, an applicant for 26238
such a permit shall file a disclosure statement in accordance with 26239
division (A)(1) of this section. 26240

(3) When a permittee submits a disclosure statement at the 26241
time it submits an application for a renewal or modification of 26242
its permit, the attorney general shall remove the permittee from 26243
the submission schedule established pursuant to division (E)(1) or 26244
(2) of this section. 26245

(4) After receiving a disclosure statement under division 26246
(E)(1) or (2) of this section, the attorney general shall prepare 26247
an investigative report and transmit it to the director. The 26248
director shall review the disclosure statement and investigative 26249
report to determine whether the statement or report contains 26250
information that if submitted with a permit application would 26251
require a denial of the permit pursuant to section 3734.44 of the 26252
Revised Code. If the director determines that the statement or 26253
report contains such information, the director may revoke any 26254
previously issued permit pursuant to section 3734.45 of the 26255
Revised Code, or the director shall deny any application for a 26256

renewal of a permit or license. When the renewal of the license is 26257
being performed by a board of health, the director shall instruct 26258
the board of health about those circumstances under which the 26259
renewal is required to be denied by this section. 26260

(F)(1) Whenever there is a change in ownership of any 26261
off-site solid waste facility, including incinerators, any 26262
transfer facility, any off-site infectious waste treatment 26263
facility, or any off-site hazardous waste treatment, storage, or 26264
disposal facility, the prospective owner shall file a disclosure 26265
statement with the attorney general and the director at least one 26266
hundred eighty days prior to the proposed change in ownership. 26267
Upon receipt of the disclosure statement, the attorney general 26268
shall prepare an investigative report and transmit it to the 26269
director. The director shall review the disclosure statement and 26270
investigative report to determine whether the statement or report 26271
contains information that if submitted with a permit application 26272
would require a denial of the permit pursuant to section 3734.44 26273
of the Revised Code. If the director determines that the statement 26274
or report contains such information, the director shall disapprove 26275
the change in ownership. 26276

(2) If the parties to a change in ownership decide to proceed 26277
with the change prior to the action of the director on the 26278
disclosure statement and investigative report, the parties shall 26279
include in all contracts or other documents reflecting the change 26280
in ownership language expressly making the change in ownership 26281
subject to the approval of the director and expressly negating the 26282
change if it is disapproved by the director pursuant to division 26283
(F)(1) of this section. 26284

(3) As used in this section, "change in ownership" includes 26285
any change in the names, other than those of officers, directors, 26286
partners, or key employees, contained in the disclosure statement. 26287

Sec. 3734.44. Notwithstanding the provisions of any law to 26288
the contrary, no permit or license shall be issued or renewed by 26289
the director of environmental protection, ~~the hazardous waste~~ 26290
~~facility board,~~ or a board of health: 26291

(A) Unless the director, ~~the hazardous waste facility board,~~ 26292
or the board of health finds that the applicant, in any prior 26293
performance record in the transportation, transfer, treatment, 26294
storage, or disposal of solid wastes, infectious wastes, or 26295
hazardous waste, has exhibited sufficient reliability, expertise, 26296
and competency to operate the solid waste, infectious waste, or 26297
hazardous waste facility, given the potential for harm to human 26298
health and the environment that could result from the 26299
irresponsible operation of the facility, or, if no prior record 26300
exists, that the applicant is likely to exhibit that reliability, 26301
expertise, and competence; 26302

(B) If any individual or business concern required to be 26303
listed in the disclosure statement or shown to have a beneficial 26304
interest in the business of the applicant or the permittee, other 26305
than an equity interest or debt liability, by the investigation 26306
thereof, has been convicted of any of the following crimes under 26307
the laws of this state or equivalent laws of any other 26308
jurisdiction: 26309

- (1) Murder; 26310
- (2) Kidnapping; 26311
- (3) Gambling; 26312
- (4) Robbery; 26313
- (5) Bribery; 26314
- (6) Extortion; 26315
- (7) Criminal usury; 26316

(8) Arson;	26317
(9) Burglary;	26318
(10) Theft and related crimes;	26319
(11) Forgery and fraudulent practices;	26320
(12) Fraud in the offering, sale, or purchase of securities;	26321
(13) Alteration of motor vehicle identification numbers;	26322
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	26323 26324
(15) Unlawful possession or use of destructive devices or explosives;	26325 26326
(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;	26327 26328 26329 26330 26331 26332 26333
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	26334 26335
(18) Violation of criminal provisions of Chapter 1331. of the Revised Code;	26336 26337
(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;	26338 26339 26340 26341
(20) Violation of Chapter 2909. of the Revised Code;	26342
(21) Any offense specified in Chapter 2921. of the Revised Code.	26343 26344

(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:

- (1) The nature and responsibilities of the position a convicted individual would hold;
- (2) The nature and seriousness of the offense;
- (3) The circumstances under which the offense occurred;
- (4) The date of the offense;
- (5) The age of the individual when the offense was committed;
- (6) Whether the offense was an isolated or repeated incident;
- (7) Any social conditions that may have contributed to the

offense;	26375
(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;	26376 26377 26378 26379 26380 26381
(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.	26382 26383 26384 26385 26386 26387 26388 26389 26390 26391 26392 26393 26394 26395 26396
(D) Unless the director, the hazardous waste facility board, or the board of health finds that the applicant has a history of compliance with environmental laws in this state and other jurisdictions and is presently in substantial compliance with, or on a legally enforceable schedule that will result in compliance with, environmental laws in this state and other jurisdictions;	26397 26398 26399 26400 26401 26402
(E) With respect to the approval of a permit, if the director or the hazardous waste facility board determines that current prosecutions or pending charges in any jurisdiction for any of the offenses enumerated in division (B) of this section against any	26403 26404 26405 26406

individual or business concern required to be listed in the 26407
disclosure statement or shown by the investigation to have a 26408
beneficial interest in the business of the applicant other than an 26409
equity interest or debt liability are of such magnitude that they 26410
prevent making the finding required under division (A) of this 26411
section, provided that at the request of the applicant or the 26412
individual or business concern charged, the director ~~or the~~ 26413
~~hazardous waste facility board~~ shall defer decision upon the 26414
application during the pendency of the charge. 26415

Sec. 3734.46. Notwithstanding the disqualification of the 26416
applicant or permittee pursuant to this chapter, the director of 26417
environmental protection, ~~hazardous waste facility board~~, or the 26418
board of health may issue or renew a permit or license if the 26419
applicant or permittee severs the interest of or affiliation with 26420
the individual or business concern that would otherwise cause that 26421
disqualification or may issue or renew a license on a temporary 26422
basis for a period not to exceed six months if the director or the 26423
board of health determines that the issuance or renewal of the 26424
permit or license is necessitated by the public interest. 26425

Sec. 3734.57. (A) For the purposes of paying the state's 26426
long-term operation costs or matching share for actions taken 26427
under the "Comprehensive Environmental Response, Compensation, and 26428
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 26429
amended; paying the costs of measures for proper clean-up of sites 26430
where polychlorinated biphenyls and substances, equipment, and 26431
devices containing or contaminated with polychlorinated biphenyls 26432
have been stored or disposed of; paying the costs of conducting 26433
surveys or investigations of solid waste facilities or other 26434
locations where it is believed that significant quantities of 26435
hazardous waste were disposed of and for conducting enforcement 26436
actions arising from the findings of such surveys or 26437

investigations; paying the costs of acquiring and cleaning up, or 26438
providing financial assistance for cleaning up, any hazardous 26439
waste facility or solid waste facility containing significant 26440
quantities of hazardous waste, that constitutes an imminent and 26441
substantial threat to public health or safety or the environment; 26442
and, from July 1, ~~2001~~ 2003, through June 30, ~~2004~~ 2006, for the 26443
purposes of paying the costs of administering and enforcing the 26444
laws pertaining to solid wastes, infectious wastes, and 26445
construction and demolition debris, including, without limitation, 26446
ground water evaluations related to solid wastes, infectious 26447
wastes, and construction and demolition debris, under this chapter 26448
and Chapter 3714. of the Revised Code and any rules adopted under 26449
them, and paying a share of the administrative costs of the 26450
environmental protection agency pursuant to section 3745.014 of 26451
the Revised Code, the following fees are hereby levied on the 26452
disposal of solid wastes in this state: 26453

(1) One dollar per ton on and after July 1, 1993; 26454

(2) An additional ~~seventy five cents~~ one dollar per ton on 26455
and after July 1, ~~2001~~ 2003, through June 30, ~~2004~~ 2006. 26456

The owner or operator of a solid waste disposal facility 26457
shall collect the fees levied under this division as a trustee for 26458
the state and shall prepare and file with the director of 26459
environmental protection monthly returns indicating the total 26460
tonnage of solid wastes received for disposal at the gate of the 26461
facility and the total amount of the fees collected under this 26462
division. Not later than thirty days after the last day of the 26463
month to which such a return applies, the owner or operator shall 26464
mail to the director the return for that month together with the 26465
fees collected during that month as indicated on the return. The 26466
owner or operator may request an extension of not more than thirty 26467
days for filing the return and remitting the fees, provided that 26468
the owner or operator has submitted such a request in writing to 26469

the director together with a detailed description of why the 26470
extension is requested, the director has received the request not 26471
later than the day on which the return is required to be filed, 26472
and the director has approved the request. If the fees are not 26473
remitted within sixty days after the last day of the month during 26474
which they were collected, the owner or operator shall pay an 26475
additional fifty per cent of the amount of the fees for each month 26476
that they are late. 26477

One-half of the moneys remitted to the director under 26478
division (A)(1) of this section shall be credited to the hazardous 26479
waste facility management fund created in section 3734.18 of the 26480
Revised Code, and one-half shall be credited to the hazardous 26481
waste clean-up fund created in section 3734.28 of the Revised 26482
Code. The moneys remitted to the director under division (A)(2) of 26483
this section shall be credited to the solid waste fund, which is 26484
hereby created in the state treasury. The environmental protection 26485
agency shall use moneys in the solid waste fund only to pay the 26486
costs of administering and enforcing the laws pertaining to solid 26487
wastes, infectious wastes, and construction and demolition debris, 26488
including, without limitation, ground water evaluations related to 26489
solid wastes, infectious wastes, and construction and demolition 26490
debris, under this chapter and Chapter 3714. of the Revised Code 26491
and rules adopted under them and to pay a share of the 26492
administrative costs of the environmental protection agency 26493
pursuant to section 3745.014 of the Revised Code. 26494

The fees levied under this division and divisions (B) and (C) 26495
of this section are in addition to all other applicable fees and 26496
taxes and shall be added to any other fee or amount specified in a 26497
contract that is charged by the owner or operator of a solid waste 26498
disposal facility or to any other fee or amount that is specified 26499
in a contract entered into on or after March 4, 1992, and that is 26500
charged by a transporter of solid wastes. 26501

(B) For the purpose of preparing, revising, and implementing 26502
the solid waste management plan of the county or joint solid waste 26503
management district, including, without limitation, the 26504
development and implementation of solid waste recycling or 26505
reduction programs; providing financial assistance to boards of 26506
health within the district, if solid waste facilities are located 26507
within the district, for the enforcement of this chapter and rules 26508
adopted and orders and terms and conditions of permits, licenses, 26509
and variances issued under it, other than the hazardous waste 26510
provisions of this chapter and rules adopted and orders and terms 26511
and conditions of permits issued under those provisions; providing 26512
financial assistance to the county to defray the added costs of 26513
maintaining roads and other public facilities and of providing 26514
emergency and other public services resulting from the location 26515
and operation of a solid waste facility within the county under 26516
the district's approved solid waste management plan; paying the 26517
costs incurred by boards of health for collecting and analyzing 26518
water samples from public or private wells on lands adjacent to 26519
solid waste facilities that are contained in the approved or 26520
amended plan of the district; paying the costs of developing and 26521
implementing a program for the inspection of solid wastes 26522
generated outside the boundaries of this state that are disposed 26523
of at solid waste facilities included in the district's approved 26524
solid waste management plan or amended plan; providing financial 26525
assistance to boards of health within the district for enforcing 26526
laws prohibiting open dumping; providing financial assistance to 26527
local law enforcement agencies within the district for enforcing 26528
laws and ordinances prohibiting littering; providing financial 26529
assistance to boards of health of health districts within the 26530
district that are on the approved list under section 3734.08 of 26531
the Revised Code for the training and certification required for 26532
their employees responsible for solid waste enforcement by rules 26533
adopted under division (L) of section 3734.02 of the Revised Code; 26534

providing financial assistance to individual municipal 26535
corporations and townships within the district to defray their 26536
added costs of maintaining roads and other public facilities and 26537
of providing emergency and other public services resulting from 26538
the location and operation within their boundaries of a 26539
composting, energy or resource recovery, incineration, or 26540
recycling facility that either is owned by the district or is 26541
furnishing solid waste management facility or recycling services 26542
to the district pursuant to a contract or agreement with the board 26543
of county commissioners or directors of the district; and payment 26544
of any expenses that are agreed to, awarded, or ordered to be paid 26545
under section 3734.35 of the Revised Code and of any 26546
administrative costs incurred pursuant to that section, the solid 26547
waste management policy committee of a county or joint solid waste 26548
management district may levy fees upon the following activities: 26549

(1) The disposal at a solid waste disposal facility located 26550
in the district of solid wastes generated within the district; 26551

(2) The disposal at a solid waste disposal facility within 26552
the district of solid wastes generated outside the boundaries of 26553
the district, but inside this state; 26554

(3) The disposal at a solid waste disposal facility within 26555
the district of solid wastes generated outside the boundaries of 26556
this state. 26557

If any such fees are levied prior to January 1, 1994, fees 26558
levied under division (B)(1) of this section always shall be equal 26559
to one-half of the fees levied under division (B)(2) of this 26560
section, and fees levied under division (B)(3) of this section, 26561
which shall be in addition to fees levied under division (B)(2) of 26562
this section, always shall be equal to fees levied under division 26563
(B)(1) of this section, except as otherwise provided in this 26564
division. The solid waste management plan of the county or joint 26565
district approved under section 3734.521 or 3734.55 of the Revised 26566

Code and any amendments to it, or the resolution adopted under 26567
this division, as appropriate, shall establish the rates of the 26568
fees levied under divisions (B)(1), (2), and (3) of this section, 26569
if any, and shall specify whether the fees are levied on the basis 26570
of tons or cubic yards as the unit of measurement. Although the 26571
fees under divisions (A)(1) and (2) of this section are levied on 26572
the basis of tons as the unit of measurement, the solid waste 26573
management plan of the district and any amendments to it or the 26574
solid waste management policy committee in its resolution levying 26575
fees under this division may direct that the fees levied under 26576
those divisions be levied on the basis of cubic yards as the unit 26577
of measurement based upon a conversion factor of three cubic yards 26578
per ton generally or one cubic yard per ton for baled wastes if 26579
the fees under divisions (B)(1) to (3) of this section are being 26580
levied on the basis of cubic yards as the unit of measurement 26581
under the plan, amended plan, or resolution. 26582

On and after January 1, 1994, the fee levied under division 26583
(B)(1) of this section shall be not less than one dollar per ton 26584
nor more than two dollars per ton, the fee levied under division 26585
(B)(2) of this section shall be not less than two dollars per ton 26586
nor more than four dollars per ton, and the fee levied under 26587
division (B)(3) of this section shall be not more than the fee 26588
levied under division (B)(1) of this section, except as otherwise 26589
provided in this division and notwithstanding any schedule of 26590
those fees established in the solid waste management plan of a 26591
county or joint district approved under section 3734.55 of the 26592
Revised Code or a resolution adopted and ratified under this 26593
division that is in effect on that date. If the fee that a 26594
district is levying under division (B)(1) of this section on that 26595
date under its approved plan or such a resolution is less than one 26596
dollar per ton, the fee shall be one dollar per ton on and after 26597
January 1, 1994, and if the fee that a district is so levying 26598
under that division exceeds two dollars per ton, the fee shall be 26599

two dollars per ton on and after that date. If the fee that a district is so levying under division (B)(2) of this section is less than two dollars per ton, the fee shall be two dollars per ton on and after that date, and if the fee that the district is so levying under that division exceeds four dollars per ton, the fee shall be four dollars per ton on and after that date. On that date, the fee levied by a district under division (B)(3) of this section shall be equal to the fee levied under division (B)(1) of this section. Except as otherwise provided in this division, the fees established by the operation of this amendment shall remain in effect until the district's resolution levying fees under this division is amended or repealed in accordance with this division to amend or abolish the schedule of fees, the schedule of fees is amended or abolished in an amended plan of the district approved under section 3734.521 or division (A) or (D) of section 3734.56 of the Revised Code, or the schedule of fees is amended or abolished through an amendment to the district's plan under division (E) of section 3734.56 of the Revised Code; the notification of the amendment or abolishment of the fees has been given in accordance with this division; and collection of the amended fees so established commences, or collection of the fees ceases, in accordance with this division.

The solid waste management policy committee of a district levying fees under divisions (B)(1) to (3) of this section on October 29, 1993, under its solid waste management plan approved under section 3734.55 of the Revised Code or a resolution adopted and ratified under this division that are within the ranges of rates prescribed by this amendment, by adoption of a resolution not later than December 1, 1993, and without the necessity for ratification of the resolution under this division, may amend those fees within the prescribed ranges, provided that the estimated revenues from the amended fees will not substantially exceed the estimated revenues set forth in the district's budget

for calendar year 1994. Not later than seven days after the 26633
adoption of such a resolution, the committee shall notify by 26634
certified mail the owner or operator of each solid waste disposal 26635
facility that is required to collect the fees of the adoption of 26636
the resolution and of the amount of the amended fees. Collection 26637
of the amended fees shall take effect on the first day of the 26638
first month following the month in which the notification is sent 26639
to the owner or operator. The fees established in such a 26640
resolution shall remain in effect until the district's resolution 26641
levying fees that was adopted and ratified under this division is 26642
amended or repealed, and the amendment or repeal of the resolution 26643
is ratified, in accordance with this division, to amend or abolish 26644
the fees, the schedule of fees is amended or abolished in an 26645
amended plan of the district approved under section 3734.521 or 26646
division (A) or (D) of section 3734.56 of the Revised Code, or the 26647
schedule of fees is amended or abolished through an amendment to 26648
the district's plan under division (E) of section 3734.56 of the 26649
Revised Code; the notification of the amendment or abolishment of 26650
the fees has been given in accordance with this division; and 26651
collection of the amended fees so established commences, or 26652
collection of the fees ceases, in accordance with this division. 26653

Prior to the approval of the solid waste management plan of 26654
the district under section 3734.55 of the Revised Code, the solid 26655
waste management policy committee of a district may levy fees 26656
under this division by adopting a resolution establishing the 26657
proposed amount of the fees. Upon adopting the resolution, the 26658
committee shall deliver a copy of the resolution to the board of 26659
county commissioners of each county forming the district and to 26660
the legislative authority of each municipal corporation and 26661
township under the jurisdiction of the district and shall prepare 26662
and publish the resolution and a notice of the time and location 26663
where a public hearing on the fees will be held. Upon adopting the 26664
resolution, the committee shall deliver written notice of the 26665

adoption of the resolution; of the amount of the proposed fees; 26666
and of the date, time, and location of the public hearing to the 26667
director and to the fifty industrial, commercial, or institutional 26668
generators of solid wastes within the district that generate the 26669
largest quantities of solid wastes, as determined by the 26670
committee, and to their local trade associations. The committee 26671
shall make good faith efforts to identify those generators within 26672
the district and their local trade associations, but the 26673
nonprovision of notice under this division to a particular 26674
generator or local trade association does not invalidate the 26675
proceedings under this division. The publication shall occur at 26676
least thirty days before the hearing. After the hearing, the 26677
committee may make such revisions to the proposed fees as it 26678
considers appropriate and thereafter, by resolution, shall adopt 26679
the revised fee schedule. Upon adopting the revised fee schedule, 26680
the committee shall deliver a copy of the resolution doing so to 26681
the board of county commissioners of each county forming the 26682
district and to the legislative authority of each municipal 26683
corporation and township under the jurisdiction of the district. 26684
Within sixty days after the delivery of a copy of the resolution 26685
adopting the proposed revised fees by the policy committee, each 26686
such board and legislative authority, by ordinance or resolution, 26687
shall approve or disapprove the revised fees and deliver a copy of 26688
the ordinance or resolution to the committee. If any such board or 26689
legislative authority fails to adopt and deliver to the policy 26690
committee an ordinance or resolution approving or disapproving the 26691
revised fees within sixty days after the policy committee 26692
delivered its resolution adopting the proposed revised fees, it 26693
shall be conclusively presumed that the board or legislative 26694
authority has approved the proposed revised fees. 26695

In the case of a county district or a joint district formed 26696
by two or three counties, the committee shall declare the proposed 26697
revised fees to be ratified as the fee schedule of the district 26698

upon determining that the board of county commissioners of each 26699
county forming the district has approved the proposed revised fees 26700
and that the legislative authorities of a combination of municipal 26701
corporations and townships with a combined population within the 26702
district comprising at least sixty per cent of the total 26703
population of the district have approved the proposed revised 26704
fees, provided that in the case of a county district, that 26705
combination shall include the municipal corporation having the 26706
largest population within the boundaries of the district, and 26707
provided further that in the case of a joint district formed by 26708
two or three counties, that combination shall include for each 26709
county forming the joint district the municipal corporation having 26710
the largest population within the boundaries of both the county in 26711
which the municipal corporation is located and the joint district. 26712
In the case of a joint district formed by four or more counties, 26713
the committee shall declare the proposed revised fees to be 26714
ratified as the fee schedule of the joint district upon 26715
determining that the boards of county commissioners of a majority 26716
of the counties forming the district have approved the proposed 26717
revised fees; that, in each of a majority of the counties forming 26718
the joint district, the proposed revised fees have been approved 26719
by the municipal corporation having the largest population within 26720
the county and the joint district; and that the legislative 26721
authorities of a combination of municipal corporations and 26722
townships with a combined population within the joint district 26723
comprising at least sixty per cent of the total population of the 26724
joint district have approved the proposed revised fees. 26725

For the purposes of this division, only the population of the 26726
unincorporated area of a township shall be considered. For the 26727
purpose of determining the largest municipal corporation within 26728
each county under this division, a municipal corporation that is 26729
located in more than one solid waste management district, but that 26730
is under the jurisdiction of one county or joint solid waste 26731

management district in accordance with division (A) of section 26732
3734.52 of the Revised Code shall be considered to be within the 26733
boundaries of the county in which a majority of the population of 26734
the municipal corporation resides. 26735

The committee may amend the schedule of fees levied pursuant 26736
to a resolution or amended resolution adopted and ratified under 26737
this division by adopting a resolution establishing the proposed 26738
amount of the amended fees. The committee may abolish the fees 26739
levied pursuant to such a resolution or amended resolution by 26740
adopting a resolution proposing to repeal them. Upon adopting such 26741
a resolution, the committee shall proceed to obtain ratification 26742
of the resolution in accordance with this division. 26743

Not later than fourteen days after declaring the fees or 26744
amended fees to be ratified under this division, the committee 26745
shall notify by certified mail the owner or operator of each solid 26746
waste disposal facility that is required to collect the fees of 26747
the ratification and the amount of the fees. Collection of any 26748
fees or amended fees ratified on or after March 24, 1992, shall 26749
commence on the first day of the second month following the month 26750
in which notification is sent to the owner or operator. 26751

Not later than fourteen days after declaring the repeal of 26752
the district's schedule of fees to be ratified under this 26753
division, the committee shall notify by certified mail the owner 26754
or operator of each facility that is collecting the fees of the 26755
repeal. Collection of the fees shall cease on the first day of the 26756
second month following the month in which notification is sent to 26757
the owner or operator. 26758

Not later than fourteen days after the director issues an 26759
order approving a district's solid waste management plan under 26760
section 3734.55 of the Revised Code or amended plan under division 26761
(A) or (D) of section 3734.56 of the Revised Code that establishes 26762
or amends a schedule of fees levied by the district, or the 26763

ratification of an amendment to the district's approved plan or 26764
amended plan under division (E) of section 3734.56 of the Revised 26765
Code that establishes or amends a schedule of fees, as 26766
appropriate, the committee shall notify by certified mail the 26767
owner or operator of each solid waste disposal facility that is 26768
required to collect the fees of the approval of the plan or 26769
amended plan, or the amendment to the plan, as appropriate, and 26770
the amount of the fees or amended fees. In the case of an initial 26771
or amended plan approved under section 3734.521 of the Revised 26772
Code in connection with a change in district composition, other 26773
than one involving the withdrawal of a county from a joint 26774
district, that establishes or amends a schedule of fees levied 26775
under divisions (B)(1) to (3) of this section by a district 26776
resulting from the change, the committee, within fourteen days 26777
after the change takes effect pursuant to division (G) of that 26778
section, shall notify by certified mail the owner or operator of 26779
each solid waste disposal facility that is required to collect the 26780
fees that the change has taken effect and of the amount of the 26781
fees or amended fees. Collection of any fees set forth in a plan 26782
or amended plan approved by the director on or after April 16, 26783
1993, or an amendment of a plan or amended plan under division (E) 26784
of section 3734.56 of the Revised Code that is ratified on or 26785
after April 16, 1993, shall commence on the first day of the 26786
second month following the month in which notification is sent to 26787
the owner or operator. 26788

Not later than fourteen days after the director issues an 26789
order approving a district's plan under section 3734.55 of the 26790
Revised Code or amended plan under division (A) or (D) of section 26791
3734.56 of the Revised Code that abolishes the schedule of fees 26792
levied under divisions (B)(1) to (3) of this section, or an 26793
amendment to the district's approved plan or amended plan 26794
abolishing the schedule of fees is ratified pursuant to division 26795
(E) of section 3734.56 of the Revised Code, as appropriate, the 26796

committee shall notify by certified mail the owner or operator of 26797
each facility that is collecting the fees of the approval of the 26798
plan or amended plan, or the amendment of the plan or amended 26799
plan, as appropriate, and the abolishment of the fees. In the case 26800
of an initial or amended plan approved under section 3734.521 of 26801
the Revised Code in connection with a change in district 26802
composition, other than one involving the withdrawal of a county 26803
from a joint district, that abolishes the schedule of fees levied 26804
under divisions (B)(1) to (3) of this section by a district 26805
resulting from the change, the committee, within fourteen days 26806
after the change takes effect pursuant to division (G) of that 26807
section, shall notify by certified mail the owner or operator of 26808
each solid waste disposal facility that is required to collect the 26809
fees that the change has taken effect and of the abolishment of 26810
the fees. Collection of the fees shall cease on the first day of 26811
the second month following the month in which notification is sent 26812
to the owner or operator. 26813

Except as otherwise provided in this division, if the 26814
schedule of fees that a district is levying under divisions (B)(1) 26815
to (3) of this section pursuant to a resolution or amended 26816
resolution adopted and ratified under this division, the solid 26817
waste management plan of the district approved under section 26818
3734.55 of the Revised Code, an amended plan approved under 26819
division (A) or (D) of section 3734.56 of the Revised Code, or an 26820
amendment to the district's approved plan or amended plan under 26821
division (E) of section 3734.56 of the Revised Code, is amended by 26822
the adoption and ratification of an amendment to the resolution or 26823
amended resolution or an amendment of the district's approved plan 26824
or amended plan, the fees in effect immediately prior to the 26825
approval of the plan or the amendment of the resolution, amended 26826
resolution, plan, or amended plan, as appropriate, shall continue 26827
to be collected until collection of the amended fees commences 26828
pursuant to this division. 26829

If, in the case of a change in district composition involving 26830
the withdrawal of a county from a joint district, the director 26831
completes the actions required under division (G)(1) or (3) of 26832
section 3734.521 of the Revised Code, as appropriate, forty-five 26833
days or more before the beginning of a calendar year, the policy 26834
committee of each of the districts resulting from the change that 26835
obtained the director's approval of an initial or amended plan in 26836
connection with the change, within fourteen days after the 26837
director's completion of the required actions, shall notify by 26838
certified mail the owner or operator of each solid waste disposal 26839
facility that is required to collect the district's fees that the 26840
change is to take effect on the first day of January immediately 26841
following the issuance of the notice and of the amount of the fees 26842
or amended fees levied under divisions (B)(1) to (3) of this 26843
section pursuant to the district's initial or amended plan as so 26844
approved or, if appropriate, the abolishment of the district's 26845
fees by that initial or amended plan. Collection of any fees set 26846
forth in such a plan or amended plan shall commence on the first 26847
day of January immediately following the issuance of the notice. 26848
If such an initial or amended plan abolishes a schedule of fees, 26849
collection of the fees shall cease on that first day of January. 26850

If, in the case of a change in district composition involving 26851
the withdrawal of a county from a joint district, the director 26852
completes the actions required under division (G)(1) or (3) of 26853
section 3734.521 of the Revised Code, as appropriate, less than 26854
forty-five days before the beginning of a calendar year, the 26855
director, on behalf of each of the districts resulting from the 26856
change that obtained the director's approval of an initial or 26857
amended plan in connection with the change proceedings, shall 26858
notify by certified mail the owner or operator of each solid waste 26859
disposal facility that is required to collect the district's fees 26860
that the change is to take effect on the first day of January 26861

immediately following the mailing of the notice and of the amount 26862
of the fees or amended fees levied under divisions (B)(1) to (3) 26863
of this section pursuant to the district's initial or amended plan 26864
as so approved or, if appropriate, the abolishment of the 26865
district's fees by that initial or amended plan. Collection of any 26866
fees set forth in such a plan or amended plan shall commence on 26867
the first day of the second month following the month in which 26868
notification is sent to the owner or operator. If such an initial 26869
or amended plan abolishes a schedule of fees, collection of the 26870
fees shall cease on the first day of the second month following 26871
the month in which notification is sent to the owner or operator. 26872

In the case of a change in district composition, the schedule 26873
of fees that the former districts that existed prior to the change 26874
were levying under divisions (B)(1) to (3) of this section 26875
pursuant to a resolution or amended resolution adopted and 26876
ratified under this division, the solid waste management plan of a 26877
former district approved under section 3734.521 or 3734.55 of the 26878
Revised Code, an amended plan approved under section 3734.521 or 26879
division (A) or (D) of section 3734.56 of the Revised Code, or an 26880
amendment to a former district's approved plan or amended plan 26881
under division (E) of section 3734.56 of the Revised Code, and 26882
that were in effect on the date that the director completed the 26883
actions required under division (G)(1) or (3) of section 3734.521 26884
of the Revised Code shall continue to be collected until the 26885
collection of the fees or amended fees of the districts resulting 26886
from the change is required to commence, or if an initial or 26887
amended plan of a resulting district abolishes a schedule of fees, 26888
collection of the fees is required to cease, under this division. 26889
Moneys so received from the collection of the fees of the former 26890
districts shall be divided among the resulting districts in 26891
accordance with division (B) of section 343.012 of the Revised 26892
Code and the agreements entered into under division (B) of section 26893
343.01 of the Revised Code to establish the former and resulting 26894

districts and any amendments to those agreements. 26895

For the purposes of the provisions of division (B) of this 26896
section establishing the times when newly established or amended 26897
fees levied by a district are required to commence and the 26898
collection of fees that have been amended or abolished is required 26899
to cease, "fees" or "schedule of fees" includes, in addition to 26900
fees levied under divisions (B)(1) to (3) of this section, those 26901
levied under section 3734.573 or 3734.574 of the Revised Code. 26902

(C) For the purposes of defraying the added costs to a 26903
municipal corporation or township of maintaining roads and other 26904
public facilities and of providing emergency and other public 26905
services, and compensating a municipal corporation or township for 26906
reductions in real property tax revenues due to reductions in real 26907
property valuations resulting from the location and operation of a 26908
solid waste disposal facility within the municipal corporation or 26909
township, a municipal corporation or township in which such a 26910
solid waste disposal facility is located may levy a fee of not 26911
more than twenty-five cents per ton on the disposal of solid 26912
wastes at a solid waste disposal facility located within the 26913
boundaries of the municipal corporation or township regardless of 26914
where the wastes were generated. 26915

The legislative authority of a municipal corporation or 26916
township may levy fees under this division by enacting an 26917
ordinance or adopting a resolution establishing the amount of the 26918
fees. Upon so doing the legislative authority shall mail a 26919
certified copy of the ordinance or resolution to the board of 26920
county commissioners or directors of the county or joint solid 26921
waste management district in which the municipal corporation or 26922
township is located or, if a regional solid waste management 26923
authority has been formed under section 343.011 of the Revised 26924
Code, to the board of trustees of that regional authority, the 26925
owner or operator of each solid waste disposal facility in the 26926

municipal corporation or township that is required to collect the 26927
fee by the ordinance or resolution, and the director of 26928
environmental protection. Although the fees levied under this 26929
division are levied on the basis of tons as the unit of 26930
measurement, the legislative authority, in its ordinance or 26931
resolution levying the fees under this division, may direct that 26932
the fees be levied on the basis of cubic yards as the unit of 26933
measurement based upon a conversion factor of three cubic yards 26934
per ton generally or one cubic yard per ton for baled wastes. 26935

Not later than five days after enacting an ordinance or 26936
adopting a resolution under this division, the legislative 26937
authority shall so notify by certified mail the owner or operator 26938
of each solid waste disposal facility that is required to collect 26939
the fee. Collection of any fee levied on or after March 24, 1992, 26940
shall commence on the first day of the second month following the 26941
month in which notification is sent to the owner or operator. 26942

(D)(1) The fees levied under divisions (A), (B), and (C) of 26943
this section do not apply to the disposal of solid wastes that: 26944

(a) Are disposed of at a facility owned by the generator of 26945
the wastes when the solid waste facility exclusively disposes of 26946
solid wastes generated at one or more premises owned by the 26947
generator regardless of whether the facility is located on a 26948
premises where the wastes are generated; 26949

(b) Are disposed of at facilities that exclusively dispose of 26950
wastes that are generated from the combustion of coal, or from the 26951
combustion of primarily coal in combination with scrap tires, that 26952
is not combined in any way with garbage at one or more premises 26953
owned by the generator. 26954

(2) Except as provided in section 3734.571 of the Revised 26955
Code, any fees levied under division (B)(1) of this section apply 26956
to solid wastes originating outside the boundaries of a county or 26957

joint district that are covered by an agreement for the joint use 26958
of solid waste facilities entered into under section 343.02 of the 26959
Revised Code by the board of county commissioners or board of 26960
directors of the county or joint district where the wastes are 26961
generated and disposed of. 26962

(3) When solid wastes, other than solid wastes that consist 26963
of scrap tires, are burned in a disposal facility that is an 26964
incinerator or energy recovery facility, the fees levied under 26965
divisions (A), (B), and (C) of this section shall be levied upon 26966
the disposal of the fly ash and bottom ash remaining after burning 26967
of the solid wastes and shall be collected by the owner or 26968
operator of the sanitary landfill where the ash is disposed of. 26969

(4) When solid wastes are delivered to a solid waste transfer 26970
facility, the fees levied under divisions (A), (B), and (C) of 26971
this section shall be levied upon the disposal of solid wastes 26972
transported off the premises of the transfer facility for disposal 26973
and shall be collected by the owner or operator of the solid waste 26974
disposal facility where the wastes are disposed of. 26975

(5) The fees levied under divisions (A), (B), and (C) of this 26976
section do not apply to sewage sludge that is generated by a waste 26977
water treatment facility holding a national pollutant discharge 26978
elimination system permit and that is disposed of through 26979
incineration, land application, or composting or at another 26980
resource recovery or disposal facility that is not a landfill. 26981

(6) The fees levied under divisions (A), (B), and (C) of this 26982
section do not apply to solid wastes delivered to a solid waste 26983
composting facility for processing. When any unprocessed solid 26984
waste or compost product is transported off the premises of a 26985
composting facility and disposed of at a landfill, the fees levied 26986
under divisions (A), (B), and (C) of this section shall be 26987
collected by the owner or operator of the landfill where the 26988
unprocessed waste or compost product is disposed of. 26989

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the clerk of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or such other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the clerk of the township under that division shall be paid into the general fund of the township. The treasurer or such other officer of the municipal corporation or the clerk, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in

a similar capacity under a county charter, in a county district or 27022
to the county treasurer or other official designated by the board 27023
of directors in a joint district and kept in a separate and 27024
distinct fund to the credit of the district. If a regional solid 27025
waste management authority has been formed under section 343.011 27026
of the Revised Code, moneys received by the board of trustees of 27027
that regional authority under division (E) of this section shall 27028
be kept by the board in a separate and distinct fund to the credit 27029
of the district. Moneys in the special fund of the county or joint 27030
district arising from the fees levied under division (B) of this 27031
section and the fee levied under division (A) of section 3734.573 27032
of the Revised Code shall be expended by the board of county 27033
commissioners or directors of the district in accordance with the 27034
district's solid waste management plan or amended plan approved 27035
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 27036
exclusively for the following purposes: 27037

(1) Preparation of the solid waste management plan of the 27038
district under section 3734.54 of the Revised Code, monitoring 27039
implementation of the plan, and conducting the periodic review and 27040
amendment of the plan required by section 3734.56 of the Revised 27041
Code by the solid waste management policy committee; 27042

(2) Implementation of the approved solid waste management 27043
plan or amended plan of the district, including, without 27044
limitation, the development and implementation of solid waste 27045
recycling or reduction programs; 27046

(3) Providing financial assistance to boards of health within 27047
the district, if solid waste facilities are located within the 27048
district, for enforcement of this chapter and rules, orders, and 27049
terms and conditions of permits, licenses, and variances adopted 27050
or issued under it, other than the hazardous waste provisions of 27051
this chapter and rules adopted and orders and terms and conditions 27052
of permits issued under those provisions; 27053

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal

corporations and townships within the district to defray their 27085
added costs of maintaining roads and other public facilities and 27086
of providing emergency and other public services resulting from 27087
the location and operation within their boundaries of a 27088
composting, energy or resource recovery, incineration, or 27089
recycling facility that either is owned by the district or is 27090
furnishing solid waste management facility or recycling services 27091
to the district pursuant to a contract or agreement with the board 27092
of county commissioners or directors of the district; 27093

(10) Payment of any expenses that are agreed to, awarded, or 27094
ordered to be paid under section 3734.35 of the Revised Code and 27095
of any administrative costs incurred pursuant to that section. In 27096
the case of a joint solid waste management district, if the board 27097
of county commissioners of one of the counties in the district is 27098
negotiating on behalf of affected communities, as defined in that 27099
section, in that county, the board shall obtain the approval of 27100
the board of directors of the district in order to expend moneys 27101
for administrative costs incurred. 27102

Prior to the approval of the district's solid waste 27103
management plan under section 3734.55 of the Revised Code, moneys 27104
in the special fund of the district arising from the fees shall be 27105
expended for those purposes in the manner prescribed by the solid 27106
waste management policy committee by resolution. 27107

Notwithstanding division (G)(6) of this section as it existed 27108
prior to October 29, 1993, or any provision in a district's solid 27109
waste management plan prepared in accordance with division 27110
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 27111
prior to that date, any moneys arising from the fees levied under 27112
division (B)(3) of this section prior to January 1, 1994, may be 27113
expended for any of the purposes authorized in divisions (G)(1) to 27114
(10) of this section. 27115

(H) The director shall adopt rules in accordance with Chapter 27116

119. of the Revised Code prescribing procedures for collecting and 27117
forwarding the fees levied under divisions (B) and (C) of this 27118
section to the boards of county commissioners or directors of 27119
county or joint solid waste management districts and to the 27120
treasurers or other officers of municipal corporations or to the 27121
clerks of townships. The rules also shall prescribe the dates for 27122
forwarding the fees to the boards and officials and may prescribe 27123
any other requirements the director considers necessary or 27124
appropriate to implement and administer divisions (A), (B), and 27125
(C) of this section. Collection of the fees levied under division 27126
(A)(1) of this section shall commence on July 1, 1993. Collection 27127
of the fees levied under division (A)(2) of this section shall 27128
commence on January 1, 1994. 27129

Sec. 3737.01. As used in this chapter: 27130

(A) "Assistant fire marshal" means any person who is employed 27131
by the fire marshal and who carries out specific duties assigned 27132
by the fire marshal, including, but not limited to, enforcement of 27133
Chapters 3731., 3737., and 3743. of the Revised Code, fire 27134
inspection, fire code enforcement, fire investigation, and fire 27135
prevention, ~~or the regulation of underground storage tank systems~~ 27136
~~as defined in section 3737.87 of the Revised Code.~~ 27137

(B) "Consumer goods" means any item sold, leased, or rented 27138
primarily for personal or household use. 27139

(C) "Fire agency" means any state or local fire service or 27140
agency whose function is to examine the property of another person 27141
for the purpose of identifying fire safety hazards. 27142

(D) "Fire safety inspector" means any person who is a member 27143
of the civil service, as defined in section 124.01 of the Revised 27144
Code, or who is employed by or voluntarily serves a village or 27145
township, and who examines the property of another person for the 27146
purpose of identifying fire safety hazards. 27147

(E) "Person," in addition to the meaning in section 1.59 of the Revised Code, means the state and any political subdivision of the state, and any other entity, public or private.

(F) "Responsible person" means the person responsible for compliance with the state fire code, including, but not limited to, the owner, lessee, agent, operator, or occupant of a building, premises, or vehicle.

Sec. 3737.02. (A) The fire marshal may collect fees to cover the costs of performing inspections and other duties that the fire marshal is authorized or required by law to perform. Except as provided in division (B) of this section, all fees collected by the fire marshal shall be deposited to the credit of the fire marshal's fund.

(B) Fees collected under sections 3737.88 and 3737.881 of the Revised Code for operation of the underground storage tank and underground storage tank installer certification programs, moneys recovered under section 3737.89 of the Revised Code for the state's costs of undertaking corrective or enforcement actions under that section or section 3737.882 of the Revised Code, and fines and penalties collected under section 3737.882 of the Revised Code shall be credited to the underground storage tank administration fund, which is hereby created in the state treasury. All interest earned on moneys credited to the underground storage tank administration fund shall be credited to the fund. Moneys credited to the underground storage tank administration fund shall be used by the ~~fire marshal~~ superintendent of industrial compliance for implementation and enforcement of underground storage tank, corrective action, and installer certification programs under sections 3737.88 to 3737.89 of the Revised Code.

(C) The ~~fire marshal~~ superintendent shall take all actions

necessary to obtain any federal funding available to carry out the 27179
~~fire marshal's~~ superintendent's responsibilities under sections 27180
3737.88 to 3737.89 of the Revised Code and federal laws regarding 27181
the cleaning up of releases of petroleum, as "release" is defined 27182
in section 3737.87 of the Revised Code, including, without 27183
limitation, any federal funds that are available to reimburse the 27184
state for the costs of undertaking corrective actions for such 27185
releases of petroleum. The state may, when appropriate, return to 27186
the United States any federal funds recovered under sections 27187
3737.882 and 3737.89 of the Revised Code. 27188

Sec. 3737.21. (A) The director of ~~the department of commerce~~ 27189
public safety shall appoint, from names submitted to the director 27190
by the state fire commission, a fire marshal, who shall serve at 27191
the pleasure of the director and shall possess the following 27192
qualifications: 27193

(1) A degree from an accredited college or university with 27194
specialized study in either the field of fire protection or fire 27195
protection engineering, or the equivalent qualifications 27196
determined from training, experience, and duties in a fire 27197
service; 27198

(2) Five years of recent, progressively more responsible 27199
experience in fire inspection, fire code enforcement, fire 27200
investigation, fire protection engineering, teaching of fire 27201
safety engineering, or fire fighting. 27202

(B) When a vacancy occurs in the position of fire marshal, 27203
the director shall notify the state fire commission. The 27204
commission shall communicate the fact of the vacancy by regular 27205
mail to all fire chiefs and fire protection engineers known to the 27206
commission, or whose identity may be ascertained by the commission 27207
by the exercise of due diligence. The commission, no earlier than 27208
thirty days after mailing the notification, shall compile a list 27209

of all applicants for the position of fire marshal who are 27210
qualified under this section. The commission shall submit the 27211
names of at least three persons on the list to the director. The 27212
director shall appoint the fire marshal from the list of at least 27213
three names or may request the commission to submit additional 27214
names. 27215

Sec. 3737.22. (A) The fire marshal shall do all of the 27216
following: 27217

(1) Adopt the state fire code under sections 3737.82 to 27218
3737.86 of the Revised Code; 27219

(2) Enforce the state fire code; 27220

(3) Appoint assistant fire marshals who are authorized to 27221
enforce the state fire code; 27222

(4) Conduct investigations into the cause, origin, and 27223
circumstances of fires and explosions, and assist in the 27224
prosecution of persons believed to be guilty of arson or a similar 27225
crime; 27226

(5) Compile statistics concerning loss due to fire and 27227
explosion as the fire marshal considers necessary, and consider 27228
the compatibility of the fire marshal's system of compilation with 27229
the systems of other state and federal agencies and fire marshals 27230
of other states; 27231

(6) Engage in research on the cause and prevention of losses 27232
due to fire and explosion; 27233

(7) Engage in public education and informational activities 27234
which will inform the public of fire safety information; 27235

(8) Operate a fire training academy and forensic laboratory; 27236

(9) Conduct other fire safety and fire fighting training 27237
activities for the public and groups as will further the cause of 27238

fire safety;	27239
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	27240 27241
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	27242 27243 27244 27245 27246
(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	27247 27248
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;	27249 27250 27251 27252 27253 27254
(14) Administer and enforce Chapter 3743. of the Revised Code;	27255 27256
(15) Develop a uniform standard for the reporting of information required to be filed under division (E)(4) of section 2921.22 of the Revised Code, and accept the reports of the information when they are filed.	27257 27258 27259 27260
(B) The fire marshal shall appoint a chief deputy fire marshal, and shall employ professional and clerical assistants as the fire marshal considers necessary. The chief deputy shall be a competent former or current member of a fire agency and possess five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, and fire code management. The chief deputy, with the approval of the director of commerce <u>public safety</u> , shall temporarily assume the duties of the fire marshal when the fire marshal is absent or temporarily unable to	27261 27262 27263 27264 27265 27266 27267 27268 27269

carry out the duties of the office. When there is a vacancy in the 27270
office of fire marshal, the chief deputy, with the approval of the 27271
director of ~~commerce~~ public safety, shall temporarily assume the 27272
duties of the fire marshal until a new fire marshal is appointed 27273
under section 3737.21 of the Revised Code. 27274

All employees, other than the fire marshal; the chief deputy 27275
fire marshal; the superintendent of the Ohio fire academy; the 27276
grants administrator; the fiscal officer; the executive secretary 27277
to the fire marshal; legal counsel; the pyrotechnics 27278
administrator, the chief of the forensic laboratory; the person 27279
appointed by the fire marshal to serve as administrator over 27280
functions concerning testing, license examinations, and the 27281
issuance of permits and certificates; and the chiefs of the 27282
bureaus of fire prevention, of fire and explosion investigation, 27283
and of code enforcement, ~~and of underground storage tanks~~ shall be 27284
in the classified civil service. The fire marshal shall authorize 27285
the chief deputy and other employees under the fire marshal's 27286
supervision to exercise powers granted to the fire marshal by law 27287
as may be necessary to carry out the duties of the fire marshal's 27288
office. 27289

(C) The fire marshal shall create, in and as a part of the 27290
office of fire marshal, a fire and explosion investigation bureau 27291
consisting of a chief of the bureau and additional assistant fire 27292
marshals as the fire marshal determines necessary for the 27293
efficient administration of the bureau. The chief shall be 27294
experienced in the investigation of the cause, origin, and 27295
circumstances of fires, and in administration, including the 27296
supervision of subordinates. The chief, among other duties 27297
delegated to the chief by the fire marshal, shall be responsible, 27298
under the direction of the fire marshal, for the investigation of 27299
the cause, origin, and circumstances of fires and explosions in 27300
the state, and for assistance in the prosecution of persons 27301

believed to be guilty of arson or a similar crime. 27302

(D)(1) The fire marshal shall create, as part of the office 27303
of fire marshal, a bureau of code enforcement consisting of a 27304
chief of the bureau and additional assistant fire marshals as the 27305
fire marshal determines necessary for the efficient administration 27306
of the bureau. The chief shall be qualified, by education or 27307
experience, in fire inspection, fire code development, fire code 27308
enforcement, or any other similar field determined by the fire 27309
marshal, and in administration, including the supervision of 27310
subordinates. The chief is responsible, under the direction of the 27311
fire marshal, for fire inspection, fire code development, fire 27312
code enforcement, and any other duties delegated to the chief by 27313
the fire marshal. 27314

(2) The fire marshal, the chief deputy fire marshal, the 27315
chief of the bureau of code enforcement, or any assistant fire 27316
marshal under the direction of the fire marshal, the chief deputy 27317
fire marshal, or the chief of the bureau of code enforcement may 27318
cause to be conducted the inspection of all buildings, structures, 27319
and other places, the condition of which may be dangerous from a 27320
fire safety standpoint to life or property, or to property 27321
adjacent to the buildings, structures, or other places. 27322

(E) The fire marshal shall create, as a part of the office of 27323
fire marshal, a bureau of fire prevention consisting of a chief of 27324
the bureau and additional assistant fire marshals as the fire 27325
marshal determines necessary for the efficient administration of 27326
the bureau. The chief shall be qualified, by education or 27327
experience, to promote programs for rural and urban fire 27328
prevention and protection. The chief, among other duties delegated 27329
to the chief by the fire marshal, is responsible, under the 27330
direction of the fire marshal, for the promotion of rural and 27331
urban fire prevention and protection through public information 27332
and education programs. 27333

(F) The fire marshal shall cooperate with the director of job and family services when the director adopts rules under section 5104.052 of the Revised Code regarding fire prevention and fire safety in certified type B family day-care homes, as defined in section 5104.01 of the Revised Code, recommend procedures for inspecting type B homes to determine whether they are in compliance with those rules, and provide training and technical assistance to the director and county directors of job and family services on the procedures for determining compliance with those rules. 27334
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(G) The fire marshal, upon request of a provider of child day-care in a type B home that is not certified by the county director of job and family services, as a precondition of approval by the state board of education under section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the type B home to determine compliance with rules adopted under section 5104.052 of the Revised Code regarding fire prevention and fire safety in certified type B homes. In municipal corporations and in townships where there is a certified fire safety inspector, the inspections shall be made by that inspector under the supervision of the fire marshal, according to rules adopted under section 5104.052 of the Revised Code. In townships outside municipal corporations where there is no certified fire safety inspector, inspections shall be made by the fire marshal. 27344
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Sec. 3737.71. Each insurance company doing business in this state shall pay to the state in installments, at the time of making the payments required by section 5729.05 of the Revised Code, in addition to the taxes required to be paid by it, 27361
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three-fourths of one per cent on the gross premium receipts 27365
derived from fire insurance and that portion of the premium 27366
reasonably allocable to insurance against the hazard of fire 27367
included in other coverages except life and sickness and accident 27368
insurance, after deducting return premiums paid and considerations 27369
received for reinsurances as shown by the annual statement of such 27370
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 27371
the Revised Code. The money received shall be paid into the state 27372
treasury to the credit of the state fire marshal's fund, which is 27373
hereby created. The fund shall be used for the maintenance and 27374
administration of the office of the fire marshal and the Ohio fire 27375
academy established by section 3737.33 of the Revised Code. If the 27376
director of ~~commerce~~ public safety certifies to the director of 27377
budget and management that the cash balance in the state fire 27378
marshal's fund is in excess of the amount needed to pay ongoing 27379
operating expenses, the director may use the excess amount to 27380
acquire by purchase, lease, or otherwise, real property or 27381
interests in real property to be used for the benefit of the 27382
office of the state fire marshal, or to construct, acquire, 27383
enlarge, equip, furnish, or improve the fire marshal's office 27384
facilities or the facilities of the Ohio fire academy. The state 27385
fire marshal's fund shall be assessed a proportionate share of the 27386
administrative costs of the department of ~~commerce~~ public safety 27387
in accordance with procedures prescribed by the director of 27388
~~commerce~~ public safety and approved by the director of budget and 27389
management. Such assessment shall be paid from the state fire 27390
marshal's fund to the ~~division of administration fund~~ credit of 27391
the highway safety fund created by section 4501.06 of the Revised 27392
Code and shall be subject to appropriation solely for the expense 27393
of operation and maintenance of the department of public safety. 27394

Sec. 3737.81. (A) There is hereby created the state fire 27395
commission consisting of ten members to be appointed by the 27396

governor with the advice and consent of the senate. The fire 27397
marshal or chief deputy fire marshal, a representative designated 27398
by the department of public safety who has tenure in fire 27399
suppression, and a representative designated by the board of 27400
building standards shall be ex officio members. Of the initial 27401
appointments made to the commission, two shall be for a term 27402
ending one year after November 1, 1978, two shall be for a term 27403
ending two years after that date, two shall be for a term ending 27404
three years after that date, two shall be for a term ending four 27405
years after that date, and two shall be for a term ending five 27406
years after that date. Thereafter, terms of office shall be for 27407
five years, each term ending on the same day of the same month of 27408
the year as did the term which it succeeds. Each member shall hold 27409
office from the date of appointment until the end of the term for 27410
which the member was appointed. Any member appointed to fill a 27411
vacancy occurring prior to the expiration of the term for which 27412
the member's predecessor was appointed shall hold office for the 27413
remainder of that term. Any member shall continue in office 27414
subsequent to the expiration date of the member's term until a 27415
successor takes office, or until a period of sixty days has 27416
elapsed, whichever occurs first. Members shall be qualified by 27417
experience and training to deal with the matters that are the 27418
responsibility of the commission. Two members shall be members of 27419
paid fire services, one shall be a member of volunteer fire 27420
services, two shall be mayors, managers, or members of legislative 27421
authorities of municipal corporations, one shall represent 27422
commerce and industry, one shall be a representative of a fire 27423
insurance company domiciled in this state, one shall represent the 27424
flammable liquids industry, one shall represent the construction 27425
industry, and one shall represent the public. At no time shall 27426
more than six members be members of or associated with the same 27427
political party. Membership on the commission shall not constitute 27428
holding a public office, and no person shall forfeit or otherwise 27429

vacate the person's office or position of employment because of 27430
membership on the commission. 27431

(B) The ex officio members may not vote, except that the fire 27432
marshal or chief deputy fire marshal may vote in case of a tie. 27433

(C) Each member of the commission, other than ex officio 27434
members, shall be paid an amount ~~equal to that payable under pay~~ 27435
~~range 32 (S)(D)~~ fixed pursuant to division (J) of section 124.15 27436
of the Revised Code, and the member's actual and necessary 27437
expenses. 27438

(D) The commission shall select a chairperson and a 27439
vice-chairperson from among its members. No business may be 27440
transacted in the absence of a quorum. A quorum shall be at least 27441
six members, excluding ex officio members, and shall include 27442
either the chairperson or vice-chairperson. The commission shall 27443
hold regular meetings at least once every two months and may meet 27444
at any other time at the call of the chairperson. 27445

(E) The fire marshal shall provide the commission with office 27446
space, meeting rooms, staff, and clerical assistance necessary for 27447
the commission to perform its duties. If the commission maintains 27448
the Ohio fire service hall of fame under division (C) of section 27449
3737.03 of the Revised Code, the fire marshal shall preserve, in 27450
an appropriate manner, in the office space or meeting rooms 27451
provided to the commission under this division or in another 27452
location, copies of all official commendations awarded to 27453
individuals recognized and commemorated for their exemplary 27454
accomplishments and acts of heroism at fire-related incidents or 27455
similar events that occurred in this state. 27456

(F) If the commission maintains the Ohio fire service hall of 27457
fame under division (C) of section 3737.03 of the Revised Code, 27458
the expenses incurred for the recognition and commemoration of 27459
individuals for their exemplary accomplishments and acts of 27460

heroism at fire-related incidents or similar events that occurred 27461
in this state, including, but not limited to, expenses for 27462
official commendations and an annual awards ceremony as described 27463
in division (C) of section 3737.03 of the Revised Code, may be 27464
paid from moneys appropriated by the general assembly for purposes 27465
of that recognition and commemoration, from moneys that are 27466
available to the fire marshal under this chapter, or from other 27467
funding sources available to the commission. 27468

Sec. 3737.88. (A)(1) The ~~fire marshal~~ superintendent of 27469
industrial compliance shall have responsibility for implementation 27470
of the underground storage tank program and corrective action 27471
program for releases from underground petroleum storage tanks 27472
established by the "Resource Conservation and Recovery Act of 27473
1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as amended. To implement 27474
the program, the ~~fire marshal~~ superintendent may adopt, amend, and 27475
rescind such rules, conduct such inspections, require annual 27476
registration of underground storage tanks, issue such citations 27477
and orders to enforce those rules, and perform such other duties, 27478
as are consistent with those programs. The ~~fire marshal~~ 27479
superintendent, by rule, may delegate the authority to conduct 27480
inspections of underground storage tanks to certified fire safety 27481
inspectors. 27482

(2) In the place of any rules regarding release containment 27483
and release detection for underground storage tanks adopted under 27484
division (A)(1) of this section, the ~~fire marshal~~ superintendent, 27485
by rule, shall designate areas as being sensitive for the 27486
protection of human health and the environment and adopt 27487
alternative rules regarding release containment and release 27488
detection methods for new and upgraded underground storage tank 27489
systems located in those areas. In designating such areas, the 27490
~~fire marshal~~ superintendent shall take into consideration such 27491
factors as soil conditions, hydrogeology, water use, and the 27492

location of public and private water supplies. Not later than July 27493
11, 1990, the ~~fire marshal~~ superintendent shall file the rules 27494
required under this division with the secretary of state, director 27495
of the legislative service commission, and joint committee on 27496
agency rule review in accordance with divisions (B) and (H) of 27497
section 119.03 of the Revised Code. 27498

(B) Before adopting any rule under this section or section 27499
3737.881 or 3737.882 of the Revised Code, the ~~fire marshal~~ 27500
superintendent shall file written notice of ~~his~~ the proposed rule 27501
with the ~~chairman~~ chairperson of the ~~state fire commission board~~ 27502
of building standards, and, within sixty days after notice is 27503
filed, the ~~commission board~~ may file responses to or comments on 27504
and may recommend alternative or supplementary rules to the ~~fire~~ 27505
~~marshal~~ superintendent. At the end of the sixty-day period or upon 27506
the filing of responses, comments, or recommendations by the 27507
~~commission board~~, the ~~fire marshal~~ superintendent may adopt the 27508
rule filed with the ~~commission board~~ or any alternative or 27509
supplementary rule recommended by the ~~commission board~~. 27510

(C) The ~~fire commission board~~ may recommend courses of action 27511
to be taken by the ~~fire marshal~~ superintendent in carrying out ~~his~~ 27512
the superintendent's duties under this section. The ~~commission~~ 27513
board shall file its recommendations in the office of the ~~fire~~ 27514
~~marshal~~ superintendent, and, within sixty days after the 27515
recommendations are filed, the ~~fire marshal~~ superintendent shall 27516
file with the ~~chairman~~ chairperson of the ~~commission his board the~~ 27517
superintendent's comments on, and proposed action in response to, 27518
the recommendations. 27519

(D) For the purpose of sections 3737.87 to 3737.89 of the 27520
Revised Code, the ~~fire marshal~~ superintendent shall adopt, and may 27521
amend and rescind, rules identifying or listing hazardous 27522
substances. The rules shall be consistent with and equivalent in 27523
scope, coverage, and content to regulations identifying or listing 27524

hazardous substances adopted under the "Comprehensive
Environmental Response, Compensation, and Liability Act of 1980,"
94 Stat. 2779, 42 U.S.C.A. 9602, as amended, except that the ~~fire~~
~~marshal~~ superintendent shall not identify or list as a hazardous
substance any hazardous waste identified or listed in rules
adopted under division (A) of section 3734.12 of the Revised Code.

(E) Notwithstanding any provision of the laws of this state
to the contrary, the ~~fire-marshal~~ superintendent has exclusive
jurisdiction to regulate the storage, treatment, and disposal of
petroleum contaminated soil generated from corrective actions
undertaken in response to releases of petroleum. The ~~fire-marshal~~
superintendent may adopt, amend, or rescind such rules as ~~he~~ the
superintendent considers to be necessary or appropriate to
regulate the storage, treatment, or disposal of petroleum
contaminated soil so generated.

(F) The ~~fire-marshal~~ superintendent shall adopt, amend, and
rescind rules under sections 3737.88 to 3737.882 of the Revised
Code in accordance with Chapter 119. of the Revised Code.

Sec. 3737.881. (A) The ~~fire-marshal~~ superintendent of
industrial compliance shall certify underground storage tank
systems installers who meet the standards for certification
established in rules adopted under division (D)(1) of this
section, pass the certification examination required by this
division, and pay the certificate fee established in rules adopted
under division (D)(5) of this section. Any individual who wishes
to obtain certification as an installer shall apply to the ~~fire~~
~~marshal~~ superintendent on a form prescribed by the ~~fire-marshal~~
superintendent. The application shall be accompanied by the
application and examination fees established in rules adopted
under division (D)(5) of this section.

The ~~fire-marshal~~ superintendent shall prescribe an

examination designed to test the knowledge of applicants for 27556
certification as underground storage tank system installers in the 27557
installation, repair, abandonment, and removal of those systems. 27558
The examination shall also test the applicants' knowledge and 27559
understanding of the requirements and standards established in 27560
rules adopted under sections 3737.88 and 3737.882 of the Revised 27561
Code pertaining to the installation, repair, abandonment, and 27562
removal of those systems. 27563

Installer certifications issued under this division shall be 27564
renewed annually, upon submission of a certification renewal form 27565
prescribed by the ~~fire marshal~~ superintendent, provision of proof 27566
of successful completion of continuing education requirements, and 27567
payment of the certification renewal fee established in rules 27568
adopted under division (D)(5) of this section. In addition, the 27569
~~fire marshal~~ superintendent may from time to time prescribe an 27570
examination for certification renewal and may require applicants 27571
to pass the examination and pay the fee established for it in 27572
rules adopted under division (D)(5) of this section. 27573

The ~~fire marshal~~ superintendent may, in accordance with 27574
Chapter 119. of the Revised Code, deny, suspend, revoke, or refuse 27575
to renew an installer's certification or renewal thereof ~~if he~~ 27576
~~finds~~ after finding that any of the following applies: 27577

(1) The applicant for certification or certificate holder 27578
fails to meet the standards for certification or renewal thereof 27579
under this section and rules adopted under it; 27580

(2) The certification was obtained through fraud or 27581
misrepresentation; 27582

(3) The certificate holder recklessly caused or permitted a 27583
person under ~~his~~ the certificate holder's supervision to install, 27584
perform major repairs on site to, abandon, or remove an 27585
underground storage tank system in violation of the performance 27586

standards set forth in rules adopted under section 3737.88 or 27587
3737.882 of the Revised Code. 27588

As used in division (A)(3) of this section, "recklessly" has 27589
the same meaning as in section 2901.22 of the Revised Code. 27590

(B) The ~~fire marshal~~ superintendent shall certify persons who 27591
sponsor training programs for underground storage tank system 27592
installers who meet the criteria for certification established in 27593
rules adopted by the ~~fire marshal~~ superintendent under division 27594
(D)(4) of this section and pay the certificate fee established in 27595
rules adopted under division (D)(5) of this section. Any person 27596
who wishes to obtain certification to sponsor such a training 27597
program shall apply to the ~~fire marshal~~ superintendent on a form 27598
prescribed by ~~him~~ the superintendent. Training program 27599
certificates issued under this division shall expire annually. 27600
Upon submission of a certification renewal application form 27601
prescribed by the ~~fire marshal~~ superintendent and payment of the 27602
application and certification renewal fees established in rules 27603
adopted under division (D)(5) of this section, the ~~fire marshal~~ 27604
superintendent shall issue a training program renewal certificate 27605
to the applicant. 27606

The ~~fire marshal~~ superintendent may, in accordance with 27607
Chapter 119. of the Revised Code, deny an application for, 27608
suspend, or revoke a training program certificate or renewal 27609
thereof ~~if he finds~~ after finding that the training program does 27610
not or will not meet the standards for certification established 27611
in rules adopted under division (D)(4) of this section. 27612

(C) The ~~fire marshal~~ superintendent may conduct or cause to 27613
be conducted training programs for underground storage tank 27614
systems installers as ~~he~~ the superintendent considers to be 27615
necessary or appropriate. The ~~fire marshal~~ superintendent is not 27616
subject to division (B) of this section with respect to training 27617
programs conducted by employees of the office of the ~~fire marshal~~ 27618

<u>superintendent</u> .	27619
(D) The fire-marshal <u>superintendent</u> shall adopt, and may amend and rescind, rules doing all of the following:	27620 27621
(1) Defining the activities that constitute supervision over the installation, performance of major repairs on site to, abandonment of, and removal of underground storage tank systems;	27622 27623 27624
(2) Establishing standards and procedures for certification of underground storage tank systems installers;	27625 27626
(3) Establishing standards and procedures for continuing education for certification renewal;	27627 27628
(4) Establishing standards and procedures for certification of training programs for installers;	27629 27630
(5) Establishing fees for applications for certifications under this section, the examinations prescribed under division (A) of this section, the issuance and renewal of certificates under divisions (A) and (B) of this section, and attendance at training programs conducted by the fire-marshal <u>superintendent</u> under division (C) of this section. Fees received under this section shall be credited to the underground storage tank administration fund created in section 3737.02 of the Revised Code and shall be used to defray the costs of implementing, administering, and enforcing this section and the rules adopted thereunder, conducting training sessions, and facilitating prevention of releases.	27631 27632 27633 27634 27635 27636 27637 27638 27639 27640 27641 27642
(6) That are necessary or appropriate for the implementation, administration, and enforcement of this section.	27643 27644
(E) Nothing in this section or the rules adopted under it prohibits an owner or operator of an underground storage tank system from installing, making major repairs on site to, abandoning, or removing an underground storage tank system under	27645 27646 27647 27648

the supervision of an installer certified under division (A) of 27649
this section who is a full-time or part-time employee of the owner 27650
or operator. 27651

(F) On and after ~~the date one hundred eighty days after the~~ 27652
~~effective date of this section~~ January 7, 1990, no person shall do 27653
any of the following: 27654

(1) Install, make major repairs on site to, abandon, or 27655
remove an underground storage tank system unless the activity is 27656
performed under the supervision of a qualified individual who 27657
holds a valid installer certificate issued under division (A) of 27658
this section; 27659

(2) Act in the capacity of providing supervision for the 27660
installation of, performance of major repairs on site to, 27661
abandonment of, or removal of an underground storage tank system 27662
unless the person holds a valid installer certificate issued under 27663
division (A) of this section; 27664

(3) Except as provided in division (C) of this section, 27665
sponsor a training program for underground storage tank systems 27666
installers unless the person holds a valid training program 27667
certificate issued under division (B) of this section. 27668

Sec. 3737.882. (A) If, after an examination or inspection, 27669
the ~~fire marshal~~ superintendent of industrial compliance or ~~an~~ the 27670
superintendent's assistant ~~fire marshal~~ finds that a release of 27671
petroleum is suspected, the ~~fire marshal~~ superintendent shall take 27672
such action as the ~~fire marshal~~ superintendent considers necessary 27673
to ensure that a suspected release is confirmed or disproved and, 27674
if the occurrence of a release is confirmed, to correct the 27675
release. These actions may include one or more of the following: 27676

(1) Issuance of a citation and order requiring the 27677
responsible person to undertake, in a manner consistent with the 27678

requirements of section 9003 of the "Resource Conservation and 27679
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as 27680
amended, applicable regulations adopted thereunder, and rules 27681
adopted under division (B) of this section, such actions as are 27682
necessary to protect human health and the environment, including, 27683
without limitation, the investigation of a suspected release. 27684

(2) Requesting the attorney general to bring a civil action 27685
for appropriate relief, including a temporary restraining order or 27686
preliminary or permanent injunction, in the court of common pleas 27687
of the county in which a suspected release is located or in which 27688
the release occurred, to obtain the corrective action necessary to 27689
protect human health and the environment. In granting any such 27690
relief, the court shall ensure that the terms of the temporary 27691
restraining order or injunction are sufficient to provide 27692
comprehensive corrective action to protect human health and the 27693
environment. 27694

(3) Entry onto premises and undertaking corrective action 27695
with respect to a release of petroleum if, in the ~~fire-marshal's~~ 27696
superintendent's judgment, such action is necessary to protect 27697
human health and the environment. Any corrective action undertaken 27698
by the ~~fire-marshal~~ superintendent or the superintendent's 27699
assistant ~~fire-marshal~~ under division (A)(3) of this section shall 27700
be consistent with the requirements of sections 9003 and 9005 of 27701
the "Resource Conservation and Recovery Act of 1976," 98 Stat. 27702
3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 6991e, 27703
respectively, as amended, applicable regulations adopted 27704
thereunder, and rules adopted under division (B) of this section. 27705

(B) The ~~fire-marshal~~ superintendent shall adopt, and may 27706
amend and rescind, such rules as the ~~fire-marshal~~ superintendent 27707
considers necessary to establish standards for corrective actions 27708
for suspected and confirmed releases of petroleum and standards 27709
for the recovery of costs incurred for undertaking corrective or 27710

enforcement actions with respect to such releases. The rules also 27711
shall include requirements for financial responsibility for the 27712
cost of corrective actions for and compensation of bodily injury 27713
and property damage incurred by third parties that are caused by 27714
releases of petroleum. Rules regarding financial responsibility 27715
shall, without limitation, require responsible persons to provide 27716
evidence that the parties guaranteeing payment of the deductible 27717
amount established under division (E) or (F) of section 3737.91 of 27718
the Revised Code are, at a minimum, secondarily liable for all 27719
corrective action and third-party liability costs incurred within 27720
the scope of the deductible amount. The rules shall be consistent 27721
with sections 9003 and 9005 of the "Resource Conservation and 27722
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 27723
Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, and 27724
applicable regulations adopted thereunder. 27725

(C)(1) No person shall violate or fail to comply with a rule 27726
adopted under division (A) of section 3737.88 of the Revised Code 27727
or division (B) of this section, and no person shall violate or 27728
fail to comply with the terms of any order issued under division 27729
(A) of section 3737.88 of the Revised Code or division (A)(1) of 27730
this section. 27731

(2) Whoever violates division (C)(1) of this section or 27732
division (F) of section 3737.881 of the Revised Code shall pay a 27733
civil penalty of not more than ten thousand dollars for each day 27734
that the violation continues. The ~~fire marshal~~ superintendent may, 27735
by order, assess a civil penalty under this division, or the ~~fire~~ 27736
~~marshal~~ superintendent may request the attorney general to bring a 27737
civil action for imposition of the civil penalty in the court of 27738
common pleas of the county in which the violation occurred. If the 27739
~~fire marshal~~ superintendent determines that a responsible person 27740
is in violation of division (C)(1) of this section or division (F) 27741
of section 3737.881 of the Revised Code, the ~~fire marshal~~ 27742

superintendent may request the attorney general to bring a civil 27743
action for appropriate relief, including a temporary restraining 27744
order or preliminary or permanent injunction, in the court of 27745
common pleas of the county in which the underground storage tank 27746
or, in the case of a violation of division (F)(3) of section 27747
3737.881 of the Revised Code, the training program that is the 27748
subject of the violation is located. The court shall issue a 27749
temporary restraining order or an injunction upon a demonstration 27750
that a violation of division (C)(1) of this section or division 27751
(F) of section 3737.881 of the Revised Code has occurred or is 27752
occurring. 27753

Any action brought by the attorney general under this 27754
division is a civil action, governed by the Rules of Civil 27755
Procedure and other rules of practice and procedure applicable to 27756
civil actions. 27757

(D) Orders issued under division (A) of section 3737.88 of 27758
the Revised Code and divisions (A)(1) and (C) of this section, and 27759
appeals thereof, are subject to and governed by Chapter 3745. of 27760
the Revised Code. Such orders shall be issued without the 27761
necessity for issuance of a proposed action under that chapter. 27762
For purposes of appeals of any such orders, the term "director" as 27763
used in Chapter 3745. of the Revised Code includes the ~~fire~~ 27764
~~marshal superintendent~~ and an the superintendent's assistant ~~fire~~ 27765
~~marshal~~. 27766

(E) Any restrictions on the use of real property for the 27767
purpose of achieving applicable standards pursuant to rules 27768
adopted under division (B) of this section shall be contained in a 27769
deed or in another instrument that is signed and acknowledged by 27770
the property owner in the same manner as a deed. The deed or other 27771
instrument containing the restrictions shall be filed and recorded 27772
in the office of the county recorder of the county in which the 27773
property is located. Pursuant to Chapter 5309. of the Revised 27774

Code, such use restrictions in connection with registered land, as 27775
defined in section 5309.01 of the Revised Code, shall be entered 27776
as a memorial on the page of the register where the title of the 27777
owner is registered. 27778

Sec. 3737.883. On receipt of a notice pursuant to section 27779
3123.43 of the Revised Code, the ~~state fire marshal~~ superintendent
of industrial compliance shall comply with sections 3123.41 to 27780
3123.50 of the Revised Code and any applicable rules adopted under 27781
section 3123.63 of the Revised Code with respect to a certificate 27782
issued pursuant to section 3737.34, 3737.65, 3737.83, or 3737.881 27783
of the Revised Code. 27784
27785

Sec. 3737.89. (A) Except when a responsible person can prove 27786
that a release of petroleum was caused solely by any one or a 27787
combination of an act of God, an act of war, or an act or omission 27788
of a third party without regard to whether any such act or 27789
omission was or was not negligent, a responsible person, 27790
notwithstanding any other provision of the Revised Code or common 27791
law of this state, is strictly liable to the state for any costs 27792
incurred for any corrective or enforcement action undertaken by 27793
the ~~fire marshal~~ superintendent of industrial compliance under 27794
section 3737.882 of the Revised Code and for any costs incurred 27795
for any enforcement action undertaken by the attorney general 27796
under this section or section 3737.882 of the Revised Code with 27797
respect to a release of petroleum. 27798

The attorney general, upon the request of the ~~fire marshal~~ 27799
superintendent, shall bring a civil action to recover those costs 27800
in the court of common pleas of the county in which the corrective 27801
or enforcement action was undertaken. 27802

(B) If a responsible person alleges that a release of 27803
petroleum was caused solely by an act or omission of a third party 27804

or was caused solely by such an act or omission in combination 27805
with an act of God or an act of war, the responsible person shall 27806
pay to the state the cost of any corrective or enforcement action 27807
undertaken by the ~~fire marshal~~ superintendent under section 27808
3737.882 of the Revised Code and any enforcement action undertaken 27809
by the attorney general under this section or section 3737.882 of 27810
the Revised Code with respect to the release and is entitled by 27811
subrogation to all rights of the state to recover those costs from 27812
the third party under division (C) of this section. The attorney 27813
general, upon the request of the ~~fire marshal~~ superintendent, 27814
shall bring a civil action to recover payment from the responsible 27815
party for those costs in the court of common pleas of the county 27816
in which the corrective or enforcement action was undertaken. 27817

(C) If the responsible person proves that a release of 27818
petroleum was caused solely by an act or omission of a third party 27819
or by such an act or omission in combination with an act of God or 27820
an act of war, the third party, notwithstanding any other 27821
provision of the Revised Code or common law of this state, is 27822
strictly liable to the state for any costs incurred for any 27823
corrective or enforcement action undertaken by the ~~fire marshal~~ 27824
superintendent under section 3737.882 of the Revised Code and for 27825
any enforcement action undertaken by the attorney general under 27826
this section or section 3737.882 of the Revised Code with respect 27827
to the release. The attorney general, upon the request of the ~~fire~~ 27828
~~marshal~~ superintendent or any person entitled by subrogation to 27829
the rights of the state under division (B) of this section, may 27830
bring a civil action to recover those costs in the court of common 27831
pleas of the county in which the corrective or enforcement action 27832
was undertaken. 27833

(D) No indemnification, hold harmless, or similar agreement 27834
or conveyance shall be effective to transfer from the responsible 27835
person, or from any other person who may be liable under division 27836

(C) of this section, to another person the liability imposed by 27837
this section. Nothing in this division bars either of the 27838
following: 27839

(1) Any agreement to insure, hold harmless, or indemnify a 27840
party to such an agreement for any liability under this section; 27841

(2) A cause of action that any person has or would have 27842
against any other person by reason of subrogation or otherwise. 27843

(E) Nothing in this section limits the duty of a responsible 27844
person under section 3737.882 of the Revised Code and rules 27845
adopted under it to notify the fire marshal and to take action 27846
with respect to a release of petroleum. 27847

(F) Nothing in this section limits the right of the federal 27848
government to recover from the responsible person any federal 27849
money expended for any corrective or enforcement action as a 27850
result of a release of petroleum. 27851

Sec. 3737.91. (A) There is hereby created the petroleum 27852
underground storage tank financial assurance fund, which shall be 27853
in the custody of the treasurer of state, but is not a part of the 27854
state treasury. The fund shall consist of moneys from the 27855
following sources: 27856

(1) All fees collected under divisions (B) and (F) of this 27857
section and all supplemental fees collected under division (C) of 27858
this section; 27859

(2) Interest earned on moneys in the fund; 27860

(3) Appropriations to the fund from the general revenue fund; 27861

(4) The proceeds of revenue bonds issued under sections 27862
3737.90 to 3737.948 of the Revised Code, provided that upon 27863
resolution of the petroleum underground storage tank release 27864
compensation board created in section 3737.90 of the Revised Code, 27865
all or part of those proceeds may be deposited into a separate 27866

account of the fund. Chapters 131. and 135. of the Revised Code do 27867
not apply to the establishment, deposit, investment, application, 27868
and safeguard of any such account and moneys in any such account. 27869

(B) For the purposes of paying the costs of implementing and 27870
administering this section and sections 3737.90 and 3737.92 of the 27871
Revised Code and rules adopted under them; payment or 27872
reimbursement of corrective action costs under section 3737.92 of 27873
the Revised Code; compensating third parties for bodily injury or 27874
property damage under that section; and payment of principal and 27875
interest on revenue bonds issued under sections 3737.90 to 27876
3737.948 of the Revised Code to raise capital for the fund, there 27877
is hereby assessed an annual petroleum underground storage tank 27878
financial assurance fee on each tank comprising an underground 27879
storage tank or an underground storage tank system that contains 27880
or has contained petroleum and for which a responsible person is 27881
required to demonstrate financial responsibility by rules adopted 27882
by the ~~fire marshal~~ superintendent of industrial compliance under 27883
division (B) of section 3737.882 of the Revised Code. The fee 27884
assessed by this division shall be paid to the board by a 27885
responsible person for each tank that is subject to the fee. The 27886
fee shall be paid not later than the first day of July of each 27887
year, except that in 1989 the fee shall be paid by either the 27888
first day of September or ninety days after July 11, 1989, 27889
whichever is later. The fee is in addition to any fee established 27890
by the ~~fire marshal~~ superintendent under section 3737.88 of the 27891
Revised Code. 27892

The amount of the annual fee due in 1989 and 1990 is one 27893
hundred fifty dollars per tank per year. In 1991 and subsequent 27894
years the board shall establish the amount of the annual fee in 27895
accordance with this division. Not later than the first day of 27896
April of 1991 and each subsequent year, the board, in consultation 27897
with the administrative agent of the fund with whom the board has 27898

entered into a contract under division (B)(3) of section 3737.90 27899
of the Revised Code, if any, shall determine the amount of the 27900
annual fee to be assessed in that year and shall adopt rules in 27901
accordance with Chapter 119. of the Revised Code to establish the 27902
fee at that amount. The fee shall be established at an amount 27903
calculated to maintain the continued financial soundness of the 27904
fund, provided that if the unobligated balance of the fund exceeds 27905
forty-five million dollars on the date that an annual 27906
determination is made, the board may assess a fee in the year to 27907
which the determination applies only to the extent required in or 27908
by, or necessary to comply with covenants or other requirements 27909
in, revenue bonds issued under sections 3737.90 to 3737.948 of the 27910
Revised Code or in proceedings or other covenants or agreements 27911
related to such bonds. Not later than the first day of May of 1991 27912
and each subsequent year, the board shall notify each responsible 27913
person by certified mail of the amount of the annual fee per tank 27914
due in that year. As used in this paragraph, "proceedings" has the 27915
same meaning as in section 133.01 of the Revised Code. 27916

If a responsible person is both the owner and operator of a 27917
tank, the responsible person shall pay any annual fee assessed 27918
under this division in compliance with this division and the rules 27919
adopted thereunder. If the owner of the tank and the operator of 27920
the tank are not the same person, any annual fee assessed under 27921
this division in compliance with this division and the rules 27922
adopted thereunder shall be paid by one of the responsible 27923
persons; however, all such responsible persons are liable for 27924
noncompliance with this division. 27925

(C) As necessary to maintain the financial soundness of the 27926
fund, the board, by rules adopted in accordance with Chapter 119. 27927
of the Revised Code, may at any time assess a supplemental 27928
petroleum underground storage tank financial assurance fee on 27929
tanks subject to the fee assessed under division (B) or (F) of 27930

this section in any fiscal year in which the board finds that the unobligated balance in the fund is less than fifteen million dollars. The board, in consultation with the fund's administrative agent, if any, shall establish the amount of the supplemental fee at an amount that will ensure an unobligated balance in the fund of at least fifteen million dollars at the end of the fiscal year in which the supplemental fee is assessed. Not less than thirty days before the date on which payment of the supplemental fee is due under the board's rules, the board shall notify each responsible person by certified mail of the amount of the supplemental fee and the date on which payment of the supplemental fee to the board is due.

If a responsible person is both the owner and operator of a tank, the responsible person shall pay any supplemental fee assessed under this division in compliance with this division and the rules adopted thereunder. If the owner of the tank and the operator of the tank are not the same person, any supplemental fee assessed under this division in compliance with this division and the rules adopted thereunder shall be paid by one of the responsible persons; however, all such responsible persons are liable for noncompliance with this division.

(D)(1) The board shall issue a certificate of coverage to any responsible person who has complied with all of the following:

(a) Paid the fee assessed under division (B) or (F) of this section;

(b) Demonstrated to the board financial responsibility in compliance with the rules adopted by the ~~fire marshal~~ superintendent under division (B) of section 3737.882 of the Revised Code for the deductible amount established under division (E) of this section or, when appropriate, the reduced deductible amount established under division (F) of this section. If the responsible person utilizes self-insurance as a financial

responsibility mechanism, the responsible person shall provide the board with an affidavit in which the responsible party certifies that all documentation submitted to the board is true and accurate;

(c) Certified to the board that for each petroleum underground storage tank system for which a certificate of coverage is sought, the responsible person is in compliance with applicable rules for petroleum underground storage tank systems that have been adopted by the ~~fire marshal~~ superintendent under section 3737.88 of the Revised Code.

The certificate of coverage shall state the amount of coverage to which the responsible person is entitled from the fund pursuant to division (D)(3) of this section and the time period for which the certificate provides that coverage. An issued certificate of coverage is subject to the condition that the holder timely pay any supplemental fee assessed under division (C) of this section during the time that the certificate is in effect.

(2) The board shall not issue a certificate of coverage to any responsible person who fails to comply with divisions (D)(1)(a), (b), and (c) of this section.

(3) The maximum disbursement from the fund for any single release of petroleum is the difference between the deductible amount established under division (E) of this section or, when appropriate, the reduced deductible amount established under division (F) of this section and one million dollars. The maximum disbursement from the fund during any fiscal year on behalf of any responsible person shall not exceed in the aggregate one million dollars less the deductible amount if the responsible person owns or operates not more than one hundred tanks comprising underground petroleum storage tanks or underground petroleum storage tank systems, shall not exceed in the aggregate two million dollars less the deductible amount if the responsible person owns or

operates not more than two hundred such tanks, shall not exceed in 27995
the aggregate three million dollars less the deductible amount if 27996
the responsible person owns or operates not more than three 27997
hundred such tanks, and shall not exceed in the aggregate four 27998
million dollars less the deductible amount if the responsible 27999
person owns or operates more than three hundred such tanks. The 28000
maximum disbursement from the fund for any single release or for 28001
any fiscal year under this division does not in any manner limit 28002
the liability of a responsible person for a release of petroleum. 28003

(E)(1) Except as otherwise provided in division (F) of this 28004
section, no responsible person is eligible to receive moneys from 28005
the fund under section 3737.92 of the Revised Code until the 28006
responsible person demonstrates to the board financial 28007
responsibility for the first fifty thousand dollars of the cost 28008
for corrective action for, and compensating third parties for 28009
bodily injury and property damage caused by, accidental releases 28010
of petroleum from an underground storage tank owned or operated by 28011
the responsible party. The fifty thousand dollar amount is the 28012
deductible amount for the purposes of this section and section 28013
3737.92 of the Revised Code. 28014

(2) The board, in consultation with the fund's administrative 28015
agent, if any, may, by rules adopted in accordance with Chapter 28016
119. of the Revised Code, establish for any fiscal year a 28017
deductible amount that differs from fifty thousand dollars. The 28018
deductible amount established by the board shall be such an amount 28019
as to maintain the financial soundness of the fund. Any action of 28020
the board to establish a differing deductible amount or to alter a 28021
deductible amount previously established by it shall be taken 28022
concurrently with the establishment under division (B) of this 28023
section of the annual fee due on the first day of the fiscal year 28024
in which the deductible amount will apply. If the deductible 28025
amount established under this division differs from that in effect 28026

at the time of the board's action, the board shall notify each 28027
responsible person of the change by certified mail not later than 28028
the first day of May preceding the effective date of the change. 28029

(F)(1) Any responsible person owning, or owning or operating, 28030
a total of six or fewer petroleum underground storage tanks may 28031
elect in calendar years 1989 and 1990 to pay twice the amount of 28032
the per tank annual fee for each tank assessed under division (B) 28033
of this section in order to reduce the amount of the deductible 28034
established in division (E) of this section to the total amount of 28035
ten thousand dollars. The election shall be available only at the 28036
time of the payment of the annual fee and any supplemental fee. 28037
The election shall not be retroactively applied. 28038

(2) Any responsible person owning, or owning or operating, a 28039
total of six or fewer petroleum underground storage tanks may 28040
elect in calendar year 1991 and in each subsequent year to pay an 28041
additional fee at an amount established by the board in addition 28042
to the per tank annual fee assessed under division (B) of this 28043
section in order to reduce the deductible amount established under 28044
division (E) of this section. In calendar year 1991 and in each 28045
subsequent year, the board shall establish the amount of the 28046
additional fee and the reduced deductible amount. In determining 28047
the amount of the additional fee and the reduced deductible 28048
amount, the board shall take into consideration the effect of the 28049
additional claims paid under section 3737.92 of the Revised Code 28050
to responsible persons making an election under division (F)(2) of 28051
this section and balance that consideration with such factors as 28052
the availability of liability insurance, the difficulty of proving 28053
financial responsibility pursuant to the rules adopted by the ~~fire~~ 28054
~~marshal~~ superintendent under division (B) of section 3737.882 of 28055
the Revised Code, and the hardship created on small owners and 28056
operators of petroleum underground storage tanks by an increase in 28057
either the additional fee or the reduced deductible amount. 28058

(3) Any responsible person owning, or owning or operating, a total of six or fewer petroleum underground storage tanks who elects to pay the additional fee under divisions (F)(1) and (2) of this section shall pay any per tank supplemental fee assessed under division (C) of this section.

(G) If the director of the fund determines that a responsible person has failed to comply with division (B), (C), or (F) of this section, the director of the fund shall notify each responsible person for the petroleum underground storage tank of the noncompliance. If, within thirty days after the notification, the responsible person fails to pay the applicable fee or any fee previously assessed upon the responsible person under this section, the director of the fund shall issue an order requiring the responsible person to pay all of the fees the responsible person owes to the fund and an additional late payment fee in the amount of one thousand dollars to the fund.

If a responsible person fails to comply with any order of the director of the fund within thirty days after the issuance of the order, the director shall notify the ~~fire-marshal~~ superintendent of that noncompliance. Upon the request of the director of the fund, the attorney general may bring a civil action for appropriate relief, including a temporary restraining order or preliminary or permanent injunction, in the court of common pleas of the county in which the petroleum underground storage tank that is the subject of the order is located. The court shall issue an injunction upon a demonstration that a failure to comply with the director's order has occurred or is occurring.

Any orders issued by the director of the fund under this division may be appealed by the responsible person under division (F) of section 3737.92 of the Revised Code. For the purpose of an appeal of any order of the director of the fund, "determination" as used in that division includes any order of the director of the

fund. The filing of a notice of appeal under this division does 28091
not operate as a stay of any order of the director of the fund. 28092

Sec. 3737.92. (A) The petroleum underground storage tank 28093
release compensation board created in section 3737.90 of the 28094
Revised Code shall use moneys in the petroleum underground storage 28095
tank financial assurance fund established in section 3737.91 of 28096
the Revised Code exclusively for the following purposes: 28097

(1) Payment of the expenses of administering the fund; 28098

(2) Payment of the administrative expenses of the board; 28099

(3) Payment to or reimbursement of responsible persons for 28100
the necessary cost of corrective action for and compensating third 28101
parties for bodily injury and property damage caused by accidental 28102
releases of petroleum in accordance with this section, provided 28103
that proceeds from the issuance of revenue bonds under sections 28104
3737.90 to 3737.948 of the Revised Code may only be used for the 28105
payment to or reimbursement of responsible persons for the 28106
necessary costs of corrective action for improving property 28107
damaged by accidental releases of petroleum in accordance with 28108
this section; 28109

(4) Deposit into any funds provided for in a resolution or 28110
resolutions of the board in connection with any revenue bonds 28111
issued under sections 3737.90 to 3737.948 of the Revised Code; 28112

(5) Placement of petroleum underground storage tank linked 28113
deposits under sections 3737.95 to 3737.98 of the Revised Code. 28114

(B) A responsible person seeking to obtain from the fund 28115
payment of or reimbursement for corrective action costs for an 28116
accidental release of petroleum shall submit a claim to the board 28117
in accordance with and containing the information required by 28118
rules adopted by the board in accordance with Chapter 119. of the 28119
Revised Code. Before authorizing any disbursement from the fund to 28120

pay all or any portion of a claim submitted under this division, 28121
the director of the fund shall first determine that the claim 28122
meets all of the following criteria: 28123

(1) The responsible person is eligible under division (D) of 28124
this section to receive payment of or reimbursement for the 28125
corrective action costs from the fund; 28126

(2) The corrective action performed or to be performed has 28127
been authorized by the ~~fire marshal~~ superintendent of industrial 28128
compliance under section 3737.882 of the Revised Code and rules 28129
adopted under that section; 28130

(3) The costs of performing the corrective action are 28131
necessary to comply with the rules of the ~~fire marshal~~ 28132
superintendent adopted under sections 3737.88 and 3737.882 of the 28133
Revised Code governing corrective actions. 28134

(C) A responsible person seeking to obtain from the fund 28135
payment of or reimbursement for compensation paid or to be paid to 28136
third parties for bodily injury or property damage caused by an 28137
accidental release of petroleum shall submit a claim to the board 28138
in accordance with and containing the information required by 28139
rules adopted by the board in accordance with Chapter 119. of the 28140
Revised Code. Before authorizing any disbursement from the fund to 28141
pay all or any portion of a claim submitted under this division, 28142
the director of the fund shall first determine that the claim 28143
meets both of the following criteria: 28144

(1) The responsible person who submitted the claim is 28145
eligible under division (D) of this section to receive payment of 28146
or reimbursement for the third-party compensation from the fund; 28147

(2) There is a legally enforceable judgment against the 28148
responsible person for bodily injury or property damage to one or 28149
more third parties resulting from the release in the amount stated 28150
in the claim, or, if there is a settlement with a third party as a 28151

result of the release, the amount of the settlement stated in the 28152
claim is reasonable. 28153

(D) A responsible person is not eligible to receive payment 28154
or reimbursement from the fund under division (B) or (C) of this 28155
section unless all of the following conditions are met: 28156

(1) At the time that the release was first suspected or 28157
confirmed, a responsible person possessed a valid certificate of 28158
coverage issued by the board under division (D) of section 3737.91 28159
of the Revised Code for the petroleum underground storage tank 28160
system from which the release occurred; 28161

(2) One of the following applies: 28162

(a) The petroleum underground storage tank system from which 28163
the release occurred was registered in compliance with rules 28164
adopted by the ~~fire marshal~~ superintendent under section 3737.88 28165
of the Revised Code when the occurrence of the release was first 28166
suspected or confirmed; 28167

(b) The ~~fire marshal~~ superintendent has recommended that 28168
payment or reimbursement be made because good cause existed for 28169
the responsible person's failure to have so registered the 28170
petroleum underground storage tank system, and the responsible 28171
person has registered the petroleum underground storage tank 28172
system with the ~~fire marshal~~ superintendent and paid all back 28173
registration fees payable under those rules for registration of 28174
the system from the time the responsible person should have, but 28175
failed to register the system. 28176

(3) The ~~fire marshal~~ superintendent has determined that, when 28177
the claim was filed, a responsible person was in compliance with 28178
all orders issued under sections 3737.88 and 3737.882 of the 28179
Revised Code regarding the petroleum underground storage tank 28180
system from which the release occurred; 28181

(4) A responsible person demonstrates financial 28182

responsibility for the deductible amount applicable under section 28183
3737.91 of the Revised Code for the petroleum underground storage 28184
tank system from which the release has occurred; 28185

(5) The responsible person has not falsified any attestation 28186
contained on a registration application required by rules adopted 28187
under section 3737.88 of the Revised Code; 28188

(6) The petroleum underground storage tank system from which 28189
the release occurred was in compliance with rules, other than 28190
rules regarding registration, adopted by the ~~fire marshal~~ 28191
superintendent under section 3737.88 of the Revised Code when the 28192
occurrence of the release was first suspected or confirmed. 28193

(E) The director of the fund may make a determination to 28194
approve or disapprove a claim and to authorize a disbursement from 28195
the fund for payment of an approved claim administratively without 28196
a hearing. If the director of the fund makes a determination 28197
regarding a claim that is inconsistent with a recommendation or 28198
determination of the ~~fire marshal~~ superintendent for purposes of 28199
division (B)(2) or (3) or (D)(2), (3), or (5) of this section, the 28200
director shall detail those inconsistencies in a written finding 28201
of fact before authorizing any disbursement from the fund for 28202
payment of the claim. Upon making a determination of a claim under 28203
this section, the director of the fund shall provide written 28204
notice of the determination and a copy of any written finding of 28205
fact accompanying the determination to the responsible person who 28206
submitted the claim and to the ~~fire marshal~~ superintendent. 28207

(F) If the responsible person who submitted a claim under 28208
this section or the ~~fire marshal~~ superintendent objects to the 28209
determination of the claim made by the director of the fund and 28210
files an objection to the determination with the board within 28211
thirty days after the mailing of the notification of the 28212
determination and finding of fact, if any, the board shall appoint 28213
a referee to conduct an adjudication hearing on the determination. 28214

The adjudication hearing shall be conducted in accordance with 28215
section 119.09 of the Revised Code. For the purposes of 28216
adjudication hearings on determinations of the director of the 28217
fund, the term "agency" as used in that section includes the 28218
board. 28219

If any party is aggrieved by an order of the board made after 28220
the adjudication hearing on the determination, the party may 28221
appeal the order in accordance with section 119.12 of the Revised 28222
Code. For the purposes of appeals of any such orders, the ~~terms~~ 28223
~~"fire marshal" and term~~ "building" as used in that section ~~include~~ 28224
~~the board and includes the~~ petroleum underground storage tank, 28225
~~respectively.~~ 28226

(G) Neither the state, the board, nor the director of the 28227
fund is liable to any responsible person to pay the cost of any 28228
corrective action or of third party compensation for a release of 28229
petroleum when the fund is depeleted of moneys because the amount 28230
of the claims made on the fund exceeds the unobligated balance in 28231
the fund. However, upon assessing and collecting a supplemental 28232
fee under division (C) of section 3737.91 of the Revised Code, the 28233
board shall again consider the claim of a responsible person whose 28234
claim was not initially honored because of the insufficiency of 28235
unobligated balances in the fund to pay that person's claim. 28236

The inability of a responsible person to obtain money from 28237
the fund does not in any manner limit the liability of a 28238
responsible person for a release of petroleum. 28239

(H) Neither the right to apply for payment or reimbursement 28240
nor the receipt of payment or reimbursement under this section 28241
limits the liability of any responsible person to the state for 28242
the payment of any corrective action or enforcement costs under 28243
sections 3737.882 and 3737.89 of the Revised Code, or to any third 28244
party for bodily injury or property damage, resulting from a 28245
release of petroleum from an underground storage tank system owned 28246

or operated by the responsible person. Neither the right to apply 28247
for payment or reimbursement under this section nor any delay by 28248
the board or director of the fund in acting upon any claim for any 28249
such payment or reimbursement limits or postpones the duty of any 28250
responsible person to comply with any order of the ~~fire marshal~~ 28251
superintendent issued under section 3737.88 or 3737.882 of the 28252
Revised Code. 28253

(I) The board, upon payment to or reimbursement of a 28254
responsible person from the fund for corrective action costs or 28255
the cost of compensation to third parties for bodily injury or 28256
property damage, is entitled by subrogation to all rights of the 28257
responsible person to recover those costs from any other person. 28258
The attorney general, upon the request of the board, may bring a 28259
civil action to recover those costs in the court of common pleas 28260
of the county in which the release of petroleum occurred. 28261

(J) Nothing in this section limits the right of the federal 28262
government to recover from the responsible person any federal 28263
money expended for any corrective or enforcement action as a 28264
result of a release of petroleum. 28265

(K) If the responsible person described in division (D) of 28266
this section is a state agency, any payments or reimbursements 28267
received by the state agency under this section shall be deposited 28268
into the fund from which the expenditures for the corrective 28269
action or third party compensation originally were made. 28270

Sec. 3737.98. (A) Upon placement of a petroleum underground 28271
storage tank linked deposit with an eligible lending institution, 28272
the institution shall lend the funds to each approved eligible 28273
owner listed in the petroleum underground storage tank linked 28274
deposit loan package required by division (D) of section 3737.96 28275
of the Revised Code and in accordance with the linked deposit 28276
agreement required by division (C) of section 3737.97 of the 28277

Revised Code. The loan shall be at a rate below the present 28278
borrowing rate determined in the agreement with the petroleum 28279
underground storage tank release compensation board applicable to 28280
each eligible owner. A certificate of compliance with this 28281
section, in the form and manner prescribed by the board, shall be 28282
required for the eligible lending institution. The borrowing rate 28283
set by the agreement shall be uniform and may not be revised 28284
during the period of the deposit. 28285

(B) The board shall take any and all steps necessary to 28286
implement the petroleum underground storage tank linked deposit 28287
program and to monitor the compliance of eligible lending 28288
institutions and eligible owners, including the development of 28289
guidelines for those purposes as necessary. 28290

(C) The board and the ~~fire marshal~~ superintendent of 28291
industrial compliance shall notify owners of petroleum underground 28292
storage tanks of the linked deposit program and its eligibility 28293
requirements. Annually, on or before the first day of February, 28294
the board shall report on the petroleum underground storage tank 28295
linked deposit program for the preceding calendar year to the 28296
governor, speaker of the house of representatives, and president 28297
of the senate. The speaker of the house of representatives and 28298
president of the senate shall transmit copies of the report to the 28299
~~chairmen~~ chairpersons of their respective standing committees that 28300
customarily consider legislation regarding underground storage 28301
tanks and the environment. The report shall set forth the 28302
petroleum underground storage tank linked deposits made by the 28303
board during the preceding year and shall include information 28304
regarding the nature, terms, and amounts of loans upon which the 28305
linked deposits were made and the eligible owners to which the 28306
loans were made. 28307

Sec. 3741.14. (A) Each filling station offering self-service 28308

shall be operated in accordance with national fire protection 28309
association standard number 30A-1990, and the provisions of the 28310
"Occupational Safety and Health Act of 1970," 84 Stat. 1590, 5 28311
U.S.C.A. 5108, and any amendments thereto and standards adopted 28312
thereunder. 28313

(B) The ~~fire marshal~~ superintendent of the division of 28314
industrial compliance shall adopt, as part of the state fire code, 28315
rules governing the equipment, operation, and maintenance of 28316
filling stations. The rules shall be such as are necessary for the 28317
protection of the persons and property of the public, but shall 28318
require as a minimum that: 28319

(1) Gasoline and other flammable or combustible liquids be 28320
dispensed only by a person who is not smoking; 28321

(2) A sign, in block letters at least four inches in height, 28322
be conspicuously displayed on each gasoline pump island where 28323
self-service is offered stating that it is a self-service island; 28324

(3) Signs giving instructions for the operation of gasoline 28325
dispensing equipment, in block letters, be conspicuously posted at 28326
each filling station offering self-service; 28327

(4) A sign bearing the following words in block letters be 28328
conspicuously posted on each gasoline pump island where 28329
self-service is offered: 28330

(a) "STOP ENGINE"; 28331

(b) "NO SMOKING"; 28332

(c) "WARNING--IT IS UNLAWFUL AND DANGEROUS TO DISPENSE 28333
GASOLINE INTO UNAPPROVED CONTAINERS"; 28334

(d) "PERSONS USING DISPENSERS WITH HOLD-OPEN LATCHES MUST 28335
REMAIN AT THE REFUELING POINT DURING REFUELING". 28336

(5) All signs required by this section be constructed of 28337
rigid, weather-resistant material; 28338

(6) Gasoline dispensing nozzles used by any person other than a supervisor, employee, or attendant be of an approved automatic closing type. Any person other than a supervisor, employee, or attendant using a dispenser with a hold-open latch shall remain at the refueling point during refueling.

(C) The ~~fire marshal~~ superintendent shall not prohibit the operation of a filling station offering self-service solely because it is an unattended filling station that utilizes key- or card-operated self-service flammable or combustible liquid dispensing equipment.

(D) Nothing in this section shall be interpreted to prohibit the ~~fire marshal~~ superintendent from adopting reasonable rules governing the safety of self-service flammable or combustible liquid dispensing equipment.

Sec. 3741.15. The superintendent of the division of industrial compliance shall have exclusive responsibility for permitting, and the inspection of, above-ground storage tanks containing petroleum or petroleum products at bulk plants and terminals in this state. The superintendent, in consultation with the board of building standards, shall adopt those rules necessary to carry out this section.

Sec. 3743.57. (A) All fees collected by the fire marshal for licenses or permits issued pursuant to this chapter shall be deposited into the state fire marshal's fund, and interest earned on the amounts in the fund shall be credited by the treasurer of state to the fund.

(B) There is hereby established in the state treasury the fire marshal's fireworks training and education fund. The fire marshal shall deposit all assessments paid under this division into the state treasury to the credit of the fund. Each fireworks

manufacturer and fireworks wholesaler licensed under this chapter 28369
shall pay assessments to the fire marshal for deposit into the 28370
fund as required by this division. 28371

The fire marshal shall impose an initial assessment upon each 28372
licensed fireworks manufacturer and wholesaler in order to 28373
establish a fund balance of fifteen thousand dollars. The fund 28374
balance shall at no time exceed fifteen thousand dollars, and the 28375
fire marshal shall impose no further assessments unless the fund 28376
balance is reduced to five thousand dollars or less. If the fund 28377
balance is reduced to five thousand dollars or less, the fire 28378
marshal shall impose an additional assessment upon each licensed 28379
fireworks manufacturer and wholesaler in order to increase the 28380
fund balance to fifteen thousand dollars. The fire marshal shall 28381
determine the amount of the initial assessment on each 28382
manufacturer or wholesaler and each additional assessment by 28383
dividing the total amount needed to be paid into the fund by the 28384
total number of fireworks manufacturers and wholesalers licensed 28385
under this chapter. If a licensed fireworks manufacturer or 28386
wholesaler fails to pay an assessment required by this division 28387
within thirty days after receiving notice of the assessment, the 28388
fire marshal, in accordance with Chapter 119. of the Revised Code, 28389
may refuse to issue, or may revoke, the appropriate license. 28390

The fire marshal shall in the fire marshal's discretion use 28391
amounts in the fund for fireworks training and education purposes, 28392
including, but not limited to, the creation of educational and 28393
training programs, attendance by the fire marshal and the fire 28394
marshal's employees at conferences and seminars, the payment of 28395
travel and meal expenses associated with such attendance, 28396
participation by the fire marshal and the fire marshal's employees 28397
in committee meetings and other meetings related to pyrotechnic 28398
codes, and the payment of travel and meal expenses associated with 28399
such participation. The use of the fund shall comply with rules of 28400

the department of ~~commerce~~ public safety, policies and procedures 28401
established by the director of budget and management, and all 28402
other applicable laws. 28403

Sec. 3743.75. (A) During the period beginning on ~~the~~ 28404
~~effective date of this section~~ June 29, 2001, and ending on 28405
December 15, 2005, the state fire marshal shall not do any of the 28406
following: 28407

(1) Issue a license as a manufacturer of fireworks under 28408
sections 3743.02 and 3743.03 of the Revised Code to a person for a 28409
particular fireworks plant unless that person possessed such a 28410
license for that fireworks plant immediately prior to ~~the~~ 28411
~~effective date of this section~~ June 29, 2001; 28412

(2) Issue a license as a wholesaler of fireworks under 28413
sections 3743.15 and 3743.16 of the Revised Code to a person for a 28414
particular location unless that person possessed such a license 28415
for that location immediately prior to ~~the effective date of this~~ 28416
~~section~~ June 29, 2001; 28417

(3) Except as provided in division (B) of this section, 28418
approve the transfer of a license as a manufacturer or wholesaler 28419
of fireworks issued under this chapter to any location other than 28420
a location for which a license was issued under this chapter 28421
immediately prior to ~~the effective date of this section~~ June 29, 28422
2001. 28423

(B) Division (A)(3) of this section does not apply to a 28424
transfer that the state fire marshal approves under division 28425
(D)(2) of section 3743.17 of the Revised Code. Section 3743.59 of 28426
the Revised Code does not apply to this section. 28427

(C) The department of ~~commerce~~ public safety and the division 28428
of state fire marshal shall devise, by December 15, 2005, a 28429
proposal to provide for the issuance of manufacturer and 28430

wholesaler of fireworks licenses that is based upon demographics 28431
and designed to ensure the safety of the public and send a copy of 28432
the proposal to the president of the senate and speaker of the 28433
house of representatives. 28434

Sec. 3745.04. As used in this section, "any person" means any 28435
individual, any partnership, corporation, association, or other 28436
legal entity, or any political subdivision, instrumentality, or 28437
agency of a state, whether or not the individual or legal entity 28438
is an applicant for or holder of a license, permit, or variance 28439
from the environmental protection agency, and includes any 28440
department, agency, or instrumentality of the federal government 28441
that is an applicant for or holder of a license, permit, or 28442
variance from the environmental protection agency. 28443

As used in this section, "action" or "act" includes the 28444
adoption, modification, or repeal of a rule or standard, the 28445
issuance, modification, or revocation of any lawful order other 28446
than an emergency order, and the issuance, denial, modification, 28447
or revocation of a license, permit, lease, variance, or 28448
certificate, or the approval or disapproval of plans and 28449
specifications pursuant to law or rules adopted thereunder. 28450

Any person who was a party to a proceeding before the 28451
director of environmental protection may participate in an appeal 28452
to the environmental review appeals commission for an order 28453
vacating or modifying the action of the director or a local board 28454
of health, or ordering the director or board of health to perform 28455
an act. The environmental review appeals commission has exclusive 28456
original jurisdiction over any matter that may, under this 28457
section, be brought before it. 28458

The person so appealing to the commission shall be known as 28459
appellant, and the director and any party to a proceeding 28460
substantially supporting the finding from which the appeal is 28461

taken shall be known as appellee, except that when an appeal 28462
involves a license to operate a disposal site or facility, the 28463
local board of health or the director of environmental protection, 28464
and any party to a proceeding substantially supporting the finding 28465
from which the appeal is taken, shall, as appropriate, be known as 28466
the appellee. Appellant and appellee shall be deemed to be parties 28467
to the appeal. 28468

The appeal shall be in writing and shall set forth the action 28469
complained of and the grounds upon which the appeal is based. 28470

The appeal shall be filed with the commission within thirty 28471
days after notice of the action. Notice of the filing of the 28472
appeal shall be filed with the appellee within three days after 28473
the appeal is filed with the commission. 28474

The appeal shall be accompanied by a filing fee of ~~sixty~~ 28475
seventy dollars, which the commission, in its discretion, may 28476
~~waive in cases of~~ reduce if by affidavit the appellant 28477
demonstrates that payment of the full amount of the fee would 28478
cause extreme hardship. 28479

Within seven days after receipt of the notice of appeal, the 28480
director or local board of health shall prepare and certify to the 28481
commission a record of the proceedings out of which the appeal 28482
arises, including all documents and correspondence, and a 28483
transcript of all testimony. 28484

Upon the filing of the appeal, the commission shall fix the 28485
time and place at which the hearing on the appeal will be held. 28486
The commission shall give the appellant and the appellee at least 28487
ten days' written notice thereof by certified mail. The commission 28488
shall hold the hearing within thirty days after the notice of 28489
appeal is filed. The commission may postpone or continue any 28490
hearing upon its own motion or upon application of the appellant 28491
or of the appellee. 28492

The filing of an appeal does not automatically suspend or 28493
stay execution of the action appealed from. Upon application by 28494
the appellant, the commission may suspend or stay the execution 28495
pending immediate determination of the appeal without interruption 28496
by continuances, other than for unavoidable circumstances. 28497

As used in this section and sections 3745.05 and 3745.06 of 28498
the Revised Code, "director of environmental protection" and 28499
"director" are deemed to include the director of agriculture and 28500
"environmental protection agency" is deemed to include the 28501
department of agriculture with respect to actions that are 28502
appealable to the commission under Chapter 903. of the Revised 28503
Code. 28504

Sec. 3745.11. (A) Applicants for and holders of permits, 28505
licenses, variances, plan approvals, and certifications issued by 28506
the director of environmental protection pursuant to Chapters 28507
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 28508
to the environmental protection agency for each such issuance and 28509
each application for an issuance as provided by this section. No 28510
fee shall be charged for any issuance for which no application has 28511
been submitted to the director. 28512

(B) ~~Prior to January 1, 1994, each~~ Each person who is issued 28513
a ~~permit to operate, variance, or permit to install~~ prior to July 28514
1, 2003, pursuant to rules adopted under division (F) of section 28515
3704.03 of the Revised Code shall pay the fees specified in the 28516
following ~~schedule~~ schedules: 28517

(1) Fuel-Burning Equipment <u>(boilers)</u>				28518
Input capacity <u>(maximum)</u>	<u>Permit</u>		<u>Permit</u>	28519
(million British	to		to	28520
thermal units per hour)	operate	<u>Variance</u>	install	28521
<u>Greater than 0 or more, but</u>	\$ 75	<u>\$225</u>	<u>\$ 100 200</u>	28522
less than 10				28523

10 or more, but less than 100	210	450	390 <u>400</u>	28524
100 or more, but less than 300	270	675	585 <u>800</u>	28525
300 or more, but less than 500	330	900	780	28526
			<u>1500</u>	
500 or more, <u>but less than 1000</u>	500	975	1000	28527
			<u>2500</u>	
<u>1000 or more, but less than 5000</u>			<u>4000</u>	28528
<u>5000 or more</u>			<u>6000</u>	28529

Units burning exclusively natural gas, number two fuel oil, 28530
or both shall be assessed a fee that is one-half of the applicable 28531
amount established in division (F)(1) of this section. 28532

~~Any fuel burning equipment using only natural gas, propane,~~ 28533
~~liquefied petroleum gas, or number two or lighter fuel oil shall~~ 28534
~~be assessed a fee one half of that shown.~~ 28535

(2) Incinerators 28536

	Permit		Permit	28537
Input capacity	to		to	28538
(pounds per hour)	operate	Variance	install	28539
0 to 50 <u>100</u>	\$ 50	\$225	\$ 65 <u>100</u>	28540
51 <u>101</u> to 500	210	450	390 <u>400</u>	28541
501 to 2000	270	675	585 <u>750</u>	28542
2001 to 30,000 <u>20,000</u>	330	900	780	28543
			<u>1000</u>	
more than 30,000 <u>20,000</u>	500	975	1000	28544
			<u>2500</u>	

~~(3)~~(a) Process 28545

	Permit		Permit	28546
Process weight rate	to		to	28547
(pounds per hour)	operate	Variance	install	28548
0 to 1000	\$100	\$225	\$ 200	28549
1001 to 5000	210	450	390 <u>400</u>	28550
5001 to 10,000	270	675	585 <u>600</u>	28551

10,001 to 50,000	330	900	780 800	28552
more than 50,000	500	975	1000	28553

In any process where process weight rate cannot be 28554
ascertained, the minimum fee shall be assessed. 28555

(b) Notwithstanding division (B)(3)(a) of this section, any 28556
person issued a permit to install pursuant to rules adopted under 28557
division (F) of section 3704.03 of the Revised Code shall pay the 28558
fees established in division (B)(3)(c) of this section for a 28559
process used in any of the following industries, as identified by 28560
the applicable four-digit standard industrial classification code 28561
according to the Standard Industrial Classification Manual 28562
published by the United States office of management and budget in 28563
the executive office of the president, 1972, as revised: 28564

1211 Bituminous coal and lignite mining; 28565

1213 Bituminous coal and lignite mining services; 28566

1411 Dimension stone; 28567

1422 Crushed and broken limestone; 28568

1427 Crushed and broken stone, not elsewhere classified; 28569

1442 Construction sand and gravel; 28570

1446 Industrial sand; 28571

3281 Cut stone and stone products; 28572

3295 Minerals and earth, ground or otherwise treated. 28573

(c) The fees established in the following schedule apply to 28574
the issuance of a permit to install pursuant to rules adopted 28575
under division (F) of section 3704.03 of the Revised Code for a 28576
process listed in division (B)(3)(b) of this section: 28577

<u>Process weight rate</u>	<u>Permit to</u>	28578
<u>(pounds per hour)</u>	<u>install</u>	28579
<u>0 to 1000</u>	<u>\$ 200</u>	28580

<u>10,001 to 50,000</u>			<u>300</u>	28581
<u>50,001 to 100,000</u>			<u>400</u>	28582
<u>100,001 to 200,000</u>			<u>500</u>	28583
<u>200,001 to 400,000</u>			<u>600</u>	28584
<u>400,001 or more</u>			<u>700</u>	28585
(4) Storage tanks				28586
Gallons (<u>maximum useful</u> capacity)	Permit		Permit	28587
	to		to	28588
	operate	Variance	install	28589
				28590
Less than 40,000 <u>0 to 20,000</u>	\$150	\$225	\$ 195 <u>100</u>	28591
20,001 to 40,000 or more, but less				28592
than 100,000	210	450	390 <u>150</u>	28593
100,000 or more, but less				28594
than 400,000	270	675	585	28595
400,000 or more, but less				28596
than <u>40,001 to 100,000</u>			<u>200</u>	28597
<u>100,001 to 250,000</u>			<u>250</u>	28598
<u>250,001 to 500,000</u>			<u>350</u>	28599
<u>500,001 to 1,000,000</u>	330	900	780 <u>500</u>	28600
1,000,000 <u>1,000,001 or more</u> <u>greater</u>	500	975	1000 <u>750</u>	28601
(5) Gasoline				28602
Gasoline/ <u>fuel</u> dispensing	Permit		Permit	28603
facilities	to		to	28604
	operate	Variance	install	28605
For each gasoline/ <u>fuel</u>				28606
dispensing facility	\$20	\$100	\$50 <u>100</u>	28607
(6) Dry cleaning				28608
Dry cleaning	Permit		Permit	28609
facilities	to		to	28610
	operate	Variance	install	28611
For each dry cleaning				28612

facility (<u>includes all units</u>	\$50	\$200	\$100	28613
<u>at the facility)</u>				28614
(7) Coal mining operations regulated under Chapter 1513. of				28615
the Revised Code shall be assessed a fee of two hundred fifty				28616
dollars per mine or location. <u>Registration status</u>				28617
		<u>Permit</u>		28618
		<u>to</u>		28619
		<u>install</u>		28620
<u>For each source covered by registration status</u>		<u>\$75</u>		28621
(C)(1) Except as otherwise provided in division (C)(2) of				28622
this section, beginning July 1, 1994, each person who owns or				28623
operates an air contaminant source and who is required to apply				28624
for and obtain a Title V permit under section 3704.036 of the				28625
Revised Code shall pay the fees set forth in division (C)(1) of				28626
this section. For the purposes of that division, total emissions				28627
of air contaminants may be calculated using engineering				28628
calculations, emissions factors, material balance calculations, or				28629
performance testing procedures, as authorized by the director.				28630
The following fees shall be assessed on the total actual				28631
emissions from a source in tons per year of the regulated				28632
pollutants particulate matter, sulfur dioxide, nitrogen oxides,				28633
organic compounds, and lead:				28634
(a) Fifteen dollars per ton on the total actual emissions of				28635
each such regulated pollutant during the period July through				28636
December 1993, to be collected no sooner than July 1, 1994;				28637
(b) Twenty dollars per ton on the total actual emissions of				28638
each such regulated pollutant during calendar year 1994, to be				28639
collected no sooner than April 15, 1995;				28640
(c) Twenty-five dollars per ton on the total actual emissions				28641
of each such regulated pollutant in calendar year 1995, and each				28642
subsequent calendar year, to be collected no sooner than the				28643

fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred. 28644
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The fees levied under division (C)(1) of this section do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year. 28646
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(2) The fees assessed under division (C)(1) of this section are for the purpose of providing funding for the Title V permit program. 28649
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(3) The fees assessed under division (C)(1) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year. 28652
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(4) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (C) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice. 28662
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(D)(1) Except as provided in division (D)~~(2)~~(3) of this section, ~~beginning from~~ from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division 28670
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(H), of section 3704.03 of the Revised Code; and who is not 28675
required to apply for and obtain a Title V permit under section 28676
3704.036 of the Revised Code shall pay a single fee based upon the 28677
sum of the actual annual emissions from the facility of the 28678
regulated pollutants particulate matter, sulfur dioxide, nitrogen 28679
oxides, organic compounds, and lead in accordance with the 28680
following schedule: 28681

Total tons per year 28682		
of regulated pollutants 28683	Annual fee	
emitted 28684	per facility	
More than 0, but less than 50 28685	\$ 75	
50 or more, but less than 100 28686	300	
100 or more 28687	700	

(2) Except as provided in division (D)(3) of this section, 28688
beginning January 1, 2004, each person who owns or operates an air 28689
contaminant source; who is required to apply for a permit to 28690
operate pursuant to rules adopted under division (G), or a 28691
variance pursuant to division (H), of section 3704.03 of the 28692
Revised Code; and who is not required to apply for and obtain a 28693
Title V permit under section 3704.03 of the Revised Code shall pay 28694
a single fee based upon the sum of the actual annual emissions 28695
from the facility of the regulated pollutants particulate matter, 28696
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 28697
accordance with the following schedule: 28698

<u>Total tons per year</u> 28699		
<u>of regulated pollutants</u> 28700	<u>Annual fee</u>	
<u>emitted</u> 28701	<u>per facility</u>	
<u>More than 0, but less than 10</u> 28702	<u>\$ 100</u>	
<u>10 or more, but less than 50</u> 28703	<u>200</u>	
<u>50 or more, but less than 100</u> 28704	<u>300</u>	
<u>100 or more</u> 28705	<u>700</u>	

(3)(a) As used in division (D) of this section, "synthetic" 28706

minor facility" means a facility for which one or more permits to 28707
install or permits to operate have been issued for the air 28708
contaminant sources at the facility that include terms and 28709
conditions that lower the facility's potential to emit air 28710
contaminants below the major source thresholds established in 28711
rules adopted under section 3704.036 of the Revised Code. 28712

(b) Beginning January 1, 2000, through June 30, ~~2004~~ 2006, 28713
each person who owns or operates a synthetic minor facility shall 28714
pay an annual fee based on the sum of the actual annual emissions 28715
from the facility of particulate matter, sulfur dioxide, nitrogen 28716
dioxide, organic compounds, and lead in accordance with the 28717
following schedule: 28718

Combined total tons 28719		
per year of all regulated 28720	Annual fee	
pollutants emitted 28721	per facility	
Less than 10 28722	\$ 170	
10 or more, but less than 20 28723	340	
20 or more, but less than 30 28724	670	
30 or more, but less than 40 28725	1,010	
40 or more, but less than 50 28726	1,340	
50 or more, but less than 60 28727	1,680	
60 or more, but less than 70 28728	2,010	
70 or more, but less than 80 28729	2,350	
80 or more, but less than 90 28730	2,680	
90 or more, but less than 100 28731	3,020	
100 or more 28732	3,350	

~~(3)~~(4) The fees assessed under division (D)(1) of this 28733
section shall be collected annually no sooner than the fifteenth 28734
day of April, commencing in 1995. The fees assessed under division 28735
(D)(2) of this section shall be collected annually no sooner than 28736
the fifteenth day of April, commencing in 2005. The fees assessed 28737
under division (D)~~(2)~~(3) of this section shall be collected no 28738

sooner than the fifteenth day of April, commencing in 2000. The 28739
fees assessed under division (D) of this section in a calendar 28740
year shall be based upon the sum of the actual emissions of those 28741
regulated pollutants during the preceding calendar year. For the 28742
purpose of division (D) of this section, emissions of air 28743
contaminants may be calculated using engineering calculations, 28744
emission factors, material balance calculations, or performance 28745
testing procedures, as authorized by the director. The director, 28746
by rule, may require persons who are required to pay the fees 28747
assessed under division (D) of this section to pay those fees 28748
biennially rather than annually. 28749

(E)(1) Consistent with the need to cover the reasonable costs 28750
of the Title V permit program, the director annually shall 28751
increase the fees prescribed in division (C)(1) of this section by 28752
the percentage, if any, by which the consumer price index for the 28753
most recent calendar year ending before the beginning of a year 28754
exceeds the consumer price index for calendar year 1989. Upon 28755
calculating an increase in fees authorized by division (E)(1) of 28756
this section, the director shall compile revised fee schedules for 28757
the purposes of division (C)(1) of this section and shall make the 28758
revised schedules available to persons required to pay the fees 28759
assessed under that division and to the public. 28760

(2) For the purposes of division (E)(1) of this section: 28761

(a) The consumer price index for any year is the average of 28762
the consumer price index for all urban consumers published by the 28763
United States department of labor as of the close of the 28764
twelve-month period ending on the thirty-first day of August of 28765
that year. 28766

(b) If the 1989 consumer price index is revised, the director 28767
shall use the revision of the consumer price index that is most 28768
consistent with that for calendar year 1989. 28769

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after ~~January 1, 1994~~ July 1, 2003, shall pay the fees specified in the following schedules:

(1) <u>Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)</u>		28774
Input capacity (maximum)		28775
(million British thermal units per hour)	Permit to install	28776
Greater than 0, but less than 10	\$ 200	28777
10 or more, but less than 100	400	28778
100 or more, but less than 300	800 <u>1000</u>	28779
300 or more, but less than 500	1500 <u>2250</u>	28780
500 or more, but less than 1000	2500 <u>3750</u>	28781
1000 or more, but less than 5000	4000 <u>6000</u>	28782
5000 or more	6000 <u>9000</u>	28783

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) <u>Combustion turbines and stationary internal combustion engines designed to generate electricity</u>		28784
<u>Generating capacity (mega watts)</u>	<u>Permit to install</u>	28785
<u>0 or more, but less than 10</u>	<u>\$ 25</u>	28786
<u>10 or more, but less than 25</u>	<u>150</u>	28787
<u>25 or more, but less than 50</u>	<u>300</u>	28788
<u>50 or more, but less than 100</u>	<u>500</u>	28789
<u>100 or more, but less than 250</u>	<u>1000</u>	28790
<u>250 or more</u>	<u>2000</u>	28791

(3) Incinerators		28792
Input capacity (pounds per hour)	Permit to install	28793
0 to 100	\$ 100	28800

101 to 500	400 <u>500</u>	28801
501 to 2000	750 <u>1000</u>	28802
2001 to 20,000	1000 <u>1500</u>	28803
more than 20,000	2500 <u>3750</u>	28804

~~(3)~~(4)(a) Process 28805

Process weight rate (pounds per hour)	Permit to install	28806
0 to 1000	\$ 200	28807
1001 to 5000	400 <u>500</u>	28808
5001 to 10,000	600 <u>750</u>	28809
10,001 to 50,000	800 <u>1000</u>	28810
more than 50,000	1000 <u>1250</u>	28811

In any process where process weight rate cannot be 28812
ascertained, the minimum fee shall be assessed. A boiler, furnace, 28813
combustion turbine, stationary internal combustion engine, or 28814
process heater designed to provide direct heat or power to a 28815
process not designed to generate electricity shall be assessed a 28816
fee established in division (F)(4)(a) of this section. A 28817
combustion turbine or stationary internal combustion engine 28818
designed to generate electricity shall be assessed a fee 28819
established in division (F)(2) of this section. 28820

(b) Notwithstanding division (F)(3)(a) of this section, any 28821
person issued a permit to install pursuant to rules adopted under 28822
division (F) of section 3704.03 of the Revised Code shall pay the 28823
fees set forth in division (F)(3)(c) of this section for a process 28824
used in any of the following industries, as identified by the 28825
applicable four-digit standard industrial classification code 28826
according to the Standard Industrial Classification Manual 28827
published by the United States office of management and budget in 28828
the executive office of the president, 1972, as revised: 28829

1211 Bituminous coal and lignite mining; 28830

1213 Bituminous coal and lignite mining services; 28831

1411 Dimension stone;		28832
1422 Crushed and broken limestone;		28833
1427 Crushed and broken stone, not elsewhere classified;		28834
1442 Construction sand and gravel;		28835
1446 Industrial sand;		28836
3281 Cut stone and stone products;		28837
3295 Minerals and earth, ground or otherwise treated.		28838
(c) The fees set forth in the following schedule apply to the		28839
issuance of a permit to install pursuant to rules adopted under		28840
division (F) of section 3704.03 of the Revised Code for a process		28841
identified in division (F)(3)(b) of this section:		28842
Gallons (maximum		28843
useful capacity <u>Process weight rate</u>	Permit to install	28844
<u>(pounds per hour)</u>		
0 to 20,000 <u>10,000</u>	\$ 100 <u>200</u>	28845
20,001 <u>10,001</u> to 40,000 <u>50,000</u>	150 <u>400</u>	28846
40,001 <u>50,001</u> to 100,000	200 <u>500</u>	28847
100,001 to 250,000 <u>200,000</u>	250 <u>600</u>	28848
250,001 <u>200,001</u> to 500,000 <u>400,000</u>	350 <u>750</u>	28849
500,001 to 1,000,000	500	28850
1,000,001 <u>400,001</u> or greater <u>more</u>	750 <u>900</u>	28851
(4)(5) <u>(5)</u> Storage tanks		28852
Gallons (maximum useful capacity)	Permit to install	28853
0 to 20,000	\$ 100	28854
20,001 to 40,000	150	28855
40,001 to 100,000	200 <u>250</u>	28856
100,001 to 250,000	250	28857
250,001 to 500,000	350 <u>400</u>	28858
500,001 to 1,000,000	500	28859
1,000,001 or greater	750	28860

(5) (6) Gasoline/fuel dispensing facilities		28861
For each gasoline/fuel dispensing facility (<u>includes all units at the facility</u>)	Permit to install \$ 100	28862 28863
(6) (7) Dry cleaning facilities		28864
For each dry cleaning facility (includes all units at the facility)	Permit to install \$ 100	28865 28866 28867
(7) (8) Registration status		28868
For each source covered by registration status	Permit to install \$ 75	28869 28870
(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay the fees set forth in the following schedule:		28871 28872 28873 28874
Action	Fee	28875
Each notification	\$75	28876
Asbestos removal	\$3/unit	28877
Asbestos cleanup	\$4/cubic yard	28878
For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.		28879 28880
(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars.		28881 28882 28883 28884 28885 28886
(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to		28887 28888 28889 28890

obtain a permit to install the source. The fee assessed by this 28891
division only applies to modifications that are initiated by the 28892
owner or operator of the source and shall not exceed two thousand 28893
dollars. 28894

(J) Notwithstanding division (B) or (F) of this section, a 28895
person who applies for or obtains a permit to install pursuant to 28896
rules adopted under division (F) of section 3704.03 of the Revised 28897
Code after the date actual construction of the source began shall 28898
pay a fee for the permit to install that is equal to twice the fee 28899
that otherwise would be assessed under the applicable division 28900
unless the applicant received authorization to begin construction 28901
under division (W) of section 3704.03 of the Revised Code. This 28902
division only applies to sources for which actual construction of 28903
the source begins on or after July 1, 1993. The imposition or 28904
payment of the fee established in this division does not preclude 28905
the director from taking any administrative or judicial 28906
enforcement action under this chapter, Chapter 3704., 3714., 28907
3734., or 6111. of the Revised Code, or a rule adopted under any 28908
of them, in connection with a violation of rules adopted under 28909
division (F) of section 3704.03 of the Revised Code. 28910

As used in this division, "actual construction of the source" 28911
means the initiation of physical on-site construction activities 28912
in connection with improvements to the source that are permanent 28913
in nature, including, without limitation, the installation of 28914
building supports and foundations and the laying of underground 28915
pipework. 28916

(K) Fifty cents per ton of each fee assessed under division 28917
(C) of this section on actual emissions from a source and received 28918
by the environmental protection agency pursuant to that division 28919
shall be deposited into the state treasury to the credit of the 28920
small business assistance fund created in section 3706.19 of the 28921
Revised Code. The remainder of the moneys received by the division 28922

pursuant to that division and moneys received by the agency 28923
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 28924
section shall be deposited in the state treasury to the credit of 28925
the clean air fund created in section 3704.035 of the Revised 28926
Code. 28927

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 28928
or (c) of this section, a person issued a water discharge permit 28929
or renewal of a water discharge permit pursuant to Chapter 6111. 28930
of the Revised Code shall pay a fee based on each point source to 28931
which the issuance is applicable in accordance with the following 28932
schedule: 28933

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	28935
1,001 to 5000	100	28936
5,001 to 50,000	200	28937
50,001 to 100,000	300	28938
100,001 to 300,000	525	28939
over 300,000	750	28940

(b) Notwithstanding the fee schedule specified in division 28941
(L)(1)(a) of this section, the fee for a water discharge permit 28942
that is applicable to coal mining operations regulated under 28943
Chapter 1513. of the Revised Code shall be two hundred fifty 28944
dollars per mine. 28945

(c) Notwithstanding the fee schedule specified in division 28946
(L)(1)(a) of this section, the fee for a water discharge permit 28947
for a public discharger identified by I in the third character of 28948
the permittee's NPDES permit number shall not exceed seven hundred 28949
fifty dollars. 28950

(2) A person applying for a plan approval for a wastewater 28951
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 28952
of the Revised Code shall pay a fee of one hundred dollars plus 28953
sixty-five one-hundredths of one per cent of the estimated project 28954

cost through June 30, ~~2004~~ 2006, and one hundred dollars plus 28955
two-tenths of one per cent of the estimated project cost on and 28956
after July 1, ~~2004~~ 2006, except that the total fee shall not 28957
exceed fifteen thousand dollars through June 30, ~~2004~~ 2006, and 28958
five thousand dollars on and after July 1, ~~2004~~ 2006. The fee 28959
shall be paid at the time the application is submitted. 28960

(3) A person issued a modification of a water discharge 28961
permit shall pay a fee equal to one-half the fee that otherwise 28962
would be charged for a water discharge permit, except that the fee 28963
for the modification shall not exceed four hundred dollars. 28964

(4) A person who has entered into an agreement with the 28965
director under section 6111.14 of the Revised Code shall pay an 28966
administrative service fee for each plan submitted under that 28967
section for approval that shall not exceed the minimum amount 28968
necessary to pay administrative costs directly attributable to 28969
processing plan approvals. The director annually shall calculate 28970
the fee and shall notify all persons who have entered into 28971
agreements under that section, or who have applied for agreements, 28972
of the amount of the fee. 28973

(5)(a)(i) Not later than January 30, ~~2002~~ 2004, and January 28974
30, ~~2003~~ 2005, a person holding an NPDES discharge permit issued 28975
pursuant to Chapter 6111. of the Revised Code with an average 28976
daily discharge flow of five thousand gallons or more shall pay a 28977
nonrefundable annual discharge fee. Any person who fails to pay 28978
the fee at that time shall pay an additional amount that equals 28979
ten per cent of the required annual discharge fee. 28980

(ii) The billing year for the annual discharge fee 28981
established in division (L)(5)(a)(i) of this section shall consist 28982
of a twelve-month period beginning on the first day of January of 28983
the year preceding the date when the annual discharge fee is due. 28984
In the case of an existing source that permanently ceases to 28985
discharge during a billing year, the director shall reduce the 28986

annual discharge fee, including the surcharge applicable to 28987
 certain industrial facilities pursuant to division (L)(5)(c) of 28988
 this section, by one-twelfth for each full month during the 28989
 billing year that the source was not discharging, but only if the 28990
 person holding the NPDES discharge permit for the source notifies 28991
 the director in writing, not later than the first day of October 28992
 of the billing year, of the circumstances causing the cessation of 28993
 discharge. 28994

(iii) The annual discharge fee established in division 28995
 (L)(5)(a)(i) of this section, except for the surcharge applicable 28996
 to certain industrial facilities pursuant to division (L)(5)(c) of 28997
 this section, shall be based upon the average daily discharge flow 28998
 in gallons per day calculated using first day of May through 28999
 thirty-first day of October flow data for the period two years 29000
 prior to the date on which the fee is due. In the case of NPDES 29001
 discharge permits for new sources, the fee shall be calculated 29002
 using the average daily design flow of the facility until actual 29003
 average daily discharge flow values are available for the time 29004
 period specified in division (L)(5)(a)(iii) of this section. The 29005
 annual discharge fee may be prorated for a new source as described 29006
 in division (L)(5)(a)(ii) of this section. 29007

(b) An NPDES permit holder that is a public discharger shall 29008
 pay the fee specified in the following schedule: 29009

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	29014
50,000 to 100,000	500	29015
100,001 to 250,000	1,050	29016
250,001 to 1,000,000	2,600	29017

1,000,001 to 5,000,000	5,200	29018
5,000,001 to 10,000,000	10,350	29019
10,000,001 to 20,000,000	15,550	29020
20,000,001 to 50,000,000	25,900	29021
50,000,001 to 100,000,000	41,400	29022
100,000,001 or more	62,100	29023

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	29036
	January 30,	29037
	2002 <u>2004</u> , and	29038
	January 30, 2003	29039
	<u>2005</u>	
5,000 to 49,999	\$ 250	29040
50,000 to 250,000	1,200	29041
250,001 to 1,000,000	2,950	29042
1,000,001 to 5,000,000	5,850	29043
5,000,001 to 10,000,000	8,800	29044
10,000,001 to 20,000,000	11,700	29045
20,000,001 to 100,000,000	14,050	29046
100,000,001 to 250,000,000	16,400	29047
250,000,001 or more	18,700	29048

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 surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2002~~ 2004, and not later than January 30, ~~2003~~ 2005. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(6) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(7) The director shall transmit all moneys collected under division (L) of this section to the treasurer of state for deposit into the state treasury to the credit of the surface water

protection fund created in section 6111.038 of the Revised Code.	29081
(8) As used in division (L) of this section:	29082
(a) "NPDES" means the federally approved national pollutant discharge elimination system program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.	29083 29084 29085 29086 29087
(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.	29088 29089 29090
(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.	29091 29092 29093
(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.	29094 29095 29096 29097
(M) Through June 30, 2004 <u>2006</u> , 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.	29098 29099 29100 29101 29102 29103 29104 29105 29106 29107
Fees required under this division shall be calculated and paid in accordance with the following schedule:	29108 29109
(1) For the initial license required under division (A)(1) of	29110

section 6109.21 of the Revised Code for any public water system 29111
that is a community water system as defined in section 6109.01 of 29112
the Revised Code, and for each license renewal required for such a 29113
system prior to January 31, ~~2004~~ 2006, the fee is: 29114

Number of service connections	Fee amount	
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Not more than 49	\$ 56 <u>112</u>	29116
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50 to 99	88 <u>176</u>	29117
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Number of service connections	Average cost per connection	
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100 to 2,499	\$.96 <u>1.92</u>	29119
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2,500 to 4,999	.92 <u>1.60</u>	29120
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5,000 to 7,499	.88 <u>1.54</u>	29121
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7,500 to 9,999	.84 <u>1.48</u>	29122
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10,000 to 14,999	.80 <u>1.28</u>	29123
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15,000 to 24,999	.76 <u>1.22</u>	29124
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25,000 to 49,999	.72 <u>1.16</u>	29125
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50,000 to 99,999	.68 <u>.92</u>	29126
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100,000 to 149,999	.64 <u>.86</u>	29127
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150,000 to 199,999	.60 <u>.80</u>	29128
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200,000 or more	.56 <u>.76</u>	29129
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A public water system may determine how it will pay the total 29130
amount of the fee calculated under division (M)(1) of this 29131
section, including the assessment of additional user fees that may 29132
be assessed on a volumetric basis. 29133

As used in division (M)(1) of this section, "service 29134
connection" means the number of active or inactive pipes, 29135
goosenecks, pigtails, and any other fittings connecting a water 29136
main to any building outlet. 29137

(2) For the initial license required under division (A)(2) of 29138
section 6109.21 of the Revised Code for any public water system 29139
that is not a community water system and serves a nontransient 29140
population, and for each license renewal required for such a 29141
system prior to January 31, ~~2004~~ 2006, the fee is: 29142

Population served	Fee amount	
Fewer than 150	\$ 56 <u>112</u>	29144
150 to 299	88 <u>176</u>	29145
300 to 749	192 <u>384</u>	29146
750 to 1,499	392 <u>686</u>	29147
1,500 to 2,999	792 <u>1,386</u>	29148
3,000 to 7,499	1,760 <u>3,080</u>	29149
7,500 to 14,999	3,800 <u>6,270</u>	29150
15,000 to 22,499	6,240 <u>10,296</u>	29151
22,500 to 29,999	8,576 <u>14,150</u>	29152
30,000 or more	11,600 <u>19,140</u>	29153

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>	29166
2	56 <u>112</u>	29167
3	88 <u>176</u>	29168
4	192 <u>316</u>	29169
5	392 <u>646</u>	29170
System supplied by surface water, springs, or dug wells	792 <u>1,300</u>	29172

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. 29175

(N)(1) A person applying for a plan approval for a public 29176
water supply system under section 6109.07 of the Revised Code 29177
shall pay a fee of one hundred fifty dollars plus ~~two-tenths~~ 29178
thirty-five hundredths of one per cent of the estimated project 29179
cost, except that the total fee shall not exceed ~~fifteen~~ twenty 29180
thousand dollars through June 30, ~~2004~~ 2006, and ~~five~~ fifteen 29181
thousand dollars on and after July 1, ~~2004~~ 2006. The fee shall be 29182
paid at the time the application is submitted. 29183

(2) A person who has entered into an agreement with the 29184
director under division (A)(2) of section 6109.07 of the Revised 29185
Code shall pay an administrative service fee for each plan 29186
submitted under that section for approval that shall not exceed 29187
the minimum amount necessary to pay administrative costs directly 29188
attributable to processing plan approvals. The director annually 29189
shall calculate the fee and shall notify all persons that have 29190
entered into agreements under that division, or who have applied 29191
for agreements, of the amount of the fee. 29192

(3) Through June 30, ~~2004~~ 2006, the following fee, on a per 29193
survey basis, shall be charged any person for services rendered by 29194
the state in the evaluation of laboratories and laboratory 29195
personnel for compliance with accepted analytical techniques and 29196
procedures established pursuant to Chapter 6109. of the Revised 29197
Code for determining the qualitative characteristics of water: 29198

microbiological	\$1,650	29199
<u>MMO-MUG</u>	<u>\$2,000</u>	29200
<u>MF</u>	<u>2,100</u>	29201
<u>MMO-MUG and MF</u>	<u>2,550</u>	29202
organic chemical	3,500 <u>5,400</u>	29203
inorganic chemical	3,500 <u>5,400</u>	29204
standard chemistry	1,800 <u>2,800</u>	29205
limited chemistry	1,000 <u>1,550</u>	29206

On and after July 1, ~~2004~~ 2006, the following fee, on a per 29207
survey basis, shall be charged any such person: 29208

microbiological	\$ 250 <u>1,650</u>	29209
chemical/radiological	250 <u>3,500</u>	29210
nitrate/turbidity (only)	150 <u>1,000</u>	29211

The fee for those services shall be paid at the time the request 29212
for the survey is made. Through June 30, ~~2004~~ 2006, an individual 29213
laboratory shall not be assessed a fee under this division more 29214
than once in any three-year period unless the person requests the 29215
addition of analytical methods or analysts, in which case the 29216
person shall pay eighteen hundred dollars for each additional 29217
survey requested. 29218

As used in division (N)(3) of this section: 29219

(a) "MF" means microfiltration. 29220

(b) "MMO" means minimal medium ONPG. 29221

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 29222

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 29223

The director shall transmit all moneys collected under this 29224
division to the treasurer of state for deposit into the drinking 29225
water protection fund created in section 6109.30 of the Revised 29226
Code. 29227

(O) Any person applying to the director for examination for 29228
certification as an operator of a water supply system or 29229
wastewater system under Chapter 6109. or 6111. of the Revised 29230
Code, at the time the application is submitted, shall pay an 29231
application fee of ~~twenty-five~~ forty-five dollars through June 30, 29232
~~2004~~ 2006, and ~~ten~~ twenty-five dollars on and after July 1, ~~2004~~ 29233
2006. Upon approval from the director that the applicant is 29234
eligible to take the examination therefor, the applicant shall pay 29235
a fee in accordance with the following schedule through June 30, 29236

2004 2006 :		29237
<u>Class A operator</u>	\$45	29238
Class I operator	\$45 75	29239
Class II operator	55 95	29240
Class III operator	65 110	29241
Class IV operator	75 125	29242

On and after July 1, ~~2004~~ 2006, the applicant shall pay a fee 29243
in accordance with the following schedule: 29244

<u>Class A operator</u>	\$25	29245
Class I operator	\$25 45	29246
Class II operator	35 55	29247
Class III operator	45 65	29248
Class IV operator	55 75	29249

A person shall pay a biennial certification renewal fee for 29250
each applicable class of certification in accordance with the 29251
following schedule: 29252

<u>Class A operator</u>	\$25	29253
<u>Class I operator</u>	35	29254
<u>Class II operator</u>	45	29255
<u>Class III operator</u>	55	29256
<u>Class IV operator</u>	65	29257

If a certification renewal fee is received by the director 29258
more than thirty days, but not more than one year after the 29259
expiration date of the certification, the person shall pay a 29260
certification renewal fee in accordance with the following 29261
schedule: 29262

<u>Class A operator</u>	\$45	29263
<u>Class I operator</u>	55	29264
<u>Class II operator</u>	65	29265
<u>Class III operator</u>	75	29266
<u>Class IV operator</u>	85	29267

A person who requests a replacement certificate shall pay a 29268

fee of twenty-five dollars at the time the request is made. 29269

The director shall transmit all moneys collected under this 29270
division to the treasurer of state for deposit into the drinking 29271
water protection fund created in section 6109.30 of the Revised 29272
Code. 29273

(P) Through June 30, 2004, any person submitting an 29274
application for an industrial water pollution control certificate 29275
under section 6111.31 of the Revised Code shall pay a 29276
nonrefundable fee of five hundred dollars at the time the 29277
application is submitted. The director shall transmit all moneys 29278
collected under this division to the treasurer of state for 29279
deposit into the surface water protection fund created in section 29280
6111.038 of the Revised Code. A person paying a certificate fee 29281
under this division shall not pay an application fee under 29282
division (S)(1) of this section. 29283

(Q) Except as otherwise provided in division (R) of this 29284
section, a person issued a permit by the director for a new solid 29285
waste disposal facility other than an incineration or composting 29286
facility, a new infectious waste treatment facility other than an 29287
incineration facility, or a modification of such an existing 29288
facility that includes an increase in the total disposal or 29289
treatment capacity of the facility pursuant to Chapter 3734. of 29290
the Revised Code shall pay a fee of ten dollars per thousand cubic 29291
yards of disposal or treatment capacity, or one thousand dollars, 29292
whichever is greater, except that the total fee for any such 29293
permit shall not exceed eighty thousand dollars. A person issued a 29294
modification of a permit for a solid waste disposal facility or an 29295
infectious waste treatment facility that does not involve an 29296
increase in the total disposal or treatment capacity of the 29297
facility shall pay a fee of one thousand dollars. A person issued 29298
a permit to install a new, or modify an existing, solid waste 29299
transfer facility under that chapter shall pay a fee of two 29300

thousand five hundred dollars. A person issued a permit to install 29301
a new or to modify an existing solid waste incineration or 29302
composting facility, or an existing infectious waste treatment 29303
facility using incineration as its principal method of treatment, 29304
under that chapter shall pay a fee of one thousand dollars. The 29305
increases in the permit fees under this division resulting from 29306
the amendments made by Amended Substitute House Bill 592 of the 29307
117th general assembly do not apply to any person who submitted an 29308
application for a permit to install a new, or modify an existing, 29309
solid waste disposal facility under that chapter prior to 29310
September 1, 1987; any such person shall pay the permit fee 29311
established in this division as it existed prior to June 24, 1988. 29312
In addition to the applicable permit fee under this division, a 29313
person issued a permit to install or modify a solid waste facility 29314
or an infectious waste treatment facility under that chapter who 29315
fails to pay the permit fee to the director in compliance with 29316
division (V) of this section shall pay an additional ten per cent 29317
of the amount of the fee for each week that the permit fee is 29318
late. 29319

Permit and late payment fees paid to the director under this 29320
division shall be credited to the general revenue fund. 29321

(R)(1) A person issued a registration certificate for a scrap 29322
tire collection facility under section 3734.75 of the Revised Code 29323
shall pay a fee of two hundred dollars, except that if the 29324
facility is owned or operated by a motor vehicle salvage dealer 29325
licensed under Chapter 4738. of the Revised Code, the person shall 29326
pay a fee of twenty-five dollars. 29327

(2) A person issued a registration certificate for a new 29328
scrap tire storage facility under section 3734.76 of the Revised 29329
Code shall pay a fee of three hundred dollars, except that if the 29330
facility is owned or operated by a motor vehicle salvage dealer 29331
licensed under Chapter 4738. of the Revised Code, the person shall 29332

pay a fee of twenty-five dollars. 29333

(3) A person issued a permit for a scrap tire storage 29334
facility under section 3734.76 of the Revised Code shall pay a fee 29335
of one thousand dollars, except that if the facility is owned or 29336
operated by a motor vehicle salvage dealer licensed under Chapter 29337
4738. of the Revised Code, the person shall pay a fee of fifty 29338
dollars. 29339

(4) A person issued a permit for a scrap tire monocell or 29340
monofill facility under section 3734.77 of the Revised Code shall 29341
pay a fee of ten dollars per thousand cubic yards of disposal 29342
capacity or one thousand dollars, whichever is greater, except 29343
that the total fee for any such permit shall not exceed eighty 29344
thousand dollars. 29345

(5) A person issued a registration certificate for a scrap 29346
tire recovery facility under section 3734.78 of the Revised Code 29347
shall pay a fee of one hundred dollars. 29348

(6) A person issued a permit for a scrap tire recovery 29349
facility under section 3734.78 of the Revised Code shall pay a fee 29350
of one thousand dollars. 29351

(7) In addition to the applicable registration certificate or 29352
permit fee under divisions (R)(1) to (6) of this section, a person 29353
issued a registration certificate or permit for any such scrap 29354
tire facility who fails to pay the registration certificate or 29355
permit fee to the director in compliance with division (V) of this 29356
section shall pay an additional ten per cent of the amount of the 29357
fee for each week that the fee is late. 29358

(8) The registration certificate, permit, and late payment 29359
fees paid to the director under divisions (R)(1) to (7) of this 29360
section shall be credited to the scrap tire management fund 29361
created in section 3734.82 of the Revised Code. 29362

(S)(1) Except as provided by divisions (L), (M), (N), (O), 29363

(P), and (S)(2) of this section, division (A)(2) of section 29364
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 29365
and rules adopted under division (T)(1) of this section, any 29366
person applying for a registration certificate under section 29367
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 29368
variance, or plan approval under Chapter 3734. of the Revised Code 29369
shall pay a nonrefundable fee of fifteen dollars at the time the 29370
application is submitted. 29371

Except as otherwise provided, any person applying for a 29372
permit, variance, or plan approval under Chapter 6109. or 6111. of 29373
the Revised Code shall pay a nonrefundable fee of one hundred 29374
dollars at the time the application is submitted through June 30, 29375
~~2004~~ 2006, and a nonrefundable fee of fifteen dollars at the time 29376
the application is submitted on and after July 1, ~~2004~~ 2006. 29377
Through June 30, ~~2004~~ 2006, any person applying for a national 29378
pollutant discharge elimination system permit under Chapter 6111. 29379
of the Revised Code shall pay a nonrefundable fee of two hundred 29380
dollars at the time of application for the permit. On and after 29381
July 1, ~~2004~~ 2006, such a person shall pay a nonrefundable fee of 29382
fifteen dollars at the time of application. 29383

In addition to the application fee established under division 29384
(S)(1) of this section, any person applying for a national 29385
pollutant discharge elimination system general storm water 29386
construction permit shall pay a nonrefundable fee of twenty 29387
dollars per acre for each acre that is permitted above five acres 29388
at the time the application is submitted. However, the per acreage 29389
fee shall not exceed three hundred dollars. In addition, any 29390
person applying for a national pollutant discharge elimination 29391
system general storm water industrial permit shall pay a 29392
nonrefundable fee of one hundred fifty dollars at the time the 29393
application is submitted. 29394

The director shall transmit all moneys collected under 29395

division (S)(1) of this section pursuant to Chapter 6109. of the 29396
Revised Code to the treasurer of state for deposit into the 29397
drinking water protection fund created in section 6109.30 of the 29398
Revised Code. 29399

The director shall transmit all moneys collected under 29400
division (S)(1) of this section pursuant to Chapter 6111. of the 29401
Revised Code to the treasurer of state for deposit into the 29402
surface water protection fund created in section 6111.038 of the 29403
Revised Code. 29404

If a registration certificate is issued under section 29405
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 29406
the application fee paid shall be deducted from the amount of the 29407
registration certificate fee due under division (R)(1), (2), or 29408
(5) of this section, as applicable. 29409

If a person submits an electronic application for a 29410
registration certificate, permit, variance, or plan approval for 29411
which an application fee is established under division (S)(1) of 29412
this section, the person shall pay the applicable application fee 29413
as expeditiously as possible after the submission of the 29414
electronic application. An application for a registration 29415
certificate, permit, variance, or plan approval for which an 29416
application fee is established under division (S)(1) of this 29417
section shall not be reviewed or processed until the applicable 29418
application fee, and any other fees established under this 29419
division, are paid. 29420

(2) Division (S)(1) of this section does not apply to an 29421
application for a registration certificate for a scrap tire 29422
collection or storage facility submitted under section 3734.75 or 29423
3734.76 of the Revised Code, as applicable, if the owner or 29424
operator of the facility or proposed facility is a motor vehicle 29425
salvage dealer licensed under Chapter 4738. of the Revised Code. 29426

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary 29458
to carry out this section. 29459

(U) When the director reasonably demonstrates that the direct 29460
cost to the state associated with the issuance of a permit to 29461
install, license, variance, plan approval, or certification 29462
exceeds the fee for the issuance or review specified by this 29463
section, the director may condition the issuance or review on the 29464
payment by the person receiving the issuance or review of, in 29465
addition to the fee specified by this section, the amount, or any 29466
portion thereof, in excess of the fee specified under this 29467
section. The director shall not so condition issuances for which 29468
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 29469
section. 29470

(V) Except as provided in divisions (L), (M), and (P) of this 29471
section or unless otherwise prescribed by a rule of the director 29472
adopted pursuant to Chapter 119. of the Revised Code, all fees 29473
required by this section are payable within thirty days after the 29474
issuance of an invoice for the fee by the director or the 29475
effective date of the issuance of the license, permit, variance, 29476
plan approval, or certification. If payment is late, the person 29477
responsible for payment of the fee shall pay an additional ten per 29478
cent of the amount due for each month that it is late. 29479

(W) As used in this section, "fuel-burning equipment," 29480
"fuel-burning equipment input capacity," "incinerator," 29481
"incinerator input capacity," "process," "process weight rate," 29482
"storage tank," "gasoline dispensing facility," "dry cleaning 29483
facility," "design flow discharge," and "new source treatment 29484
works" have the meanings ascribed to those terms by applicable 29485
rules or standards adopted by the director under Chapter 3704. or 29486
6111. of the Revised Code. 29487

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 29488

and (J) of this section, and in any other provision of this 29489
section pertaining to fees paid pursuant to Chapter 3704. of the 29490
Revised Code: 29491

(1) "Facility," "federal Clean Air Act," "person," and "Title 29492
V permit" have the same meanings as in section 3704.01 of the 29493
Revised Code. 29494

(2) "Title V permit program" means the following activities 29495
as necessary to meet the requirements of Title V of the federal 29496
Clean Air Act and 40 C.F.R. part 70, including at least: 29497

(a) Preparing and adopting, if applicable, generally 29498
applicable rules or guidance regarding the permit program or its 29499
implementation or enforcement; 29500

(b) Reviewing and acting on any application for a Title V 29501
permit, permit revision, or permit renewal, including the 29502
development of an applicable requirement as part of the processing 29503
of a permit, permit revision, or permit renewal; 29504

(c) Administering the permit program, including the 29505
supporting and tracking of permit applications, compliance 29506
certification, and related data entry; 29507

(d) Determining which sources are subject to the program and 29508
implementing and enforcing the terms of any Title V permit, not 29509
including any court actions or other formal enforcement actions; 29510

(e) Emission and ambient monitoring; 29511

(f) Modeling, analyses, or demonstrations; 29512

(g) Preparing inventories and tracking emissions; 29513

(h) Providing direct and indirect support to small business 29514
stationary sources to determine and meet their obligations under 29515
the federal Clean Air Act pursuant to the small business 29516
stationary source technical and environmental compliance 29517
assistance program required by section 507 of that act and 29518

established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.

(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:

(i) Except as provided in division (Y)(2)(d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section. 29550
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(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section. 29553
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In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. 29562
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(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section. 29567
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(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows: 29571
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(a) Incineration: five thousand dollars; 29578

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars; 29579
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(c) Land application, land reclamation, surface disposal, or 29581
any other disposal method not specified in division (Y)(3)(a) or 29582
(b) of this section: twenty thousand dollars. 29583

(4)(a) In the case of an entity that generates sewage sludge 29584
or a sewage sludge facility that treats sewage sludge and 29585
transfers the sewage sludge to an incineration facility for 29586
disposal, the incineration facility, and not the entity generating 29587
the sewage sludge or the sewage sludge facility treating the 29588
sewage sludge, shall pay the annual sludge fee for the tons of 29589
sewage sludge that are transferred. However, the entity or 29590
facility generating or treating the sewage sludge shall pay the 29591
one-hundred-dollar minimum fee required under division (Y)(2)(a) 29592
of this section. 29593

(b) In the case of an entity that generates sewage sludge and 29594
transfers the sewage sludge to a landfill for disposal or to a 29595
sewage sludge facility for land reclamation or surface disposal, 29596
the entity generating the sewage sludge, and not the landfill or 29597
sewage sludge facility, shall pay the annual sludge fee for the 29598
tons of sewage sludge that are transferred. 29599

(5) Not later than the first day of April of the calendar 29600
year following March 17, 2000, and each first day of April 29601
thereafter, the director shall issue invoices to persons who are 29602
required to pay the annual sludge fee. The invoice shall identify 29603
the nature and amount of the annual sludge fee assessed and state 29604
the first day of May as the deadline for receipt by the director 29605
of objections regarding the amount of the fee and the first day of 29606
July as the deadline for payment of the fee. 29607

Not later than the first day of May following receipt of an 29608
invoice, a person required to pay the annual sludge fee may submit 29609
objections to the director concerning the accuracy of information 29610
regarding the number of dry tons of sewage sludge used to 29611

calculate the amount of the annual sludge fee or regarding whether 29612
the sewage sludge qualifies for the exceptional quality sludge 29613
discount established in division (Y)(2)(b) of this section. The 29614
director may consider the objections and adjust the amount of the 29615
fee to ensure that it is accurate. 29616

If the director does not adjust the amount of the annual 29617
sludge fee in response to a person's objections, the person may 29618
appeal the director's determination in accordance with Chapter 29619
119. of the Revised Code. 29620

Not later than the first day of June, the director shall 29621
notify the objecting person regarding whether the director has 29622
found the objections to be valid and the reasons for the finding. 29623
If the director finds the objections to be valid and adjusts the 29624
amount of the annual sludge fee accordingly, the director shall 29625
issue with the notification a new invoice to the person 29626
identifying the amount of the annual sludge fee assessed and 29627
stating the first day of July as the deadline for payment. 29628

Not later than the first day of July, any person who is 29629
required to do so shall pay the annual sludge fee. Any person who 29630
is required to pay the fee, but who fails to do so on or before 29631
that date shall pay an additional amount that equals ten per cent 29632
of the required annual sludge fee. 29633

(6) The director shall transmit all moneys collected under 29634
division (Y) of this section to the treasurer of state for deposit 29635
into the surface water protection fund created in section 6111.038 29636
of the Revised Code. The moneys shall be used to defray the costs 29637
of administering and enforcing provisions in Chapter 6111. of the 29638
Revised Code and rules adopted under it that govern the use, 29639
storage, treatment, or disposal of sewage sludge. 29640

(7) Beginning in fiscal year 2001, and every two years 29641
thereafter, the director shall review the total amount of moneys 29642

generated by the annual sludge fees to determine if that amount 29643
exceeded six hundred thousand dollars in either of the two 29644
preceding fiscal years. If the total amount of moneys in the fund 29645
exceeded six hundred thousand dollars in either fiscal year, the 29646
director, after review of the fee structure and consultation with 29647
affected persons, shall issue an order reducing the amount of the 29648
fees levied under division (Y) of this section so that the 29649
estimated amount of moneys resulting from the fees will not exceed 29650
six hundred thousand dollars in any fiscal year. 29651

If, upon review of the fees under division (Y)(7) of this 29652
section and after the fees have been reduced, the director 29653
determines that the total amount of moneys collected and 29654
accumulated is less than six hundred thousand dollars, the 29655
director, after review of the fee structure and consultation with 29656
affected persons, may issue an order increasing the amount of the 29657
fees levied under division (Y) of this section so that the 29658
estimated amount of moneys resulting from the fees will be 29659
approximately six hundred thousand dollars. Fees shall never be 29660
increased to an amount exceeding the amount specified in division 29661
(Y)(7) of this section. 29662

Notwithstanding section 119.06 of the Revised Code, the 29663
director may issue an order under division (Y)(7) of this section 29664
without the necessity to hold an adjudicatory hearing in 29665
connection with the order. The issuance of an order under this 29666
division is not an act or action for purposes of section 3745.04 29667
of the Revised Code. 29668

(8) As used in division (Y) of this section: 29669

(a) "Sewage sludge facility" means an entity that performs 29670
treatment on or is responsible for the disposal of sewage sludge. 29671

(b) "Sewage sludge" means a solid, semi-solid, or liquid 29672
residue generated during the treatment of domestic sewage in a 29673

treatment works as defined in section 6111.01 of the Revised Code. 29674

"Sewage sludge" includes, but is not limited to, scum or solids 29675
removed in primary, secondary, or advanced wastewater treatment 29676
processes. "Sewage sludge" does not include ash generated during 29677
the firing of sewage sludge in a sewage sludge incinerator, grit 29678
and screenings generated during preliminary treatment of domestic 29679
sewage in a treatment works, animal manure, residue generated 29680
during treatment of animal manure, or domestic septage. 29681

(c) "Exceptional quality sludge" means sewage sludge that 29682
meets all of the following qualifications: 29683

(i) Satisfies the class A pathogen standards in 40 C.F.R. 29684
503.32(a); 29685

(ii) Satisfies one of the vector attraction reduction 29686
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 29687

(iii) Does not exceed the ceiling concentration limitations 29688
for metals listed in table one of 40 C.F.R. 503.13; 29689

(iv) Does not exceed the concentration limitations for metals 29690
listed in table three of 40 C.F.R. 503.13. 29691

(d) "Treatment" means the preparation of sewage sludge for 29692
final use or disposal and includes, but is not limited to, 29693
thickening, stabilization, and dewatering of sewage sludge. 29694

(e) "Disposal" means the final use of sewage sludge, 29695
including, but not limited to, land application, land reclamation, 29696
surface disposal, or disposal in a landfill or an incinerator. 29697

(f) "Land application" means the spraying or spreading of 29698
sewage sludge onto the land surface, the injection of sewage 29699
sludge below the land surface, or the incorporation of sewage 29700
sludge into the soil for the purposes of conditioning the soil or 29701
fertilizing crops or vegetation grown in the soil. 29702

(g) "Land reclamation" means the returning of disturbed land 29703

to productive use. 29704

(h) "Surface disposal" means the placement of sludge on an 29705
area of land for disposal, including, but not limited to, 29706
monofills, surface impoundments, lagoons, waste piles, or 29707
dedicated disposal sites. 29708

(i) "Incinerator" means an entity that disposes of sewage 29709
sludge through the combustion of organic matter and inorganic 29710
matter in sewage sludge by high temperatures in an enclosed 29711
device. 29712

(j) "Incineration facility" includes all incinerators owned 29713
or operated by the same entity and located on a contiguous tract 29714
of land. Areas of land are considered to be contiguous even if 29715
they are separated by a public road or highway. 29716

(k) "Annual sludge fee" means the fee assessed under division 29717
(Y)(1) of this section. 29718

(l) "Landfill" means a sanitary landfill facility, as defined 29719
in rules adopted under section 3734.02 of the Revised Code, that 29720
is licensed under section 3734.05 of the Revised Code. 29721

(m) "Preexisting land reclamation project" means a 29722
property-specific land reclamation project that has been in 29723
continuous operation for not less than five years pursuant to 29724
approval of the activity by the director and includes the 29725
implementation of a community outreach program concerning the 29726
activity. 29727

Sec. 3745.14. (A) As used in this section: 29728

(1) "Compliance review" means the review of an application 29729
for a permit, renewal of a permit, or plan approval, or 29730
modification thereof, for an existing or proposed facility, 29731
source, or activity and the accompanying engineering plans, 29732
specifications, and materials and information that are submitted 29733

under Chapter 3704., 3734., 6109., or 6111. of the Revised Code 29734
and rules adopted under them for compliance with performance 29735
standards under the applicable chapter and rules adopted under it. 29736
"Compliance review" does not include the review of an application 29737
for a hazardous waste facility installation and operation permit 29738
or the renewal or modification of such a permit, a permit to 29739
establish or modify an infectious waste treatment facility, a 29740
permit to install a solid waste incineration facility that also 29741
would treat infectious wastes, or a permit to modify a solid waste 29742
incineration facility to also treat infectious wastes under 29743
Chapter 3734. of the Revised Code. 29744

(2) "Engineer" includes both of the following: 29745

(a) A professional engineer registered under Chapter 4733. of 29746
the Revised Code; 29747

(b) A firm, partnership, association, or corporation 29748
providing engineering services in this state in compliance with 29749
Chapter 4733. of the Revised Code. 29750

(B) The director of environmental protection, in accordance 29751
with Chapter 119. of the Revised Code, shall adopt, and may amend 29752
and rescind, rules establishing a program for the certification of 29753
engineers to conduct compliance reviews. The rules, at a minimum, 29754
shall do all of the following: 29755

(1) Require that the program be administered by the director; 29756

(2) Establish eligibility criteria for certification to 29757
conduct compliance reviews; 29758

(3) Establish criteria for denying, suspending, and revoking 29759
certifications and renewals of certifications issued pursuant to 29760
rules adopted under division (B) of this section; 29761

(4) Require the periodic renewal of certifications issued 29762
pursuant to rules adopted under division (B) of this section; 29763

(5) Establish an application fee and fee for issuance for 29764
certifications under this section. The fees shall be established 29765
at a level calculated to defray the costs to the environmental 29766
protection agency for administering the certification program 29767
established by rules adopted under division (B) of this section. 29768
All such application and certification fees received by the 29769
director shall be deposited into the state treasury to the credit 29770
of the permit review fund created in division (E) of this section. 29771

(C) The director shall maintain a current list of all 29772
engineers who are certified to conduct compliance reviews pursuant 29773
to rules adopted under this section. The list shall indicate the 29774
types of permits, permit renewals, and plan approvals that each 29775
engineer is certified to review and the types or categories of 29776
facilities, sources, or activities in connection with which the 29777
engineer is certified to conduct the reviews. Upon request, the 29778
director shall provide a copy of the list to anyone requesting it. 29779

(D) An applicant for a permit, renewal of a permit, plan 29780
approval, or modification thereof, under Chapter 3704., 3734., 29781
6109., or 6111. of the Revised Code and applicable rules adopted 29782
under them, other than a hazardous waste facility installation and 29783
operation permit or renewal or modification of such a permit, a 29784
permit to establish or modify an infectious waste treatment 29785
facility, a permit to install a solid waste incineration facility 29786
that also would treat infectious wastes, or a permit to modify a 29787
solid waste incineration facility to also treat infectious wastes 29788
under Chapter 3734. of the Revised Code, may submit a written 29789
request to the director to have the compliance review conducted by 29790
an engineer certified under this section. The request shall 29791
accompany the permit application, shall indicate the applicant's 29792
choice from among the certified engineers on the director's list 29793
who are qualified to conduct the compliance review, shall be 29794
accompanied by separate certifications by the applicant and the 29795

engineer indicating that the applicant does not have and has not 29796
had during the preceding two years a financial interest in the 29797
engineer and has not employed or retained the engineer to perform 29798
services for the applicant during the preceding two years, and may 29799
be accompanied by a draft proposal for conducting the compliance 29800
review that was developed by the applicant and the engineer. No 29801
such draft proposal is binding upon the director. 29802

Within seven days after receiving a request under this 29803
division, the director shall do all of the following, as 29804
appropriate: 29805

(1) In the director's discretion, approve or disapprove the 29806
applicant's request to have the compliance review of the 29807
application conducted by an engineer on the list of certified 29808
engineers prepared under this section; 29809

(2) If the director approves the conducting of the compliance 29810
review by such a certified engineer, approve or disapprove, in the 29811
director's discretion, the applicant's choice of the engineer; 29812

(3) Mail written notice of decisions made under divisions 29813
(D)(1) and (2) of this section to the applicant. 29814

If the director fails to mail notice of the director's 29815
decisions on the request to the applicant within seven days after 29816
receiving the request, it is conclusively presumed that the 29817
director approved the applicant's request to have the compliance 29818
review conducted by a certified engineer and the applicant's 29819
choice of the engineer, and the director shall enter into a 29820
contract with the engineer chosen by the applicant. If the 29821
director disapproves the applicant's choice of an engineer and 29822
provides timely notice of the disapproval to the applicant, the 29823
director and applicant, by mutual agreement, shall select another 29824
engineer from the list prepared under this section to conduct the 29825
compliance review, and the director shall enter into a contract 29826

with that engineer. 29827

(E) The director may enter into contracts for conducting 29828
performance reviews under division (D) of this section without 29829
advertising for bids. The commencement of any work under such a 29830
contract shall be contingent upon the director's receipt of 29831
payment from the applicant of an amount that is equal to one 29832
hundred ten per cent of the amount specified in the contract, 29833
excluding contingencies for any additional work that may be needed 29834
to properly complete the review and that was not anticipated when 29835
the contract was made. Moneys received by the director from an 29836
applicant shall be deposited into the permit review fund, which is 29837
hereby created in the state treasury. The director shall use 29838
moneys in the fund to pay the cost of compliance reviews conducted 29839
pursuant to contracts entered into under division (D) of this 29840
section and to administer the certification program established 29841
under division (B) of this section. The director may use any 29842
moneys in the fund not needed for those purposes to administer the 29843
environmental laws or programs of this state. 29844

If, while conducting a compliance review, the engineer finds 29845
that work in addition to that upon which the cost under the 29846
contract was based, or any additional work previously authorized 29847
under this division, is needed to properly review the application 29848
and accompanying information for compliance with the applicable 29849
performance standards, the engineer shall notify the director of 29850
that fact and of the cost of the additional work, as determined 29851
pursuant to the terms of the contract. If the director finds that 29852
the additional work is needed and that the costs of performing the 29853
work have been determined in accordance with the terms of the 29854
contract, the director shall authorize the contractor to perform 29855
the work. Upon completion of the additional work, the contractor 29856
shall submit to the director an invoice for the cost of performing 29857
the additional work, and the director shall forward a copy of the 29858

invoice to the applicant. The applicant is liable to the state for 29859
an amount equal to one hundred ten per cent of the cost of 29860
performing the additional work and, within thirty days after 29861
receiving a copy of the invoice, shall pay to the director an 29862
amount equal to one hundred ten per cent of the amount indicated 29863
on the invoice. Upon receiving this payment, the director shall 29864
forward the moneys to the treasurer of state, who shall deposit 29865
them into the state treasury to the credit of the permit review 29866
fund. 29867

Until the applicant pays to the director the amount due in 29868
connection with the additional work, the director shall not issue 29869
to the applicant any permit, renewal of a permit, or plan 29870
approval, or modification thereof, for which an application is 29871
pending before the director. The director also may certify the 29872
unpaid amount to the attorney general and request that the 29873
attorney general bring a civil action against the applicant to 29874
recover that amount. Any moneys so recovered shall be deposited 29875
into the state treasury to the credit of the permit review fund. 29876

(F) Upon completing a compliance review conducted under this 29877
section, the engineer shall make a certification to the director 29878
as to whether the existing or proposed facility, source, activity, 29879
or modification will comply with the applicable performance 29880
standards. If the certification indicates that the existing or 29881
proposed facility, source, activity, or modification will not 29882
comply, the engineer shall include in the certification the 29883
engineer's findings as to the causes of the noncompliance. 29884

(G) When a compliance review is conducted by an engineer 29885
certified under this section, the other activities in connection 29886
with the consideration, approval, and issuance of the permit, 29887
renewal of the permit, or plan approval, or modification thereof, 29888
shall be conducted by the director ~~or, when applicable, the~~ 29889
~~hazardous waste facility board established in section 3734.05 of~~ 29890

~~the Revised Code,~~ in accordance with the applicable provisions of 29891
Chapter 3704., 3734., 6109., or 6111. of the Revised Code and 29892
rules adopted under the applicable chapter. 29893

(H) All expenses incurred by the attorney general in bringing 29894
a civil action under this section shall be reimbursed from the 29895
permit review fund in accordance with Chapter 109. of the Revised 29896
Code. 29897

Sec. 3745.15. Notwithstanding any provision of Chapter 3704., 29898
3734., 3746., or 6111. of the Revised Code to the contrary, not 29899
later than one hundred twenty days after receipt of an application 29900
for a permit under any of those chapters, the director of 29901
environmental protection shall either issue or deny the permit. 29902
The director shall send written notification to the applicant of 29903
the issuance or denial. 29904

The director may extend the period for issuing or denying the 29905
permit for an additional forty-five days if the director sends the 29906
applicant written notice that specifies the reasons for not 29907
issuing or denying the permit within the one-hundred-twenty-day 29908
period and provides an explanation of the review that remains to 29909
be completed in order to issue or deny the permit within the 29910
additional forty-five-day period. If the director fails to 29911
complete the review within that forty-five-day period, the 29912
director may request a final extension from the applicant of not 29913
more than forty-five days. If the applicant does not agree to such 29914
an extension, or if the director fails to issue or deny the permit 29915
by the end of the one-hundred-twenty-day period or any additional 29916
forty-five-day period, as applicable, the application is deemed 29917
approved, and the director shall issue the permit. The director 29918
shall send written notification to the applicant of the issuance. 29919

Sec. 3745.40. (A) There is hereby created the clean Ohio 29920

operating fund consisting of moneys credited to the fund in 29921
accordance with this section. The fund shall be used to pay the 29922
costs incurred by the director of environmental protection 29923
pursuant to sections 122.65 to 122.658 of the Revised Code. 29924
Investment earnings of the fund shall be credited to the fund. ~~For~~ 29925
~~two years after the effective date of this section, investment~~ 29926
~~earnings credited to the fund~~ and may be used to pay 29927
administrative costs incurred by the director pursuant to those 29928
sections. 29929

(B) Notwithstanding section 3746.16 of the Revised Code, upon 29930
the request of the director of environmental protection, the 29931
director of development shall certify to the director of budget 29932
and management the amount of excess investment earnings that are 29933
available to be transferred from the clean Ohio revitalization 29934
fund created in section 122.658 of the Revised Code to the clean 29935
Ohio operating fund. Upon certification, the director of budget 29936
and management may transfer from the clean Ohio revitalization 29937
fund to the clean Ohio operating fund an amount not exceeding the 29938
amount of the annual appropriation to the clean Ohio operating 29939
fund. 29940

Sec. 3746.02. (A) Nothing in this chapter applies to any of 29941
the following: 29942

(1) Property for which a voluntary action under this chapter 29943
is precluded by federal law or regulations adopted under federal 29944
law, including, without limitation, any of the following federal 29945
laws or regulations adopted thereunder: 29946

(a) The "Federal Water Pollution Control Act Amendments of 29947
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended; 29948

(b) The "Resource Conservation and Recovery Act of 1976," 90 29949
Stat. 2806, 42 U.S.C.A. 6921, as amended; 29950

(c) The "Toxic Substances Control Act," 90 Stat. 2003 (1976),	29951
15 U.S.C.A. 2601, as amended;	29952
(d) The "Comprehensive Environmental Response, Compensation,	29953
and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9601, as	29954
amended;	29955
(e) The "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42	29956
U.S.C.A. 300(f), as amended.	29957
(2) Those portions of property where closure of a hazardous	29958
waste facility or solid waste facility is required under Chapter	29959
3734. of the Revised Code or rules adopted under it;	29960
(3) Property or properties regardless of ownership that are	29961
subject to remediation rules adopted under the authority of the	29962
division of fire marshal in the department of commerce, including	29963
<u>public safety or under the authority of the superintendent of</u>	29964
<u>industrial compliance under</u> remediation rules adopted under	29965
sections 3737.88, 3737.882, and 3737.889 of the Revised Code;	29966
(4) Property that is subject to Chapter 1509. of the Revised	29967
Code;	29968
(5) Any other property if the director of environmental	29969
protection has issued a letter notifying the owner or operator of	29970
the property that he <u>the director</u> will issue an enforcement order	29971
under Chapter 3704., 3734., or 6111. of the Revised Code, a	29972
release or threatened release of a hazardous substance or	29973
petroleum from or at the property poses a substantial threat to	29974
public health or safety or the environment, and the person subject	29975
to the order does not present sufficient evidence to the director	29976
that he <u>the person</u> has entered into the voluntary action program	29977
under this chapter and is proceeding expeditiously to address that	29978
threat. For the purposes of this division, the evidence	29979
constituting sufficient evidence of entry into the voluntary	29980
action program under this chapter shall be defined by the director	29981

by rules adopted under section 3746.04 of the Revised Code. Until 29982
such time as the director has adopted those rules, the director, 29983
at a minimum, shall consider the existence of a contract with a 29984
certified professional to appropriately respond to the threat 29985
named in the director's letter informing the person of ~~his~~ the 29986
director's intent to issue an enforcement order and the 29987
availability of financial resources to complete the contract to be 29988
sufficient evidence of entry into the program. 29989

(B) The application of any provision of division (A) of this 29990
section to a portion of property does not preclude participation 29991
in the voluntary action program under this chapter in connection 29992
with other portions of the property where those provisions do not 29993
apply. 29994

(C) As used in this section, "property" means any parcel of 29995
real property, or portion thereof, and any improvements thereto. 29996

Sec. 3746.13. (A) For property that does not involve the 29997
issuance of a consolidated standards permit under section 3746.15 29998
of the Revised Code and where no engineering or institutional 29999
controls are used to comply with applicable standards, the 30000
director of environmental protection shall issue a covenant not to 30001
sue pursuant to section 3746.12 of the Revised Code by issuance of 30002
an order as a final action under Chapter 3745. of the Revised Code 30003
within thirty days after the director receives the no further 30004
action letter for the property and accompanying verification from 30005
the certified professional who prepared the letter under section 30006
3746.11 of the Revised Code. 30007

(B) For property that involves the issuance of a consolidated 30008
standards permit under section 3746.15 of the Revised Code or 30009
where engineering or institutional controls are used to comply 30010
with applicable standards, the director shall issue a covenant not 30011
to sue by issuance of an order as a final action under Chapter 30012

3745. of the Revised Code within ninety days after the director 30013
receives the no further action letter for the property and 30014
accompanying verification from the certified professional who 30015
prepared the letter. 30016

(C) Except as provided in division (D) of this section, each 30017
person who is issued a covenant not to sue under this section 30018
shall pay the fee established pursuant to rules adopted under 30019
division (B)(8) of section 3746.04 of the Revised Code. Until 30020
those rules become effective, each person who is issued a covenant 30021
not to sue shall pay a fee of two thousand dollars. The fee shall 30022
be paid to the director at the time that the no further action 30023
letter and accompanying verification are submitted to the 30024
director. 30025

(D) An applicant, as defined in section 122.65 of the Revised 30026
Code, who has entered into an agreement under section 122.653 of 30027
the Revised Code and who is issued a covenant not to sue under 30028
this section shall not be required to pay the fee for the issuance 30029
of a covenant not to sue established in rules adopted under 30030
division (B)(8) of section 3746.04 of the Revised Code. 30031

Sec. 3748.07. (A) Every facility that proposes to handle 30032
radioactive material or radiation-generating equipment for which 30033
licensure or registration, respectively, by its handler is 30034
required shall apply in writing to the director of health on forms 30035
prescribed and provided by the director for licensure or 30036
registration. Terms and conditions of licenses and certificates of 30037
registration may be amended in accordance with rules adopted under 30038
section 3748.04 of the Revised Code or orders issued by the 30039
director pursuant to section 3748.05 of the Revised Code. 30040

(B) Until rules are adopted under section 3748.04 of the 30041
Revised Code, an application for a certificate of registration 30042
shall be accompanied by a biennial registration fee of ~~one~~ two 30043

hundred ~~sixty~~ dollars. On and after the effective date of those 30044
rules, an applicant for a license, registration certificate, or 30045
renewal of either shall pay the appropriate fee established in 30046
those rules. 30047

All fees collected under this section shall be deposited in 30048
the state treasury to the credit of the general operations fund 30049
created in section 3701.83 of the Revised Code. The fees shall be 30050
used solely to administer and enforce this chapter and rules 30051
adopted under it. 30052

Any fee required under this section that has not been paid 30053
within ninety days after the invoice date shall be assessed at two 30054
times the original invoiced fee. Any fee that has not been paid 30055
within one hundred eighty days after the invoice date shall be 30056
assessed at five times the original invoiced fee. 30057

(C) The director shall grant a license or registration to any 30058
applicant who has paid the required fee and is in compliance with 30059
this chapter and rules adopted under it. 30060

Until rules are adopted under section 3748.04 of the Revised 30061
Code, certificates of registration shall be effective for two 30062
years from the date of issuance. On and after the effective date 30063
of those rules, licenses and certificates of registration shall be 30064
effective for the applicable period established in those rules. 30065
Licenses and certificates of registration shall be renewed in 30066
accordance with the standard renewal procedure established in 30067
Chapter 4745. of the Revised Code. 30068

Sec. 3748.13. (A) The director of health shall inspect 30069
sources of radiation for which licensure or registration by the 30070
handler is required, and the sources' shielding and surroundings, 30071
according to the schedule established in rules adopted under 30072
division (D) of section 3748.04 of the Revised Code. In accordance 30073
with rules adopted under that section, the director shall inspect 30074

all records and operating procedures of handlers that install 30075
sources of radiation and all sources of radiation for which 30076
licensure of radioactive material or registration of 30077
radiation-generating equipment by the handler is required. The 30078
director may make other inspections upon receiving complaints or 30079
other evidence of violation of this chapter or rules adopted under 30080
it. 30081

The director shall require any hospital registered under 30082
division (A) of section 3701.07 of the Revised Code to develop and 30083
maintain a quality assurance program for all sources of 30084
radiation-generating equipment. A certified radiation expert shall 30085
conduct oversight and maintenance of the program and shall file a 30086
report of audits of the program with the director on forms 30087
prescribed by the director. The audit reports shall become part of 30088
the inspection record. 30089

(B) Until rules are adopted under division (A)(8) of section 30090
3748.04 of the Revised Code, a facility shall pay inspection fees 30091
according to the following schedule and categories: 30092

First dental x-ray tube	\$ 94.00 <u>118.00</u>	30093
Each additional dental x-ray tube at the same location	\$ 47.00 <u>59.00</u>	30094
First medical x-ray tube	\$187.00 <u>235.00</u>	30095
Each additional medical x-ray tube at the same location	\$ 94.00 <u>125.00</u>	30096
Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$373.00 <u>466.00</u>	30097
First nonionizing radiation-generating equipment of any kind	\$187.00 <u>235.00</u>	30098
Each additional nonionizing	\$ 94.00 <u>125.00</u>	30099

radiation-generating equipment of
any kind at the same location
Assembler-maintainer inspection
consisting of an inspection of
records and operating procedures
of handlers that install sources
of radiation

~~\$233.00~~ 291.00

30100

Until rules are adopted under division (A)(8) of section 30101
3748.04 of the Revised Code, the fee for an inspection to 30102
determine whether violations cited in a previous inspection have 30103
been corrected is fifty per cent of the fee applicable under the 30104
schedule in this division. Until those rules are adopted, the fee 30105
for the inspection of a facility that is not licensed or 30106
registered and for which no license or registration application is 30107
pending at the time of inspection is ~~two~~ three hundred ~~ninety~~ 30108
sixty-three dollars plus the fee applicable under the schedule in 30109
this division. 30110

The director may conduct a review of shielding plans or the 30111
adequacy of shielding on the request of a licensee or registrant 30112
or an applicant for licensure or registration or during an 30113
inspection when the director considers a review to be necessary. 30114
Until rules are adopted under division (A)(8) of section 3748.04 30115
of the Revised Code, the fee for the review is ~~four~~ five hundred 30116
~~sixty-six~~ eighty-three dollars for each room where a source of 30117
radiation is used and is in addition to any other fee applicable 30118
under the schedule in this division. 30119

All fees shall be paid to the department of health no later 30120
than thirty days after the invoice for the fee is mailed. Fees 30121
shall be deposited in the general operations fund created in 30122
section 3701.83 of the Revised Code. The fees shall be used solely 30123
to administer and enforce this chapter and rules adopted under it. 30124

Any fee required under this section that has not been paid 30125

within ninety days after the invoice date shall be assessed at two 30126
times the original invoiced fee. Any fee that has not been paid 30127
within one hundred eighty days after the invoice date shall be 30128
assessed at five times the original invoiced fee. 30129

(C) If the director determines that a board of health of a 30130
city or general health district is qualified to conduct 30131
inspections of radiation-generating equipment, the director may 30132
delegate to the board, by contract, the authority to conduct such 30133
inspections. In making a determination of the qualifications of a 30134
board of health to conduct those inspections, the director shall 30135
evaluate the credentials of the individuals who are to conduct the 30136
inspections of radiation-generating equipment and the radiation 30137
detection and measuring equipment available to them for that 30138
purpose. If a contract is entered into, the board shall have the 30139
same authority to make inspections of radiation-generating 30140
equipment as the director has under this chapter and rules adopted 30141
under it. The contract shall stipulate that only individuals 30142
approved by the director as qualified shall be permitted to 30143
inspect radiation-generating equipment under the contract's 30144
provisions. The contract shall provide for such compensation for 30145
services as is agreed to by the director and the board of health 30146
of the contracting health district. The director may reevaluate 30147
the credentials of the inspection personnel and their radiation 30148
detecting and measuring equipment as often as the director 30149
considers necessary and may terminate any contract with the board 30150
of health of any health district that, in the director's opinion, 30151
is not satisfactorily performing the terms of the contract. 30152

(D) The director may enter at all reasonable times upon any 30153
public or private property to determine compliance with this 30154
chapter and rules adopted under it. 30155

Sec. 3769.02. (A) A state racing commission is hereby 30156

established. It shall consist of ~~five~~ seven members, appointed by 30157
the governor, with the advice and consent of the senate. Not more 30158
than ~~three~~ four members shall be affiliated with the same 30159
political party. To be eligible for appointment, a person shall be 30160
a qualified elector of the state and a resident of the state for 30161
not less than five years immediately preceding appointment. No 30162
person shall be appointed to the commission, nor be an employee of 30163
the commission, nor officiate at pari-mutuel meetings conducted in 30164
this state who is licensed or regulated, directly or indirectly, 30165
by the commission other than for the position to which the person 30166
is appointed, nor shall the person have any legal or beneficial 30167
interest, direct or indirect, pecuniary or otherwise, in any firm, 30168
association, or corporation that is so licensed or regulated or 30169
that participates in pari-mutuel meetings in any manner, nor shall 30170
the person participate in pari-mutuel meetings in any manner other 30171
than in the person's official capacity. 30172

(B)(1) Terms of office shall be for four years, commencing on 30173
the first day of April and ending on the thirty-first day of 30174
March. ~~Each~~ 30175

(2) Within ninety days after the effective date of this 30176
amendment, the governor shall make initial appointments of two 30177
members to the commission. Of those initial appointments, one 30178
shall be for a term ending March 31, 2004, and one shall be for a 30179
term ending March 31, 2005. Thereafter, terms of office for those 30180
members shall be for four years pursuant to division (B)(1) of 30181
this section. 30182

(C) Each member shall hold office from the date of 30183
appointment until the end of the term for which appointed. 30184
Vacancies shall be filled by the governor with the advice and 30185
consent of the senate. Any member appointed to fill a vacancy 30186
occurring prior to the expiration of the term for which the 30187
member's predecessor was appointed shall hold office for the 30188

remainder of that term. Any member shall continue in office 30189
subsequent to the expiration date of the member's term until the 30190
member's successor takes office, or until a period of sixty days 30191
has elapsed, whichever occurs first. No vacancy on the commission 30192
shall impair the power and authority of the remaining members to 30193
exercise all the powers of the commission. One of the members of 30194
the commission shall be named by the governor as chairperson of 30195
the commission at the time of making the appointment of any member 30196
for a full term. 30197

The chairperson and the associate commissioners shall receive 30198
a salary fixed pursuant to Chapter 124. of the Revised Code. When 30199
on commission business and for attending commission meetings, the 30200
commissioners shall be allowed actual and necessary traveling 30201
expenses. The salaries and expenses shall be paid out of the state 30202
racing commission operating fund created by section 3769.03 of the 30203
Revised Code. 30204

Each commissioner, before entering upon the discharge of the 30205
official duties of commissioner, shall give a bond, payable to the 30206
treasurer of state, in the sum of ten thousand dollars with 30207
sufficient sureties to be approved by the director of 30208
administrative services, which bond shall be filed with the 30209
secretary of state. 30210

The governor may remove any member for malfeasance, 30211
misfeasance, or nonfeasance in office, giving the member a copy of 30212
the charges against the member and affording the member an 30213
opportunity to be publicly heard in person or by counsel in the 30214
member's own defense upon not less than ten days' notice. If the 30215
member is removed, the governor shall file in the office of the 30216
secretary of state a complete statement of all charges made 30217
against the member and the governor's finding on the charges, 30218
together with a complete report of the proceedings, and the 30219
governor's decision on the charges is final. 30220

The principal office of the commission shall be located in 30221
Franklin county. 30222

Sec. 3770.07. (A)~~(1)~~ Lottery prize awards shall be claimed by 30223
the holder of the winning lottery ticket, or by the executor or 30224
administrator, or the trustee of a trust, of the estate of a 30225
deceased holder of a winning ticket, in a manner to be determined 30226
by the state lottery commission, within one hundred eighty days 30227
after the date on which such prize award was announced if the 30228
lottery game is an on-line game, and within one hundred eighty 30229
days after the close of the game if the lottery game is an instant 30230
game. ~~Except as otherwise provided in division (B) of this~~ 30231
~~section, if~~ If no valid claim to the prize award is made within 30232
the prescribed period, the prize money or the cost of goods and 30233
services awarded as prizes, or if such goods or services are 30234
resold by the commission, the proceeds from such sale, shall be 30235
returned to the state lottery fund and distributed in accordance 30236
with section 3770.06 of the Revised Code. 30237

~~(2)~~(B) If a prize winner, as defined in section 3770.10 of 30238
the Revised Code, is under eighteen years of age, or is under some 30239
other legal disability, and the prize money or the cost of goods 30240
or services awarded as a prize exceeds one thousand dollars, the 30241
director shall order that payment be made to the order of the 30242
legal guardian of that prize winner. If the amount of the prize 30243
money or the cost of goods or services awarded as a prize is one 30244
thousand dollars or less, the director may order that payment be 30245
made to the order of the adult member, if any, of that prize 30246
winner's family legally responsible for the care of that prize 30247
winner. 30248

~~(3)~~(C) No right of any prize winner, as defined in section 30249
3770.10 of the Revised Code, to a prize award shall be the subject 30250
of a security interest or used as collateral. 30251

~~(4)(a)(D)(1)~~ No right of any prize winner, as defined in 30252
section 3770.10 of the Revised Code, to a prize award shall be 30253
assignable, or subject to garnishment, attachment, execution, 30254
withholding, or deduction, except as follows: as provided in 30255
sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the 30256
Revised Code; when the payment is to be made to the executor or 30257
administrator or the trustee of a trust of the estate of a winning 30258
ticket holder; when the award of a prize is disputed, any person 30259
may be awarded a prize award to which another has claimed title, 30260
pursuant to the order of a court of competent jurisdiction; when 30261
the director is to make a payment pursuant to ~~section~~ sections 30262
3770.071 or 3770.073 of the Revised Code; or as provided in 30263
sections 3770.10 to 3770.14 of the Revised Code. 30264

~~(b)(2)~~ The commission shall adopt rules pursuant to section 30265
3770.03 of the Revised Code concerning the payment of prize awards 30266
upon the death of a prize winner. Upon the death of a prize 30267
winner, as defined in section 3770.10 of the Revised Code, the 30268
remainder of the prize winner's prize award, to the extent it is 30269
not subject to a transfer agreement under sections 3770.10 to 30270
3770.14 of the Revised Code, may be paid to the executor, 30271
administrator, or trustee in the form of a discounted lump sum 30272
cash settlement. 30273

~~(5)(E)~~ No lottery prize award shall be awarded to or for any 30274
officer or employee of the state lottery commission, any officer 30275
or employee of the auditor of state actively coordinating and 30276
certifying commission drawings, or any blood relative or spouse of 30277
such officer or employee of the commission or auditor of state 30278
living as a member of such officer's or employee's household, nor 30279
shall any such employee, blood relative, or spouse attempt to 30280
claim a lottery prize award. 30281

~~(6)(F)~~ The director may prohibit vendors to the commission 30282
and their employees from being awarded a lottery prize award. 30283

~~(7)(G)~~ Upon the payment of prize awards pursuant to this section, the director and the commission are discharged from all further liability ~~therefor~~ for the awards.

~~(B) The commission may adopt rules governing the disbursement of unclaimed prize awards as all or part of the prize award in a lottery and may, pursuant to those rules, conduct the lottery and disburse any such unclaimed prize awards. Any lottery in which all or any part of the prize award is paid from unclaimed prize awards shall be conducted in accordance with all of the other requirements of this chapter, including, but not limited to, the time and proof requirements for claiming awards and the disposition of unclaimed prize awards when the prescribed period for claiming the award has passed. A prize award or any part of a prize award that is paid from an unclaimed prize award shall not be reapplied toward the satisfaction of the requirement of division (A) of section 3770.06 of the Revised Code that at least fifty per cent of the total revenues from ticket sales be disbursed for monetary prize awards, if such unclaimed prize award was previously applied toward the satisfaction of that requirement. On or before the last day of January and July each year, the commission shall report to the general assembly the gross sales and net profits the commission obtained from the unclaimed prize awards in lotteries conducted pursuant to this division during the preceding two calendar quarters, including the amount of money produced by the games funded by the unclaimed prize awards and the total revenue accruing to the state from the prize award lotteries conducted pursuant to this division.~~

~~There is hereby established in the state treasury the unclaimed lottery prizes fund, to which all unclaimed prize awards shall be transferred. Any interest that accrues on the amounts in the fund shall become a part of the fund and shall be subject to any rules adopted by the commission governing the disbursement of~~

~~unclaimed prize awards.~~ 30316

Sec. 3770.073. (A) If a person is entitled to a lottery prize 30317
award and is indebted to the state for the payment of any tax, 30318
workers' compensation premium, unemployment contribution, payment 30319
in lieu of unemployment contribution, or charge, penalty, or 30320
interest arising from these debts and the amount of the prize 30321
money or the cost of goods or services awarded as a lottery prize 30322
award is one hundred dollars or more, the director of the state 30323
lottery commission, or the director's designee, shall do either of 30324
the following: 30325

(1) If the prize award will be paid in a lump sum, deduct 30326
from the prize award and pay to the attorney general an amount in 30327
satisfaction of the debt and pay any remainder to that person. If 30328
the amount of the prize award is less than the amount of the debt, 30329
the entire amount of the prize award shall be deducted and paid in 30330
partial satisfaction of the debt. 30331

(2) If the prize award will be paid in annual installments, 30332
on the date the initial installment payment is due, deduct from 30333
that installment and pay to the attorney general an amount in 30334
satisfaction of the debt and, if necessary to collect the full 30335
amount of the debt, do the same for any subsequent annual 30336
installments, at the time the installments become due and owing to 30337
the person, until the debt is fully satisfied. 30338

(B) If a person entitled to a lottery prize award owes more 30339
than one debt, any debt subject to section 5739.33 or division (G) 30340
of section 5747.07 of the Revised Code shall be satisfied first. 30341

(C) This section applies only to debts that have become 30342
final. 30343

Sec. 3770.10. As used in sections 3770.07 and 3770.10 to 30344
3770.14 of the Revised Code: 30345

(A) "Court of competent jurisdiction" means the probate court 30346
of the county in which the prize winner resides, or, if the prize 30347
winner is not a resident of this state, the probate court of 30348
Franklin county or a federal court having jurisdiction over the 30349
lottery prize award. 30350

(B) "Discounted present value" means the present value of the 30351
future payments of a lottery prize award that is determined by 30352
discounting those payments to the present, using the most recently 30353
published applicable federal rate for determining the present 30354
value of an annuity as issued by the United States internal 30355
revenue service and assuming daily compounding. 30356

(C) "Independent professional advice" means the advice of an 30357
attorney, a certified public accountant, an actuary, or any other 30358
licensed professional adviser if all of the following apply: 30359

(1) The prize winner has engaged the services of the licensed 30360
professional adviser to render advice concerning the legal and 30361
other implications of a transfer of the lottery prize award. 30362

(2) The licensed professional adviser is not affiliated in 30363
any manner with or compensated in any manner by the transferee of 30364
the lottery prize award. 30365

(3) The compensation of the licensed professional adviser is 30366
not affected by whether or not a transfer of a lottery prize award 30367
occurs. 30368

(D) "Prize winner" means any person that holds the right to 30369
receive all or any part of a lottery prize award as a result of 30370
being any of the following: 30371

(1) A person who is a claimant under division (A)~~(1)~~ of 30372
section 3770.07 of the Revised Code; 30373

(2) A person who is entitled to a prize award and who is 30374
under a legal disability as described in division ~~(A)~~~~(2)~~(B) of 30375

section 3770.07 of the Revised Code; 30376

(3) A person who was awarded a prize award to which another 30377
has claimed title by a court order under division ~~(A)(4)(a)~~(D)(1) 30378
of section 3770.07 of the Revised Code; 30379

(4) A person who is receiving payments upon the death of a 30380
prize winner as provided in division ~~(A)(4)(b)~~(D)(2) of section 30381
3770.07 of the Revised Code. 30382

(E) "Transfer" means any form of sale, assignment, or 30383
redirection of payment of all or any part of a lottery prize award 30384
for consideration. 30385

(F) "Transfer agreement" means an agreement that is complete 30386
and valid, and that provides for the transfer of all or any part 30387
of a lottery prize award from a transferor to a transferee. A 30388
transfer agreement is incomplete and invalid unless the agreement 30389
contains both of the following: 30390

(1) A statement, signed by the transferor under penalties of 30391
perjury, that the transferor irrevocably agrees that the 30392
transferor is subject to the tax imposed by Chapter 5733. or 5747. 30393
of the Revised Code with respect to gain or income which the 30394
transferor will recognize in connection with the transfer. If the 30395
transferor is a pass-through entity, as defined in section 5733.04 30396
of the Revised Code, each investor in the pass-through entity 30397
shall also sign under penalties of perjury a statement that the 30398
investor irrevocably agrees that the investor is subject to the 30399
tax imposed by Chapter 5733. or 5747. of the Revised Code with 30400
respect to gain or income which the transferor and the investor 30401
will recognize in connection with the transfer. 30402

(2) A statement, signed by the transferee, that the 30403
transferee irrevocably agrees that the transferee is subject to 30404
the withholding requirements imposed by division (C) of section 30405
3770.072 of the Revised Code and is subject to the tax imposed by 30406

Chapter 5733. or 5747. of the Revised Code with respect to gain or 30407
income which the transferee will recognize in connection with 30408
lottery prize awards to be received as a result of the transfer. 30409
If the transferee is a pass-through entity, as defined in section 30410
5733.04 of the Revised Code, each investor in the pass-through 30411
entity shall also sign under penalties of perjury a statement 30412
setting forth that the investor irrevocably agrees that the 30413
investor is subject to the withholding requirements imposed by 30414
division (C) of section 3770.072 of the Revised Code and is 30415
subject to the tax imposed by Chapter 5733. or 5747. of the 30416
Revised Code with respect to gain or income which the transferee 30417
and the investor will recognize in connection with lottery prize 30418
awards to be received as a result of the transfer. 30419

(G) "Transferee" means a party acquiring or proposing to 30420
acquire all or any part of a lottery prize award through a 30421
transfer. 30422

(H) "Transferor" means either a prize winner or a transferee 30423
in an earlier transfer whose interest is acquired by or is sought 30424
to be acquired by a transferee or a new transferee through a 30425
transfer. 30426

Sec. 3770.99. (A) Whoever is prohibited from claiming a 30427
lottery prize award under division ~~(A)(5)(E)~~ of section 3770.07 of 30428
the Revised Code and attempts to claim or is paid a lottery prize 30429
award is guilty of a minor misdemeanor, and shall provide 30430
restitution to the state lottery commission of any moneys 30431
erroneously paid as a lottery prize award to that person. 30432

(B) Whoever violates division (C) of section 3770.071 or 30433
section 3770.08 of the Revised Code is guilty of a misdemeanor of 30434
the third degree. 30435

Sec. 3773.33. (A) There is hereby created the Ohio athletic 30436

commission. The commission shall consist of five voting members 30437
appointed by the governor with the advice and consent of the 30438
senate, not more than three of whom shall be of the same political 30439
party, and two nonvoting members, one of whom shall be a member of 30440
the senate appointed by and to serve at the pleasure of the 30441
president of the senate and one of whom shall be a member of the 30442
house of representatives appointed by and to serve at the pleasure 30443
of the speaker of the house of representatives. To be eligible for 30444
appointment as a voting member, a person shall be a qualified 30445
elector and a resident of the state for not less than five years 30446
immediately preceding the person's appointment. Two voting members 30447
shall be knowledgeable in boxing, at least one voting member shall 30448
be knowledgeable and experienced in high school athletics, one 30449
voting member shall be knowledgeable and experienced in 30450
professional athletics, and at least one voting member shall be 30451
knowledgeable and experienced in collegiate athletics. One 30452
commission member shall hold the degree of doctor of medicine or 30453
doctor of osteopathy. 30454

(B) No person shall be appointed to the commission or be an 30455
employee of the commission who is licensed, registered, or 30456
regulated by the commission. No member shall have any legal or 30457
beneficial interest, direct or indirect, pecuniary or otherwise, 30458
in any person who is licensed, registered, or regulated by the 30459
commission or who participates in prize fights or public boxing or 30460
wrestling matches or exhibitions. No member shall participate in 30461
any fight, match, or exhibition other than in the member's 30462
official capacity as a member of the commission, or as an 30463
inspector as authorized in section 3773.52 of the Revised Code. 30464

(C) The governor shall appoint the voting members to the 30465
commission. Of the initial appointments, two shall be for terms 30466
ending one year after September 3, 1996, two shall be for terms 30467
ending two years after September 3, 1996, and one shall be for a 30468

term ending three years after September 3, 1996. Thereafter, terms 30469
of office shall be for three years, each term ending the same day 30470
of the same month of the year as did the term which it succeeds. 30471
Each member shall hold office from the date of the member's 30472
appointment until the end of the term for which the member was 30473
appointed. Any member appointed to fill a vacancy occurring prior 30474
to the expiration of the term for which the member's predecessor 30475
was appointed shall hold office for the remainder of the term. Any 30476
member shall continue in office subsequent to the expiration date 30477
of the member's term until the member's successor takes office, or 30478
until a period of sixty days has elapsed, whichever occurs first. 30479

The governor shall name one voting member as chairperson of 30480
the commission at the time of making the appointment of any member 30481
for a full term. Three voting members shall constitute a quorum, 30482
and the affirmative vote of three voting members shall be 30483
necessary for any action taken by the commission. No vacancy on 30484
the commission impairs the authority of the remaining members to 30485
exercise all powers of the commission. 30486

Voting members, when engaged in commission duties, shall 30487
receive a per diem compensation determined in accordance with 30488
division (J) of section 124.15 of the Revised Code, and all 30489
members shall receive their actual and necessary expenses incurred 30490
in the performance of their official duties. 30491

Each voting member, before entering upon the discharge of the 30492
member's duties, shall file a surety bond payable to the treasurer 30493
of state in the sum of ten thousand dollars. Each surety bond 30494
shall be conditioned upon the faithful performance of the duties 30495
of the office, executed by a surety company authorized to transact 30496
business in this state, and filed in the office of the secretary 30497
of state. 30498

The governor may remove any voting member for malfeasance, 30499
misfeasance, or nonfeasance in office after giving the member a 30500

copy of the charges against the member and affording the member an 30501
opportunity for a public hearing, at which the member may be 30502
represented by counsel, upon not less than ten days' notice. If 30503
the member is removed, the governor shall file a complete 30504
statement of all charges made against the member and the 30505
governor's finding ~~thereon~~ on the charges in the office of the 30506
secretary of state, together with a complete report of the 30507
proceedings. The governor's decision shall be final. 30508

~~(D) The commission shall maintain an office in Youngstown and 30509
keep all of its permanent records there. 30510~~

Sec. 3773.43. The Ohio athletic commission shall charge the 30511
following fees: 30512

(A) For an application for or renewal of a promoter's license 30513
for public boxing matches or exhibitions, ~~fifty~~ one hundred 30514
dollars. 30515

(B) For an application for or renewal of a license to 30516
participate in a public boxing match or exhibition as a 30517
contestant, or as a referee, judge, matchmaker, manager, 30518
timekeeper, trainer, or second of a contestant, ~~ten~~ twenty 30519
dollars. 30520

(C) For a permit to conduct a public boxing match or 30521
exhibition, ~~ten~~ fifty dollars. 30522

(D) For an application for or renewal of a promoter's license 30523
for professional wrestling matches or exhibitions, ~~one~~ two hundred 30524
dollars. 30525

(E) For a permit to conduct a professional wrestling match or 30526
exhibition, ~~fifty~~ one hundred dollars. 30527

The commission, subject to the approval of the controlling 30528
board, may establish fees in excess of the amounts provided in 30529
this section, provided that such fees do not exceed the amounts 30530

permitted by this section by more than ~~twenty-five~~ fifty per cent. 30531

The fees prescribed by this section shall be paid to the 30532
treasurer of state, who shall deposit the fees in the occupational 30533
licensing and regulatory fund. 30534

Sec. 3781.19. There is hereby established in the department 30535
of commerce a board of building appeals consisting of five members 30536
who shall be appointed by the governor with the advice and consent 30537
of the senate. Terms of office shall be for four years, commencing 30538
on the fourteenth day of October and ending on the thirteenth day 30539
of October. Each member shall hold office from the date of ~~his~~ 30540
appointment until the end of the term for which ~~he~~ the member was 30541
appointed. Any member appointed to fill a vacancy occurring prior 30542
to the expiration of the term for which ~~his~~ the member's 30543
predecessor was appointed shall hold office for the remainder of 30544
such term. Any member shall continue in office subsequent to the 30545
expiration date of ~~his~~ the member's term until ~~his~~ a successor 30546
takes office, or until a period of sixty days has elapsed, 30547
whichever occurs first. One member shall be an attorney-at-law, 30548
admitted to the bar of this state and of the remaining members, 30549
one shall be a registered architect and one shall be a 30550
professional engineer, each of whom shall be duly licensed to 30551
practice their respective professions in this state, one shall be 30552
a fire prevention officer qualified under section 3737.66 of the 30553
Revised Code, and one shall be a person with recognized ability in 30554
the plumbing or pipefitting profession. No member of the board of 30555
building standards shall be a member of the board of building 30556
appeals. Each member shall be paid an amount fixed pursuant to 30557
Chapter 124. of the Revised Code per diem. The department shall 30558
provide and assign to the board such employees as are required by 30559
the board to perform its functions. The board may adopt its own 30560
rules of procedure not inconsistent with sections 3781.06 to 30561
3781.18 and 3791.04 of the Revised Code, and may change them in 30562

its discretion. The board may establish reasonable fees, based on 30563
actual costs for administration of filing and processing, not to 30564
exceed ~~one~~ two hundred dollars, for the costs of filing and 30565
processing appeals. A full and complete record of all proceedings 30566
of the board shall be kept and be open to public inspection. 30567

In the enforcement by any department of the state or any 30568
political subdivision of this chapter and Chapter 3791., and 30569
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.44, 4104.45, 30570
4105.011, and 4105.11 of the Revised Code and any rule made 30571
thereunder, such department is the agency referred to in sections 30572
119.07, 119.08, and 119.10 of the Revised Code. 30573

The appropriate municipal or county board of appeals, where 30574
one exists, certified pursuant to section 3781.20 of the Revised 30575
Code shall conduct the adjudication hearing referred to in 30576
sections 119.09 to 119.13 and required by section 3781.031 of the 30577
Revised Code. If there is no certified municipal or county board 30578
of appeals, the board of building appeals shall conduct the 30579
adjudication hearing. If the adjudication hearing concerns section 30580
3781.111 of the Revised Code or any rule made thereunder, 30581
reasonable notice of the time, date, place, and subject of the 30582
hearing shall be given to any local corporation, association, or 30583
other organization composed of or representing handicapped 30584
persons, as defined in section 3781.111 of the Revised Code, or if 30585
there is no local organization, then to any statewide corporation, 30586
association, or other organization composed of or representing 30587
handicapped persons. 30588

In addition to the provisions of Chapter 119. of the Revised 30589
Code, the municipal, county, or state board of building appeals, 30590
as the agency conducting the adjudication hearing, may reverse or 30591
modify the order of the enforcing agency if it finds that the 30592
order is contrary to this chapter and Chapters 3791. and 4104., 30593
and sections 3737.41, 3737.42, 4105.011 and 4105.11 of the Revised 30594

Code and any rule made thereunder or to a fair interpretation or 30595
application of such laws or any rule made thereunder, or that a 30596
variance from the provisions of such laws or any rule made 30597
thereunder, in the specific case, will not be contrary to the 30598
public interest where a literal enforcement of such provisions 30599
will result in unnecessary hardship. 30600

The state board of building appeals or a certified municipal 30601
or county board of appeals shall render its decision within thirty 30602
days after the date of the adjudication hearing. Following the 30603
adjudication hearing, any municipal or county officer, official 30604
municipal or county board, or person who was a party to the 30605
hearing before the municipal or county board of appeals may apply 30606
to the state board of appeals for a de novo hearing before the 30607
state board, or may appeal directly to the court of common pleas 30608
pursuant to section 3781.031 of the Revised Code. 30609

In addition, any local corporation, association, or other 30610
organization composed of or representing handicapped persons as 30611
defined in section 3781.111 of the Revised Code, or, if no local 30612
corporation, association, or organization exists, then any 30613
statewide corporation, association, or other organization composed 30614
of or representing handicapped persons may apply for the de novo 30615
hearing or appeal to the court of common pleas from any decision 30616
of a certified municipal or county board of appeals interpreting, 30617
applying, or granting a variance from section 3781.111 of the 30618
Revised Code and any rule made thereunder. Application for a de 30619
novo hearing before the state board shall be made no later than 30620
thirty days after the municipal or county board renders its 30621
decision. 30622

The state board of building appeals or the appropriate 30623
certified local board of building appeals shall grant variances 30624
and exemptions from the requirements of section 3781.108 of the 30625
Revised Code in accordance with rules adopted by the board of 30626

building standards pursuant to division (J) of section 3781.10 of 30627
the Revised Code. 30628

The state board of building appeals or the appropriate 30629
certified local board of building appeals shall, in granting a 30630
variance or exemption from section 3781.108 of the Revised Code, 30631
in addition to any other considerations the state or the 30632
appropriate local board determines appropriate, consider the 30633
architectural and historical significance of the building. 30634

Sec. 3901.86. (A) When the laws of any other state, district, 30635
territory, or nation impose any taxes, fines, penalties, license 30636
fees, deposits of money, securities, or other obligations or 30637
prohibitions on insurance companies of this state doing business 30638
in that state, district, territory, or nation, or upon their 30639
agents therein, the same obligations and prohibitions shall be 30640
imposed upon insurance companies of the other state, district, or 30641
nation doing business in this state and upon their agents. 30642

When the laws of any other state, district, territory, or 30643
nation impose a requirement for countersignature and payment of a 30644
fee or commission upon agents of this state for placing any 30645
coverage in that state, district, territory, or nation, then the 30646
same requirements of countersignature and fee or commission shall 30647
be imposed upon agents of that state, district, territory, or 30648
nation for placing any coverage in this state. 30649

(B) Beginning on July 1, 1993, twenty per cent of the amount 30650
that is collected under division (A) of this section from foreign 30651
insurance companies that sell fire insurance to residents of this 30652
state shall be paid into the state fire marshal's fund created 30653
under section 3737.71 of the Revised Code. The director of 30654
~~commerce~~ public safety, with the approval of the director of 30655
budget and management, may increase the percentage described in 30656
this division so that it will yield an amount that the director of 30657

~~commerce~~ public safety determines necessary to assist in the 30658
maintenance and administration of the office of the fire marshal 30659
and in defraying the costs of operating the Ohio fire academy 30660
established by section 3737.33 of the Revised Code. 30661

Sec. 4104.01. As used in sections 4104.01 to 4104.20 and 30662
section 4104.99 of the Revised Code: 30663

(A) "Board of building standards" or "board" means the board 30664
established by section 3781.07 of the Revised Code. 30665

(B) "Superintendent" means the superintendent of the division 30666
of industrial compliance created by section 121.04 of the Revised 30667
Code. 30668

(C) "Boiler" means a closed vessel in which water is heated, 30669
steam is generated, steam is superheated, or any combination 30670
thereof, under pressure or vacuum for use externally to itself by 30671
the direct application of heat from the combustion of fuels, or 30672
from electricity or nuclear energy. "Boiler" includes fired units 30673
for heating or vaporizing liquids other than water where these 30674
units are separate from processing systems and are complete within 30675
themselves. 30676

(D) "Power boiler" means a boiler in which steam or other 30677
vapor (to be used externally to itself) is generated at a pressure 30678
of more than fifteen psig. 30679

(E) "High pressure, high temperature water boiler" means a 30680
water heating boiler operating at pressures exceeding one hundred 30681
sixty psig or temperatures exceeding two hundred fifty degrees 30682
Fahrenheit. 30683

(F) "Low pressure boiler" means a steam boiler operating at 30684
pressures not exceeding fifteen psig, or a hot water heating 30685
boiler operating at pressures not exceeding one hundred sixty psig 30686
or temperatures not exceeding two hundred fifty degrees 30687

Fahrenheit. 30688

(G) "~~Unfired pressure~~ Pressure vessel" means a container for 30689
the containment of pressure, either internal or external. This 30690
pressure may be obtained from an external source or by the 30691
application of heat from a direct or indirect source or any 30692
combination thereof. 30693

(H) "Process boiler" means a boiler to which all of the 30694
following apply: 30695

(1) The steam in the boiler is either generated or 30696
superheated, or both, under pressure or vacuum for use external to 30697
itself. 30698

(2) The source of heat for the boiler is in part or in whole 30699
from a process other than the boiler itself. 30700

(3) The boiler is part of a continuous processing unit, such 30701
as used in chemical manufacture or petroleum refining, other than 30702
a steam-generated process unit. 30703

(I) "Stationary steam engine" means an engine or turbine in 30704
which the mechanical force arising from the elasticity and 30705
expansion action of steam or from its property of rapid 30706
condensation or from a combination of the two is made available as 30707
a motive power. 30708

Sec. 4104.02. The board of building standards shall: 30709

(A) Formulate rules for the construction, installation, 30710
~~inspection~~, repair, conservation of energy, and operation of 30711
boilers and the construction, ~~inspection~~, and repair of ~~unfired~~ 30712
pressure vessels and for ascertaining the safe working pressures 30713
to be carried on such boilers and ~~unfired~~ pressure vessels and the 30714
qualification of inspectors of boilers and ~~unfired~~ pressure 30715
vessels; 30716

(B) Prescribe tests, if it is considered necessary, to 30717

ascertain the qualities of materials used in the construction of 30718
boilers and unfired pressure vessels; 30719

(C) Adopt rules regulating the construction and sizes of 30720
safety valves for boilers and unfired pressure vessels of 30721
different sizes and pressures, for the construction, use, and 30722
location of fusible plugs, appliances for indicating the pressure 30723
of steam and level of water in the boiler or unfired pressure 30724
vessels, and such other appliances as the board considers 30725
necessary to safety in operating boilers; 30726

(D) Establish reasonable fees for the performance of reviews, 30727
surveys, or audits of manufacturer's facilities by the division of 30728
industrial compliance for certification by the American society of 30729
mechanical engineers and the national board of boiler and pressure 30730
vessel inspectors; 30731

(E) The definitions and rules adopted by the board for the 30732
construction, installation, ~~inspection~~, repair, conservation of 30733
energy, and operation of boilers and the construction, ~~inspection~~, 30734
and repair of unfired pressure vessels and for ascertaining the 30735
safe working pressures to be used on such boilers and unfired 30736
pressure vessels shall be based upon and follow generally accepted 30737
engineering standards, formulae, and practices established and 30738
pertaining to boilers and unfired pressure vessel construction, 30739
operation, and safety, and the board may, for this purpose, adopt 30740
existing published standards as well as amendments thereto 30741
subsequently published by the same authority. 30742

When a person desires to manufacture a special type of boiler 30743
or unfired pressure vessel, the design of which is not covered by 30744
the rules of the board, the person shall submit drawings and 30745
specifications of such boiler or unfired pressure vessel to the 30746
board for investigation, after which the board may permit its 30747
installation. 30748

The provisions of sections 119.03 and 119.11 of the Revised Code in particular, and the applicable provisions of Chapter 119. of the Revised Code in general, shall govern the proceedings of the board of building standards in adopting, amending, or rescinding rules pursuant to this section.

Sec. 4104.04. (A) Sections 4104.01 to 4104.20 and section 4104.99 of the Revised Code do not apply to the following boilers and ~~unfired~~ pressure vessels:

(1) Boilers, ~~unfired~~ pressure vessels, and stationary steam engines under federal control or subject to inspection under federal laws;

(2) Air tanks located on vehicles operating under the rules of other state authorities and used for carrying passengers, or freight;

(3) Air tanks installed on the right of way of railroads and used directly in the operation of trains;

(4) ~~Unfired-pressure~~ Pressure vessels ~~which that~~ are under the regulation and control of the state fire marshal under Chapter 3737. of the Revised Code.

(B) The following boilers and ~~unfired~~ pressure vessels are exempt from the requirements of sections 4104.10, 4104.101, 4104.11, 4104.12, and 4104.13 of the Revised Code, but shall be equipped with such appliances, to insure safety of operation, as are prescribed by the board:

(1) Portable boilers or ~~unfired~~ pressure vessels when located on farms and used solely for agricultural purposes;

(2) Steam or vapor boilers carrying a pressure of not more than fifteen psig, which are located in private residences or in apartment houses of less than six family units;

(3) Hot water boilers operated at pressures not exceeding one 30778
hundred sixty psig, or temperatures not exceeding two hundred 30779
fifty degrees fahrenheit, which are located in private residences 30780
or in apartment houses of less than six family units; 30781

(4) ~~Unfired pressure~~ Pressure vessels containing only water 30782
under pressure for domestic supply purposes, including those 30783
containing air, the compression of which serves only as a cushion 30784
or airlift pumping system, when located in private residences or 30785
in apartment houses of less than six family units; 30786

(5) Portable boilers used in pumping, heating, steaming, and 30787
drilling, in the open field, for water, gas, and oil; 30788

(6) Portable boilers used in the construction of and repair 30789
to public roads, railroads, and bridges; 30790

(7) Historical steam boilers of riveted construction, 30791
preserved, restored, or maintained for hobby or demonstration use. 30792

Sec. 4104.06. (A) The inspection of boilers and their 30793
appurtenances and ~~unfired~~ pressure vessels shall be made by the 30794
inspectors mentioned in sections 4104.07 to 4104.20 of the Revised 30795
Code. The superintendent of industrial compliance shall administer 30796
and enforce such sections and rules adopted by the board of 30797
building standards pursuant to section 4104.02 of the Revised 30798
Code. 30799

(B) The superintendent shall adopt, amend, and repeal rules 30800
exclusively for the issuance, renewal, suspension, and revocation 30801
of certificates of competency and certificates of operation, for 30802
conducting hearings in accordance with Chapter 119. of the Revised 30803
Code related to these actions, and for the inspection of boilers 30804
and their appurtenances, and ~~unfired~~ pressure vessels. 30805

(C) Notwithstanding division (B) of this section, the 30806
superintendent shall not adopt rules relating to construction, 30807

maintenance, or repair of boilers and their appurtenances, or 30808
repair of unfired pressure vessels. 30809

(D) The superintendent and each general inspector may enter 30810
any premises and any building or room at all reasonable hours to 30811
perform an examination or inspection. 30812

Sec. 4104.07. (A) An application for examination as an 30813
inspector of boilers and unfired pressure vessels shall be in 30814
writing, accompanied by a fee of fifty dollars, upon a blank to be 30815
furnished by the superintendent of industrial compliance. Any 30816
moneys collected under this section shall be paid into the state 30817
treasury to the credit of the industrial compliance operating fund 30818
created in section 121.084 of the Revised Code. 30819

(B) The superintendent shall determine if an applicant meets 30820
all the requirements for examination in accordance with rules 30821
adopted by the board of building standards under section 4104.02 30822
of the Revised Code. An application shall be rejected which 30823
contains any willful falsification, or untruthful statements. 30824

(C) An applicant shall be examined by the superintendent, by 30825
a written examination, prescribed by the board, dealing with the 30826
construction, installation, operation, maintenance, and repair of 30827
boilers and unfired pressure vessels and their appurtenances, and 30828
the applicant shall be accepted or rejected on the merits of the 30829
applicant's application and examination. 30830

(D) Upon a favorable report by the superintendent of the 30831
result of an examination, the superintendent shall immediately 30832
issue to the successful applicant a certificate of competency to 30833
that effect. 30834

Sec. 4104.08. (A) The director of commerce may appoint from 30835
the holders of certificates of competency provided for in section 30836
4104.07 of the Revised Code, general inspectors of boilers and 30837

~~unfired~~ pressure vessels. 30838

(B) Any company authorized to insure boilers and ~~unfired~~ 30839
pressure vessels against explosion in this state may designate 30840
from holders of certificates of competency issued by the 30841
superintendent of industrial compliance, or holders of 30842
certificates of competency or commissions issued by other states 30843
or nations whose examinations for certificates or commissions have 30844
been approved by the board of building standards, persons to 30845
inspect and stamp boilers and ~~unfired~~ pressure vessels covered by 30846
the company's policies, and the superintendent shall issue to such 30847
persons commissions authorizing them to act as special inspectors. 30848
Special inspectors shall be compensated by the company designating 30849
them. 30850

(C) The director of commerce shall establish an annual fee to 30851
be charged by the superintendent for each certificate of 30852
competency or commission the superintendent issues. 30853

(D) The superintendent shall issue to each general or special 30854
inspector a commission to the effect that the holder thereof is 30855
authorized to inspect boilers and ~~unfired~~ pressure vessels in this 30856
state. 30857

(E) No person shall be authorized to act as a general 30858
inspector or a special inspector who is directly or indirectly 30859
interested in the manufacture or sale of boilers or ~~unfired~~ 30860
pressure vessels. 30861

Sec. 4104.15. (A) All certificates of inspection for boilers, 30862
issued prior to October 15, 1965, are valid and effective for the 30863
period set forth in such certificates unless sooner withdrawn by 30864
the superintendent of industrial compliance. The owner or user of 30865
any such boiler shall obtain an appropriate certificate of 30866
operation for such boiler, and shall not operate such boiler, or 30867
permit it to be operated unless a certificate of operation has 30868

been obtained in accordance with section 4104.17 of the Revised Code. 30869
30870

(B) If, upon making the internal and external inspection 30871
required under sections 4104.11, 4104.12, and 4104.13 of the 30872
Revised Code, the inspector finds the boiler to be in safe working 30873
order, with the fittings necessary to safety, and properly set up, 30874
upon the inspector's report to the superintendent, the 30875
superintendent shall issue to the owner or user thereof, or renew, 30876
upon application and upon compliance with sections 4104.17 and 30877
4104.18 of the Revised Code, a certificate of operation which 30878
shall state the maximum pressure at which the boiler may be 30879
operated, as ascertained by the rules of the board of building 30880
standards. Such certificates shall also state the name of the 30881
owner or user, the location, size, and number of each boiler, and 30882
the date of issuance, and shall be so placed as to be easily read 30883
in the engine room or boiler room of the plant where the boiler is 30884
located, except that the certificate of operation for a portable 30885
boiler shall be kept on the premises and shall be accessible at 30886
all times. 30887

(C) If an inspector at any inspection finds that the boiler 30888
or ~~unfired~~ pressure vessel is not in safe working condition, or is 30889
not provided with the fittings necessary to safety, or if the 30890
fittings are improperly arranged, the inspector shall immediately 30891
notify the owner or user and person in charge of the boiler and 30892
shall report the same to the superintendent who may revoke, 30893
suspend, or deny the certificate of operation and not renew the 30894
same until the boiler or ~~unfired~~ pressure vessel and its fittings 30895
are put in condition to insure safety of operation, and the owner 30896
or user shall not operate the boiler or ~~unfired~~ pressure vessel, 30897
or permit it to be operated until such certificate has been 30898
granted or restored. 30899

(D) If the superintendent or a general boiler inspector finds 30900

that ~~an unfired~~ a pressure vessel or boiler or a part thereof 30901
poses an explosion hazard that reasonably can be regarded as 30902
posing an imminent danger of death or serious physical harm to 30903
persons, the superintendent or the general boiler inspector shall 30904
seal the ~~unfired~~ pressure vessel or boiler and order, in writing, 30905
the operator or owner of the ~~unfired~~ pressure vessel or boiler to 30906
immediately cease the ~~unfired~~ pressure vessel's or boiler's 30907
operation. The order shall be effective until the nonconformities 30908
are eliminated, corrected, or otherwise remedied, or for a period 30909
of seventy-two hours from the time of issuance, whichever occurs 30910
first. During the seventy-two-hour period, the superintendent may 30911
request that the prosecuting attorney or city attorney of Franklin 30912
county or of the county in which the ~~unfired~~ pressure vessel or 30913
boiler is located obtain an injunction restraining the operator or 30914
owner of the ~~unfired~~ pressure vessel or boiler from continuing its 30915
operation after the seventy-two-hour period expires until the 30916
nonconformities are eliminated, corrected, or otherwise remedied. 30917

(E) Each boiler which has been inspected shall be assigned a 30918
number by the superintendent, which number shall be stamped on a 30919
nonferrous metal tag affixed to the boiler or its fittings by seal 30920
or otherwise. No person except an inspector shall deface or remove 30921
any such number or tag. 30922

(F) If the owner or user of any ~~unfired~~ pressure vessel or 30923
boiler disagrees with the inspector as to the necessity for 30924
shutting down ~~an unfired~~ a pressure vessel or boiler or for making 30925
repairs or alterations in it, or taking any other measures for 30926
safety that are requested by an inspector, the owner or user may 30927
appeal from the decision of the inspector to the superintendent, 30928
who may, after such other inspection by a general inspector or 30929
special inspector as the superintendent deems necessary, decide 30930
the issue. 30931

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 30932

nor an inspection or report by any inspector, shall relieve the 30933
owner or user of ~~an unfired~~ a pressure vessel or boiler of the 30934
duty of using due care in the inspection, operation, and repair of 30935
the ~~unfired~~ pressure vessel or boiler or of any liability for 30936
damages for failure to inspect, repair, or operate the ~~unfired~~ 30937
pressure vessel or boiler safely. 30938

Sec. 4104.18. (A) The owner or user of a boiler required 30939
under section 4104.12 of the Revised Code to be inspected upon 30940
installation, and the owner or user of a boiler for which a 30941
certificate of inspection has been issued which is replaced with 30942
an appropriate certificate of operation, shall pay to the 30943
superintendent of industrial compliance a fee in the amount of 30944
~~thirty~~ forty-five dollars for boilers subject to annual 30945
inspections under section 4104.11 of the Revised Code, ~~sixty~~ 30946
ninety dollars for boilers subject to biennial inspection under 30947
section 4104.13 of the Revised Code, ~~ninety one hundred~~ 30948
thirty-five dollars for boilers subject to triennial inspection 30949
under section 4104.11 of the Revised Code, or ~~one two~~ hundred 30950
~~fifty~~ twenty-five dollars for boilers subject to quinquennial 30951
inspection under section 4104.13 of the Revised Code. 30952

A renewal fee in the amount of ~~thirty~~ forty-five dollars 30953
shall be paid to the treasurer of state before the renewal of any 30954
certificate of operation. 30955

(B) The fee for complete inspection during construction by a 30956
general inspector on boilers and ~~unfired~~ pressure vessels 30957
manufactured within the state shall be thirty-five dollars per 30958
hour. Boiler and ~~unfired~~ pressure vessel manufacturers other than 30959
those located in the state may secure inspection by a general 30960
inspector on work during construction, upon application to the 30961
superintendent, and upon payment of a fee of thirty-five dollars 30962
per hour, plus the necessary traveling and hotel expenses incurred 30963

by the inspector. 30964

(C) The application fee for applicants for steam engineer, 30965
high pressure boiler operator, or low pressure boiler operator 30966
licenses is fifty dollars. The fee for each original or renewal 30967
steam engineer, high pressure boiler operator, or low pressure 30968
boiler operator license is thirty-five dollars. 30969

(D) The director of commerce, subject to the approval of the 30970
controlling board, may establish fees in excess of the fees 30971
provided in divisions (A), (B), and (C) of this section, ~~provided~~ 30972
~~that such fees do not exceed the amounts established in this~~ 30973
~~section by more than fifty per cent.~~ Any moneys collected under 30974
this section shall be paid into the state treasury to the credit 30975
of the industrial compliance operating fund created in section 30976
121.084 of the Revised Code. 30977

(E) Any person who fails to pay an invoiced renewal fee or an 30978
invoiced inspection fee required for any inspection conducted by 30979
the division of industrial compliance pursuant to this chapter 30980
within forty-five days of the invoice date shall pay a late 30981
payment fee equal to twenty-five per cent of the invoiced fee. 30982

(F) In addition to the fees assessed in divisions (A) and (B) 30983
of this section, the board of building standards shall assess the 30984
owner or user a fee of three dollars and twenty-five cents for 30985
each certificate of operation or renewal thereof issued under 30986
division (A) of this section and for each inspection conducted 30987
under division (B) of this section. The board shall adopt rules, 30988
in accordance with Chapter 119. of the Revised Code, specifying 30989
the manner by which the superintendent shall collect and remit to 30990
the board the fees assessed under this division and requiring that 30991
remittance of the fees be made at least quarterly. 30992

Sec. 4104.19. (A) Any person seeking a license to operate as 30993
a steam engineer, high pressure boiler operator, or low pressure 30994

boiler operator shall file a written application with the 30995
superintendent of industrial compliance on a form prescribed by 30996
the superintendent with the appropriate application fee as set 30997
forth in section 4104.18 of the Revised Code. The application 30998
shall contain information satisfactory to the superintendent to 30999
demonstrate that the applicant meets the requirements of division 31000
(B) of this section. The application shall be filed with the 31001
superintendent not more than sixty days and not less than thirty 31002
days before the license examination is offered. 31003

(B) To qualify to take the examination required to obtain a 31004
steam engineer, high pressure boiler operator, or low pressure 31005
boiler operator license, a person shall meet both of the following 31006
requirements: 31007

(1) Be at least eighteen years of age; 31008

(2) Have one year of experience in the operation of steam 31009
engines, high pressure boilers, or low pressure boilers as 31010
applicable to the type of license being sought, or a combination 31011
of experience and education for the type of license sought as 31012
determined to be acceptable by the superintendent. 31013

(C) No applicant shall qualify to take an examination or to 31014
renew a license if the applicant has violated this chapter or if 31015
the applicant has obtained or renewed a license issued under this 31016
chapter by fraud, misrepresentation, or deception. 31017

(D) The superintendent shall issue a license to each 31018
applicant who receives a passing score on the examination, as 31019
determined by the superintendent, for the license for which the 31020
applicant applied. 31021

(E) The superintendent ~~shall~~ may select and contract with one 31022
or more persons to do all of the following relative to the 31023
examinations for a license to operate as a steam engineer, high 31024
pressure boiler operator, or low pressure boiler operator: 31025

(1) Prepare, administer, score, and maintain the confidentiality of the examination;	31026 31027
(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section;	31028 31029
(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;	31030 31031
(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.	31032 31033 31034
(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. Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal.	31035 31036 31037 31038 31039 31040 31041 31042
(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.	31043 31044 31045 31046 31047
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	31048 31049 31050 31051 31052 31053 31054 31055

which a boiler is situated for the purpose of inspection. No owner 31056
or operator of any unfired pressure vessel shall operate the same 31057
in violation of section 4104.10 of the Revised Code, or of any 31058
rule or regulation adopted by the board of building standards, 31059
pursuant to section 4104.02 of the Revised Code. 31060

Sec. 4104.41. ~~(A)~~ As used in sections 4104.41 to ~~4104.45~~ 31061
4104.48 of the Revised Code: 31062

~~(1)~~(A) "Liquefied petroleum gas" means any material which is 31063
composed predominantly of any of the following hydrocarbons, or 31064
mixtures of the same: propane, propylene, normal butane, or 31065
isobutane or butylenes. 31066

~~(2)~~(B) "Other gaseous piping systems" excludes natural gas 31067
piping gas systems. 31068

~~(B)~~ ~~The director of commerce shall appoint general inspectors~~ 31069
~~of power, refrigerating, hydraulic, heating, and liquefied~~ 31070
~~petroleum gas piping systems. Such inspectors shall be appointed~~ 31071
~~from holders of certificates of competency provided for in section~~ 31072
~~4104.42 of the Revised Code.~~ 31073

~~Salaries shall be appropriated in the same manner as the~~ 31074
~~salaries of other employees of state departments, and expenses of~~ 31075
~~such general inspectors shall be provided for in the same manner~~ 31076
~~as the expenses of other employees of state departments.~~ 31077

Sec. 4104.42. (A) Each manufacturer, contractor, owner, or 31078
user of power, refrigerating, hydraulic, heating and liquefied 31079
petroleum gas, oxygen, or other gaseous piping systems shall 31080
conduct tests required under rules adopted by the board of 31081
building standards under division (A)(1) of section 4104.44 of the 31082
Revised Code and certify in writing on forms provided under 31083
section 4104.43 of the Revised Code by the superintendent of 31084
industrial compliance in the department of commerce that the 31085

welding and brazing procedures used in the construction of those 31086
power, refrigerating, hydraulic, heating and liquefied petroleum 31087
gas, oxygen, or other gaseous piping systems meet the standards 31088
established by the board under division (A)(1) of section 4104.44 31089
of the Revised Code. 31090

(B) Each manufacturer, contractor, owner, or user of power, 31091
refrigerating, hydraulic, heating and liquefied petroleum gas, 31092
oxygen, or other gaseous piping systems who causes welding or 31093
brazing to be performed in the construction of power, 31094
refrigerating, hydraulic, heating and liquefied petroleum gas, 31095
oxygen, or other gaseous piping systems shall maintain at least 31096
one copy of the forms described in division (A) of this section 31097
and make that copy accessible to any individual certified by the 31098
board of building standards pursuant to division (E) of section 31099
3781.10 of the Revised Code. 31100

(C) An individual certified by the board of building 31101
standards pursuant to division (E) of section 3781.10 of the 31102
Revised Code shall examine the forms described in division (A) of 31103
this section to determine compliance with the rules adopted by the 31104
board of building standards under division (A)(1) of section 31105
4104.44 of the Revised Code. 31106

(D) An individual certified by the board of building 31107
standards pursuant to division (E) of section 3781.10 of the 31108
Revised Code with reason to question the certification or ability 31109
of any welder or brazer shall report the concerns to the 31110
superintendent of the division of industrial compliance in the 31111
department of commerce. The superintendent shall investigate those 31112
concerns. If the superintendent finds facts that substantiate the 31113
concerns of the individual certified by the board of building 31114
standards pursuant to division (E) of section 3781.10 of the 31115
Revised Code, the superintendent may require the welder or brazer 31116
in question to become recertified by a private vendor in the same 31117

manner by which five-year recertification is required under 31118
section 4104.46 of the Revised Code. The superintendent also may 31119
utilize the services of an independent testing laboratory to 31120
witness the welding or brazing performed on the project in 31121
question and to conduct tests on coupons to determine whether the 31122
coupons meet the requirements of the rules adopted by the board of 31123
building standards under division (A)(1) of section 4104.44 of the 31124
Revised Code. 31125

Sec. 4104.43. (A) Each manufacturer, contractor, owner, or 31126
user of power, refrigerating, hydraulic, heating and liquefied 31127
petroleum gas, oxygen, or other gaseous piping systems who causes 31128
welding or brazing to be performed in the construction of a power, 31129
refrigerating, hydraulic, heating and liquefied petroleum gas, 31130
oxygen, or other gaseous piping system shall file with the 31131
superintendent of the division of industrial compliance two 31132
complete copies of forms provided by the superintendent that 31133
identify the welding and brazing procedure specifications and 31134
welder and brazer performance qualifications performed in the 31135
construction of that power, refrigerating, hydraulic, heating and 31136
liquefied petroleum gas, oxygen, or other gaseous piping system. 31137

(B)(1) Upon receipt of the forms filed under division (A) of 31138
this section, the superintendent shall review the welding and 31139
brazing procedure specifications and welder and brazer performance 31140
qualifications as indicated on the forms to determine compliance 31141
with rules adopted by the board of building standards under 31142
division (A)(1) of section 4104.44 of the Revised Code. 31143

(2) If the superintendent finds that the welding and brazing 31144
procedure specifications and welder and brazer performance 31145
qualifications comply with the requirements of the rules adopted 31146
by the board of building standards under division (A)(1) of 31147
section 4104.44 of the Revised Code, the superintendent shall 31148

approve the welding and brazing procedure specifications and 31149
welder and brazer performance qualifications as indicated on the 31150
forms and return one copy to the manufacturer, contractor, owner, 31151
or user of power, refrigerating, hydraulic, heating and liquefied 31152
petroleum gas, oxygen, or other gaseous piping systems who 31153
submitted the forms. 31154

(3) If the superintendent finds that the welding and brazing 31155
procedure specifications and welder and brazer performance 31156
qualifications do not comply with the requirements of the rules 31157
adopted by the board of building standards under division (A)(1) 31158
of section 4104.44 of the Revised Code, the superintendent shall 31159
indicate on the forms that the welding and brazing procedure 31160
specifications and welder and brazer performance qualifications 31161
are not approved and return one copy of the form to the 31162
manufacturer, contractor, owner, or user of power, refrigerating, 31163
hydraulic, heating and liquefied petroleum gas, oxygen, or other 31164
gaseous piping systems who submitted the forms with an explanation 31165
of why the welding and brazing procedure specifications and welder 31166
and brazer performance qualifications were not approved. 31167

Sec. 4104.44. (A) The board of building standards, 31168
established by section 3781.07 of the Revised Code, shall: 31169

(1) ~~Formulate~~ Adopt rules governing the design, plan review, 31170
approval, construction, and installation of power, refrigerating, 31171
hydraulic, heating, and liquefied petroleum gas, oxygen, and other 31172
gaseous piping systems. ~~Such~~ The rules shall prescribe uniform 31173
minimum standards necessary for the protection of the public 31174
health and safety and shall include rules establishing the safe 31175
working pressure to be carried by any such systems; a program for 31176
the certification of the welding and brazing procedures proposed 31177
to be used on any such system by the owner or operator of any 31178
welding or brazing business and for quinquennial performance 31179

testing of welders and brazers who work on any such system; and 31180
measures for the conservation of energy. ~~Such~~ The rules shall be 31181
based upon and follow generally accepted engineering standards, 31182
formulas, and practices established and pertaining to such piping 31183
construction, installation, and testing. The board may, for this 31184
purpose, adopt existing published standards, as well as amendments 31185
thereto subsequently published by the same authority. 31186

(2) Prescribe the tests, to ascertain the qualities of 31187
materials and welding and brazing materials used in the 31188
construction of power, refrigerating, hydraulic, heating, and 31189
liquefied petroleum gas, oxygen, and other gaseous piping systems; 31190

(3) Make a standard form of certificate of inspection; 31191

(4) ~~Prescribe the examinations for applicants for~~ 31192
~~certificates of competency provided for in section 4104.42 of the~~ 31193
~~Revised Code and~~ performance tests to determine the proficiency of 31194
welders and brazers; 31195

(5) Certify municipal and county building departments to 31196
inspect power, refrigerating, hydraulic, heating, and liquefied 31197
petroleum gas, oxygen, and other gaseous piping systems and adopt 31198
rules governing such certification+ 31199

~~(6) Establish the fee to be charged for an inspection made by~~ 31200
~~a general inspector and for the filing and auditing of special~~ 31201
~~inspector reports, and collect all fees established in this~~ 31202
~~section.~~ 31203

The fee for the quinquennial performance tests shall be 31204
fifteen dollars and the fee for certification of welding and 31205
brazing procedures mentioned in division (A) of this section shall 31206
be sixty dollars, except that the board of building standards, 31207
with the approval of the controlling board, may establish fees in 31208
excess of these fees, provided that the fees do not exceed the 31209
amounts of these fees by more than fifty per cent. The fee for 31210

each welding and brazing instruction sheet and procedure 31211
qualification record shall be fifteen dollars. Any moneys 31212
collected under this section shall be paid into the state treasury 31213
to the credit of the industrial compliance operating fund created 31214
in section 121.084 of the Revised Code. 31215

~~(B) Piping is exempt from the requirements for submission of 31216
applications and inspections and the necessity to obtain permits, 31217
as required under this section and section 4104.45 of the Revised 31218
Code, or under rules adopted pursuant to those sections, for 31219
power, refrigerating, hydraulic, heating, and liquefied petroleum 31220
gas, oxygen, and gaseous piping systems if the piping is used:~~ 31221

~~(1) In air cooling systems in residential or commercial 31222
buildings and if such systems do not exceed five tons (sixty 31223
thousand British thermal units per hour) per system; or 31224~~

~~(2) In air heating systems in residential or commercial 31225
buildings and if such systems do not exceed one hundred fifty 31226
thousand British thermal units per hour per system. 31227~~

~~(C) The board of building standards may, by rule, exempt from 31228
the rules adopted pursuant to division (A)(1) of this section any 31229
pressure piping power, refrigerating, hydraulic, heating and 31230
liquefied petroleum gas, oxygen, or other gaseous piping systems
which that pose no appreciable danger to the public health and 31231
safety. 31232
31233~~

Sec. 4104.45. (A) Except as otherwise provided in section 31234
4104.44 of the Revised Code, new power, refrigerating, hydraulic, 31235
heating, liquefied petroleum gas, oxygen, and other gaseous piping 31236
systems shall be thoroughly inspected in accordance with the rules 31237
of the board of building standards. Such ~~inspection~~ inspections 31238
shall be performed by ~~one of the following:~~ 31239

~~(1) General inspectors of pressure piping systems; 31240~~

(2) Special inspectors provided for in section 4104.43 of the Revised Code;	31241
	31242
(3) Local inspectors provided for in section 4104.43 of the Revised Code.	31243
	31244
(B) Owners or users of pressure piping systems required to be inspected under this section shall pay to the division of industrial compliance in the department of commerce a fee of one hundred fifty dollars plus an additional fee determined as follows:	31245
	31246
	31247
	31248
	31249
(1) On or before June 30, 2000, two per cent of the actual cost of the system for each inspection made by a general inspector;	31250
	31251
	31252
(2) On July 1, 2000, and through June 30, 2001, one and eight tenths per cent of the actual cost of the system for each inspection made by a general inspector;	31253
	31254
	31255
(3) On and after July 1, 2001, one per cent of the actual cost of the system for each inspection made by a general inspector.	31256
	31257
	31258
(C) The board of building standards, subject to the approval of the controlling board, may establish a fee in excess of the fee provided in division (B) of this section, provided that the fee does not exceed the amount established in this section by more than fifty per cent.	31259
	31260
	31261
	31262
	31263
(D) In addition to the fee assessed in division (B) of this section, the board of building standards shall assess the owner or user a fee of three dollars and twenty five cents for each system inspected pursuant to this section. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner by which the superintendent of the division of industrial compliance in the department of commerce shall collect	31264
	31265
	31266
	31267
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	31270

~~and remit to the board the fees assessed under this division and 31271
requiring that remittance of the fees be made at least quarterly. 31272~~

~~(E) Any moneys collected under this section shall be paid 31273
into the state treasury to the credit of the industrial compliance 31274
operating fund created in section 121.084 of the Revised Code. 31275~~

~~(F) Any person who fails to pay an inspection fee required 31276
for any inspection conducted by the division pursuant to this 31277
chapter within forty five days after the inspection is conducted 31278
shall pay a late payment fee equal to twenty five per cent of the 31279
inspection fee inspectors designated by the superintendent of the 31280
division of industrial compliance in the department of commerce 31281
or, within jurisdictional limits established by the board of 31282
building standards, by individuals certified by the board of 31283
building standards pursuant to division (E) of section 3781.10 of 31284
the Revised Code who are designated to do so by local building 31285
departments, as appropriate. 31286~~

~~(G)(B) The superintendent of the division of industrial 31287
compliance in the department of commerce may issue adjudication 31288
orders as necessary for the enforcement of sections 4104.41 to 31289
~~4104.46~~ 4104.48 of the Revised Code and rules adopted under those 31290
sections. No person shall violate or fail to comply with the terms 31291
and conditions of an adjudication order issued under this 31292
division. Adjudication orders issued pursuant to this division and 31293
appeals thereof are governed by section 3781.19 of the Revised 31294
Code. 31295~~

Sec. 4104.46. (A) The design, installation, and testing of 31296
nonflammable medical gas and vacuum piping systems within the 31297
scope of the national fire protection association standard, 31298
section 1-1 of "NFPA 99C, Gas and Vacuum Systems," is governed by 31299
that national fire protection association standard. 31300

(B) Installers, inspectors, verifiers, construction 31301

contracting maintenance personnel, and instructors for the design, 31302
installation, and testing of nonflammable medical gas and vacuum 31303
pipng systems shall obtain certification by the American society 31304
of sanitary engineers in accordance with the American society of 31305
sanitary engineering series 6000 requirements. 31306

Sec. 4104.47. (A) No individual other than one certified by a 31307
private vendor in accordance with rules adopted by the board of 31308
building standards shall perform welding or brazing or both in the 31309
construction of power, refrigerating, hydraulic, heating and 31310
liquefied petroleum gas, oxygen, or other gaseous piping systems. 31311

(B) Each welder or brazer certified by a private vendor to 31312
perform welding or brazing or both in the construction of power, 31313
refrigerating, hydraulic, heating and liquefied petroleum gas, 31314
oxygen, or other gaseous piping systems shall be recertified by a 31315
private vendor to perform those services five years after the date 31316
of the original certification and every five years thereafter in 31317
accordance with rules adopted by the board. A private vendor shall 31318
recertify a welder or brazer who meets the requirements 31319
established by the board under division (A)(1) of section 4104.44 31320
of the Revised Code. 31321

Sec. ~~4104.46~~ 4104.48. (A) No person shall violate sections 31322
4104.41 to ~~4104.46~~ 4104.48 of the Revised Code, fail to perform 31323
any duty lawfully enjoined in connection with those sections, or 31324
fail to comply with any order issued by the superintendent of the 31325
division of industrial compliance or any judgment or decree issued 31326
by any court in connection with the enforcement of sections 31327
4104.41 to ~~4104.46~~ 4104.48 of the Revised Code. 31328

(B) Every day during which a person violates sections 4104.41 31329
to ~~4104.46~~ 4104.48 of the Revised Code, fails to perform any duty 31330
lawfully enjoined in connection with those sections, or fails to 31331

comply with any order issued by the superintendent of the division 31332
of industrial compliance or any judgment or decree issued by any 31333
court in connection with the enforcement of sections 4104.41 to 31334
~~4104.46~~ 4104.48 of the Revised Code constitutes a separate 31335
offense. 31336

Sec. 4105.17. (A) The fee for each inspection, or attempted 31337
inspection that, due to no fault of a general inspector or the 31338
division of industrial compliance, is not successfully completed, 31339
by a general inspector before the operation of a permanent new 31340
elevator prior to the issuance of a certificate of operation, 31341
before operation of an elevator being put back into service after 31342
a repair, or as a result of the operation of section 4105.08 of 31343
the Revised Code and is an elevator required to be inspected under 31344
this chapter is twenty dollars plus ten dollars for each floor 31345
where the elevator stops. The superintendent of industrial 31346
compliance may assess an additional fee of one hundred twenty-five 31347
dollars plus five dollars for each floor where an elevator stops 31348
for the reinspection of an elevator when a previous attempt to 31349
inspect that elevator has been unsuccessful through no fault of a 31350
general inspector or the division of industrial compliance. 31351

(B) The fee for each inspection, or attempted inspection, 31352
that due to no fault of the general inspector or the division of 31353
industrial compliance, is not successfully completed by a general 31354
inspector before operation of a permanent new escalator or moving 31355
walk prior to the issuance of a certificate of operation, before 31356
operation of an escalator or moving walk being put back in service 31357
after a repair, or as a result of the operation of section 4105.08 31358
of the Revised Code is three hundred dollars. The superintendent 31359
of the division of industrial compliance may assess an additional 31360
fee of one hundred fifty dollars for the reinspection of an 31361
escalator or moving walk when a previous attempt to inspect that 31362
escalator or moving walk has been unsuccessful through no fault of 31363

the general inspector or the division of industrial compliance. 31364

(C) The fee for issuing or renewing a certificate of 31365
operation under section 4105.15 of the Revised Code for an 31366
elevator that is inspected every six months in accordance with 31367
division (A) of section 4105.10 of the Revised Code is ~~one~~ two 31368
hundred ~~five~~ dollars plus ten dollars for each floor where the 31369
elevator stops, except where the elevator has been inspected by a 31370
special inspector in accordance with section 4105.07 of the 31371
Revised Code. 31372

(D) The fee for issuing or renewing a certificate of 31373
operation under section 4105.05 of the Revised Code for an 31374
elevator that is inspected every twelve months in accordance with 31375
division (A) of section 4105.10 of the Revised Code is fifty-five 31376
dollars plus ten dollars for each floor where the elevator stops, 31377
except where the elevator has been inspected by a special 31378
inspector in accordance with section 4105.07 of the Revised Code. 31379

(E) The fee for issuing or renewing a certificate of 31380
operation under section 4105.15 of the Revised Code for an 31381
escalator or moving walk is three hundred dollars, except where 31382
the escalator or moving walk has been inspected by a special 31383
inspector in accordance section 4105.07 of the Revised Code. 31384

(F) All other fees to be charged for any examination given or 31385
other service performed by the division of industrial compliance 31386
pursuant to this chapter shall be prescribed by the director of 31387
commerce. The fees shall be reasonably related to the costs of 31388
such examination or other service. 31389

(G) The director of commerce, subject to the approval of the 31390
controlling board, may establish fees in excess of the fees 31391
provided in divisions (A) ~~and~~, (B), (C), (D), and (E) of this 31392
section, ~~provided that the fees do not exceed the amounts~~ 31393
~~established in divisions (A) and (B) of this section by more than~~ 31394

~~fifty per cent.~~ Any moneys collected under this section shall be 31395
paid into the state treasury to the credit of the industrial 31396
compliance operating fund created in section 121.084 of the 31397
Revised Code. 31398

(H) Any person who fails to pay an inspection fee required 31399
for any inspection conducted by the division pursuant to this 31400
chapter within forty-five days after the inspection is conducted 31401
shall pay a late payment fee equal to twenty-five per cent of the 31402
inspection fee. 31403

(I) In addition to the fees assessed in divisions (A), (B), 31404
(C), ~~and~~ (D), and (E) of this section, the board of building 31405
standards shall assess a fee of three dollars and twenty-five 31406
cents for each certificate of operation or renewal thereof issued 31407
under ~~division~~ divisions (A), (B), (C), (D), or (E) of this 31408
section and for each permit issued under section 4105.16 of the 31409
Revised Code. The board shall adopt rules, in accordance with 31410
Chapter 119. of the Revised Code, specifying the manner by which 31411
the superintendent of industrial compliance shall collect and 31412
remit to the board the fees assessed under this division and 31413
requiring that remittance of the fees be made at least quarterly. 31414

(J) For purposes of this section: 31415

(1) "Escalator" means a power driven, inclined, continuous 31416
stairway used for raising or lowering passengers. 31417

(2) "Moving walk" means a passenger carrying device on which 31418
passengers stand or walk, with a passenger carrying surface that 31419
is uninterrupted and remains parallel to its direction of motion. 31420

Sec. 4112.03. (A)(1) There is hereby created the Ohio civil 31421
rights commission to consist of ~~five~~ seven members, not more than 31422
~~three~~ four of whom shall be of the same political party, to be 31423
appointed by the governor, with the advice and consent of the 31424

senate, one of whom shall be designated by the governor as 31425
~~chairman~~ chairperson. At least one member shall be at least sixty 31426
years of age. 31427

Terms of office shall be for five years, commencing on the 31428
twenty-ninth day of July and ending on the twenty-eighth day of 31429
July. Each member shall hold office from the date of ~~his~~ 31430
appointment until the end of the term for which ~~he~~ the member was 31431
appointed. Any member appointed to fill a vacancy occurring prior 31432
to the expiration of the term for which ~~his~~ the member's 31433
predecessor was appointed shall hold office for the remainder of 31434
such term. Any member shall continue in office subsequent to the 31435
expiration date of ~~his~~ the member's term until ~~his~~ the member's 31436
successor takes office, or until a period of sixty days has 31437
elapsed, whichever occurs first. 31438

Three (2) Within ninety days after the effective date of this 31439
amendment, the governor shall make initial appointments of two 31440
members to the commission. Of those initial appointments, one 31441
shall be for a term ending July 28, 2004, and one shall be for a 31442
term ending July 28, 2005. Thereafter, terms of office for those 31443
members shall be for five years pursuant to division (A)(1) of 31444
this section. 31445

(B) Four members of the commission shall constitute a quorum 31446
for the purpose of conducting the business thereof. A vacancy in 31447
the commission shall not impair the right of the remaining members 31448
to exercise all the powers of the commission. 31449

Each member of the commission shall be paid a salary 31450
established pursuant to division (J) of section 124.15 of the 31451
Revised Code plus necessary and actual expenses while traveling on 31452
business of the commission. 31453

Any member of the commission may be removed by the governor 31454
for inefficiency, neglect of duty, misconduct, or malfeasance in 31455

office, after being given a written statement of the charges 31456
against ~~him~~ the member and an opportunity to be heard publicly 31457
thereon. 31458

Sec. 4112.15. There is hereby created in the state treasury 31459
the civil rights commission general reimbursement fund, which 31460
shall be used to pay operating costs of the commission. All 31461
amounts received by the commission, and all amounts awarded by a 31462
court to the commission, for attorney's fees, court costs, expert 31463
witness fees, and other litigation expenses shall be paid into the 31464
state treasury to the credit of the fund. All ~~money paid to~~ 31465
amounts received by the commission for copies of commission 31466
documents and for other goods and services furnished by the 31467
commission shall be ~~credited~~ paid into the state treasury to the 31468
credit of the fund. 31469

Sec. 4115.10. (A) No person, firm, corporation, or public 31470
authority that constructs a public improvement with its own 31471
forces, the total overall project cost of which is fairly 31472
estimated to be more than the amounts set forth in division (B)(1) 31473
or (2) of section 4115.03 of the Revised Code, adjusted biennially 31474
by the director of commerce pursuant to section 4115.034 of the 31475
Revised Code, shall violate the wage provisions of sections 31476
4115.03 to 4115.16 of the Revised Code, or suffer, permit, or 31477
require any employee to work for less than the rate of wages so 31478
fixed, or violate the provisions of section 4115.07 of the Revised 31479
Code. Any employee upon any public improvement, except an employee 31480
to whom or on behalf of whom restitution is made pursuant to 31481
division (C) of section 4115.13 of the Revised Code, who is paid 31482
less than the fixed rate of wages applicable thereto may recover 31483
from such person, firm, corporation, or public authority that 31484
constructs a public improvement with its own forces the difference 31485
between the fixed rate of wages and the amount paid to the 31486

employee and in addition thereto a sum equal to twenty-five per 31487
cent of that difference. The person, firm, corporation, or public 31488
authority who fails to pay the rate of wages so fixed also shall 31489
pay a penalty to the director of seventy-five per cent of the 31490
difference between the fixed rate of wages and the amount paid to 31491
the employees on the public improvement. The director shall 31492
deposit all moneys received from penalties paid to the director 31493
pursuant to this section into the penalty enforcement fund, which 31494
is hereby created in the state treasury. The director shall use 31495
the fund for the enforcement of sections 4115.03 to 4115.16 of the 31496
Revised Code. The employee may file suit for recovery within ~~sixty~~ 31497
ninety days of the director's determination of a violation of 31498
sections 4115.03 to 4115.16 of the Revised Code or is barred from 31499
further action under this division. Where the employee prevails in 31500
a suit, the employer shall pay the costs and reasonable attorney's 31501
fees allowed by the court. 31502

(B) Any employee upon any public improvement who is paid less 31503
than the prevailing rate of wages applicable thereto may file a 31504
complaint in writing with the director upon a form furnished by 31505
the director. ~~At the written request~~ The complaint shall include 31506
documented evidence to demonstrate that the employee was paid less 31507
than the prevailing wage in violation of this chapter. Upon 31508
receipt of a properly completed written complaint of any employee 31509
paid less than the prevailing rate of wages applicable, the 31510
director shall take an assignment of a claim in trust for the 31511
assigning employee and bring any legal action necessary to collect 31512
the claim. The employer shall pay the costs and reasonable 31513
attorney's fees allowed by the court if the employer is found in 31514
violation of sections 4115.03 to 4115.16 of the Revised Code. 31515

(C) If after investigation pursuant to section 4115.13 of the 31516
Revised Code, the director determines there is a violation of 31517
sections 4115.03 to 4115.16 of the Revised Code and a period of 31518

sixty days has elapsed from the date of the determination, and if: 31519

(1) No employee has brought suit pursuant to division (A) of 31520
this section; 31521

(2) No employee has requested that the director take an 31522
assignment of a wage claim pursuant to division (B) of this 31523
section; 31524

The director shall bring any legal action necessary to 31525
collect any amounts owed to employees and the director. The 31526
director shall pay over to the affected employees the amounts 31527
collected to which the affected employees are entitled under 31528
division (A) of this section. In any action in which the director 31529
prevails, the employer shall pay the costs and reasonable 31530
attorney's fees allowed by the court. 31531

(D) Where persons are employed and their rate of wages has 31532
been determined as provided in section 4115.04 of the Revised 31533
Code, no person, either for self or any other person, shall 31534
request, demand, or receive, either before or after the person is 31535
engaged, that the person so engaged pay back, return, donate, 31536
contribute, or give any part or all of the person's wages, salary, 31537
or thing of value, to any person, upon the statement, 31538
representation, or understanding that failure to comply with such 31539
request or demand will prevent the procuring or retaining of 31540
employment, and no person shall, directly or indirectly, aid, 31541
request, or authorize any other person to violate this section. 31542
This division does not apply to any agent or representative of a 31543
duly constituted labor organization acting in the collection of 31544
dues or assessments of such organization. 31545

(E) The director shall enforce sections 4115.03 to 4115.16 of 31546
the Revised Code. 31547

(F) For the purpose of supplementing existing resources and 31548
to assist in enforcing division (E) of this section, the director 31549

may contract with a person registered as a public accountant under 31550
Chapter 4701. of the Revised Code to conduct an audit of a person, 31551
firm, corporation, or public authority. 31552

Sec. 4115.21. A person who files an action alleging a 31553
violation of sections 4115.03 to 4115.16 of the Revised Code shall 31554
file the action within two years after the alleged violation 31555
occurred or be barred from further action under this chapter. 31556

Sec. 4117.02. (A) There is hereby created the state 31557
employment relations board, consisting of three members to be 31558
appointed by the governor with the advice and consent of the 31559
senate. Members shall be knowledgeable about labor relations or 31560
personnel practices. No more than two of the three members shall 31561
belong to the same political party. A member of the board during 31562
the member's period of service shall hold no other public office 31563
or public or private employment and shall allow no other 31564
responsibilities to interfere or conflict with the member's duties 31565
as a full-time board member. Of the initial appointments made to 31566
the board, one shall be for a term ending October 6, 1984, one 31567
shall be for a term ending October 6, 1985, and one shall be for a 31568
term ending October 6, 1986. Thereafter, terms of office shall be 31569
for six years, each term ending on the same day of the same month 31570
of the year as did the term that it succeeds. Each member shall 31571
hold office from the date of the member's appointment until the 31572
end of the term for which the member is appointed. Any member 31573
appointed to fill a vacancy occurring prior to the expiration of 31574
the term for which the member's predecessor was appointed shall 31575
hold office for the remainder of the term. Any member shall 31576
continue in office subsequent to the expiration of the member's 31577
term until the member's successor takes office or until a period 31578
of sixty days has elapsed, whichever occurs first. The 31579

~~The governor shall designate one member to serve as 31580~~

~~chairperson of the board.~~ The governor may remove any member of 31581
the board, upon notice and public hearing, for neglect of duty or 31582
malfeasance in office, but for no other cause. 31583

(B) ~~A~~ (1) The governor shall designate one member of the 31584
board to serve as chairperson of the board. The chairperson is the 31585
head of the board and its chief executive officer. 31586

(2) The chairperson shall exercise all administrative powers 31587
and duties conferred upon the board under this chapter and shall 31588
do all of the following: 31589

(a) Except as provided in division (F)(2) of this section, 31590
employ, promote, supervise, and remove all employees of the board, 31591
and establish, change, or abolish positions and assign or reassign 31592
the duties of those employees as the chairperson determines 31593
necessary to achieve the most efficient performance of the board's 31594
duties under this chapter; 31595

(b) Maintain the office of the board in Columbus and manage 31596
the office's daily operations, including securing facilities, 31597
equipment, and supplies necessary to house the board, employees of 31598
the board, and files and records under the board's control; 31599

(c) Prepare and submit to the office of budget and management 31600
a budget for each biennium according to section 107.03 of the 31601
Revised Code, and include in the budget the costs of the board and 31602
its staff and the board's costs in discharging any duty imposed by 31603
law upon the board, the chairperson, or any of the board's 31604
employees or agents. 31605

(C) The vacancy on the board does not impair the right of the 31606
remaining members to exercise all the powers of the board, and two 31607
members of the board, at all times, constitute a quorum. The board 31608
shall have an official seal of which courts shall take judicial 31609
notice. 31610

~~(C)~~(D) The board shall make an annual report in writing to 31611

the governor and to the general assembly, stating in detail the 31612
work it has done. 31613

~~(D)~~(E) Compensation of the chairperson and members shall be 31614
in accordance with division (J) of section 124.15 of the Revised 31615
Code. The chairperson and the members are eligible for 31616
reappointment. In addition to such compensation, all members shall 31617
be reimbursed for their necessary expenses incurred in the 31618
performance of their work as members. 31619

~~(E)~~(F)(1) The chairperson, after consulting with the other 31620
board members and receiving the consent of at least one other 31621
board member, shall appoint an executive director ~~and.~~ The 31622
chairperson also shall appoint attorneys, ~~and~~ attorney-trial 31623
examiners, ~~mediators, arbitrators, members of fact finding panels,~~ 31624
~~directors for local areas, and other employees as it finds~~ 31625
~~necessary for the proper performance of its duties and may~~ 31626
~~prescribe their duties.~~ The 31627

(2) The board shall appoint mediators, arbitrators, members 31628
of fact-finding panels, and directors for local areas, and shall 31629
prescribe their job duties. 31630

(G)(1) The executive director shall serve at the pleasure of 31631
the chairperson. The executive director, under the direction of 31632
the chairperson, shall do all of the following: 31633

(a) Act as chief administrative officer for the board; 31634

(b) Ensure that all employees of the board comply with the 31635
rules of the board; 31636

(c) Do all things necessary for the efficient and effective 31637
implementation of the duties of the board. 31638

(2) The duties of the executive director described in 31639
division (G)(1) of this section do not relieve the chairperson 31640
from final responsibility for the proper performance of the duties 31641

described in that division. 31642

(H) The attorney general shall be the legal adviser of the 31643
board and shall appear for and represent the board and its agents 31644
in all legal proceedings. The board may utilize regional, local, 31645
or other agencies, and utilize voluntary and uncompensated 31646
services as needed. The board may contract with the federal 31647
mediation and conciliation service for the assistance of 31648
mediators, arbitrators, and other personnel the service makes 31649
available. The board and the chairperson, respectively, shall 31650
appoint all employees on the basis of training, practical 31651
experience, education, and character, notwithstanding the 31652
requirements established by section 119.09 of the Revised Code. 31653
The board shall give special regard to the practical training and 31654
experience that employees have for the particular position 31655
involved. All full-time employees of the board excepting the 31656
executive director, the head of the bureau of mediation, and the 31657
personal secretaries and assistants of the board members are in 31658
the classified service. All employees of the board shall be paid 31659
in accordance with Chapter 124. of the Revised Code. 31660

~~(F)~~(I) The board shall select and assign examiners and other 31661
agents whose functions are to conduct hearings with due regard to 31662
their impartiality, judicial temperament, and knowledge. If in any 31663
proceeding under this chapter, any party prior to five days before 31664
the hearing thereto files with the board a sworn statement 31665
charging that the examiner or other agent designated to conduct 31666
the hearing is biased or partial in the proceeding, the board may 31667
disqualify the person and designate another examiner or agent to 31668
conduct the proceeding. At least ten days before any hearing, the 31669
board shall notify all parties to a proceeding of the name of the 31670
examiner or agent designated to conduct the hearing. 31671

~~(G)~~(J) The principal office of the board is in Columbus, but 31672
it may meet and exercise any or all of its powers at any other 31673

place within the state. The board may, by one or more of its 31674
employees, or any agents or agencies it designates, conduct in any 31675
part of this state any proceeding, hearing, investigation, 31676
inquiry, or election necessary to the performance of its 31677
functions; provided, that no person so designated may later sit in 31678
determination of an appeal of the decision of that cause or 31679
matter. 31680

~~(H)~~(K) In addition to the powers and functions provided in 31681
other sections of this chapter, the board shall do all of the 31682
following: 31683

(1) Create a bureau of mediation within the state employment 31684
relations board, to perform the functions provided in section 31685
4117.14 of the Revised Code. This bureau shall also establish, 31686
after consulting representatives of employee organizations and 31687
public employers, panels of qualified persons to be available to 31688
serve as members of fact-finding panels and arbitrators. 31689

(2) Conduct studies of problems involved in representation 31690
and negotiation and make recommendations for legislation; 31691

(3) Hold hearings pursuant to this chapter and, for the 31692
purpose of the hearings and inquiries, administer oaths and 31693
affirmations, examine witnesses and documents, take testimony and 31694
receive evidence, compel the attendance of witnesses and the 31695
production of documents by the issuance of subpoenas, and delegate 31696
these powers to any members of the board or any attorney-trial 31697
examiner appointed by the board for the performance of its 31698
functions; 31699

(4) Train representatives of employee organizations and 31700
public employers in the rules and techniques of collective 31701
bargaining procedures; 31702

(5) Make studies and analyses of, and act as a clearinghouse 31703
of information relating to, conditions of employment of public 31704

employees throughout the state and request assistance, services, 31705
and data from any public employee organization, public employer, 31706
or governmental unit. Public employee organizations, public 31707
employers, and governmental units shall provide such assistance, 31708
services, and data as will enable the board to carry out its 31709
functions and powers. 31710

(6) Make available to employee organizations, public 31711
employers, mediators, fact-finding panels, arbitrators, and joint 31712
study committees statistical data relating to wages, benefits, and 31713
employment practices in public and private employment applicable 31714
to various localities and occupations to assist them to resolve 31715
issues in negotiations; 31716

(7) Notwithstanding section 119.13 of the Revised Code, 31717
establish standards of persons who practice before it; 31718

(8) Adopt, amend, and rescind rules and procedures and 31719
exercise other powers appropriate to carry out this chapter. 31720
Before the adoption, amendment, or rescission of rules and 31721
procedures under this section, the board shall do all of the 31722
following: 31723

(a) Maintain a list of interested public employers and 31724
employee organizations and mail notice to such groups of any 31725
proposed rule or procedure, amendment thereto, or rescission 31726
thereof at least thirty days before any public hearing thereon; 31727

(b) Mail a copy of each proposed rule or procedure, amendment 31728
thereto, or rescission thereof to any person who requests a copy 31729
within five days after receipt of the request therefor; 31730

(c) Consult with appropriate statewide organizations 31731
representing public employers or employees who would be affected 31732
by the proposed rule or procedure. 31733

Although the board is expected to discharge these duties 31734
diligently, failure to mail any notice or copy, or to so consult 31735

with any person, is not jurisdictional and shall not be construed 31736
to invalidate any proceeding or action of the board. 31737

~~(I)~~(L) In case of neglect or refusal to obey a subpoena 31738
issued to any person, the court of common pleas of the county in 31739
which the investigation or the public hearing occurs, upon 31740
application by the board, may issue an order requiring the person 31741
to appear before the board and give testimony about the matter 31742
under investigation. The court may punish a failure to obey the 31743
order as contempt. 31744

~~(J)~~(M) Any subpoena, notice of hearing, or other process or 31745
notice of the board issued under this section may be served 31746
personally, by certified mail, or by leaving a copy at the 31747
principal office or personal residence of the respondent required 31748
to be served. A return, made and verified by the individual making 31749
the service and setting forth the manner of service, is proof of 31750
service, and a return post office receipt, when certified mail is 31751
used, is proof of service. All process in any court to which 31752
application is made under this chapter may be served in the county 31753
wherein the persons required to be served reside or are found. 31754

~~(K)~~(N) All expenses of the board, including all necessary 31755
traveling and subsistence expenses incurred by the members or 31756
employees of the board under its orders, shall be paid pursuant to 31757
itemized vouchers approved by the chairperson of the board, the 31758
executive director, or both, or such other person as the ~~board~~ 31759
chairperson designates for that purpose. 31760

~~(L)~~(O) Whenever the board determines that a substantial 31761
controversy exists with respect to the application or 31762
interpretation of this chapter and the matter is of public or 31763
great general interest, the board shall certify its final order 31764
directly to the court of appeals having jurisdiction over the area 31765
in which the principal office of the public employer directly 31766
affected by the application or interpretation is located. The 31767

chairperson shall file with the clerk of the court a certified 31768
copy of the transcript of the proceedings before the board 31769
pertaining to the final order. If upon hearing and consideration 31770
the court decides that the final order of the board is unlawful or 31771
is not supported by substantial evidence on the record as a whole, 31772
the court shall reverse and vacate the final order or modify it 31773
and enter final judgment in accordance with the modification; 31774
otherwise, the court shall affirm the final order. The notice of 31775
the final order of the board to the interested parties shall 31776
contain a certification by the chairperson of the board that the 31777
final order is of public or great general interest and that a 31778
certified transcript of the record of the proceedings before the 31779
board had been filed with the clerk of the court as an appeal to 31780
the court. For the purposes of this division, the board has 31781
standing to bring its final order properly before the court of 31782
appeals. 31783

~~(M)~~(P) Except as otherwise specifically provided in this 31784
section, the board is subject to Chapter 119. of the Revised Code, 31785
including the procedure for submission of proposed rules to the 31786
general assembly for legislative review under division (H) of 31787
section 119.03 of the Revised Code. 31788

Sec. 4117.14. (A) The procedures contained in this section 31789
govern the settlement of disputes between an exclusive 31790
representative and a public employer concerning the termination or 31791
modification of an existing collective bargaining agreement or 31792
negotiation of a successor agreement, or the negotiation of an 31793
initial collective bargaining agreement. 31794

(B)(1) In those cases where there exists a collective 31795
bargaining agreement, any public employer or exclusive 31796
representative desiring to terminate, modify, or negotiate a 31797
successor collective bargaining agreement shall: 31798

(a) Serve written notice upon the other party of the proposed 31799
termination, modification, or successor agreement. The party must 31800
serve the notice not less than sixty days prior to the expiration 31801
date of the existing agreement or, in the event the existing 31802
collective bargaining agreement does not contain an expiration 31803
date, not less than sixty days prior to the time it is proposed to 31804
make the termination or modifications or to make effective a 31805
successor agreement. 31806

(b) Offer to bargain collectively with the other party for 31807
the purpose of modifying or terminating any existing agreement or 31808
negotiating a successor agreement; 31809

(c) Notify the state employment relations board of the offer 31810
by serving upon the board a copy of the written notice to the 31811
other party and a copy of the existing collective bargaining 31812
agreement. 31813

(2) In the case of initial negotiations between a public 31814
employer and an exclusive representative, where a collective 31815
bargaining agreement has not been in effect between the parties, 31816
any party may serve notice upon the board and the other party 31817
setting forth the names and addresses of the parties and offering 31818
to meet, for a period of ninety days, with the other party for the 31819
purpose of negotiating a collective bargaining agreement. 31820

If the settlement procedures specified in divisions (B), (C), 31821
and (D) of this section govern the parties, where those procedures 31822
refer to the expiration of a collective bargaining agreement, it 31823
means the expiration of the sixty-day period to negotiate a 31824
collective bargaining agreement referred to in this subdivision, 31825
or in the case of initial negotiations, it means the ninety day 31826
period referred to in this subdivision. 31827

(3) The parties shall continue in full force and effect all 31828
the terms and conditions of any existing collective bargaining 31829

agreement, without resort to strike or lock-out, for a period of 31830
sixty days after the party gives notice or until the expiration 31831
date of the collective bargaining agreement, whichever occurs 31832
later, or for a period of ninety days where applicable. 31833

(4) Upon receipt of the notice, the parties shall enter into 31834
collective bargaining. 31835

(C) In the event the parties are unable to reach an 31836
agreement, they may submit, at any time prior to forty-five days 31837
before the expiration date of the collective bargaining agreement, 31838
the issues in dispute to any mutually agreed upon dispute 31839
settlement procedure which supersedes the procedures contained in 31840
this section. 31841

(1) The procedures may include: 31842

(a) Conventional arbitration of all unsettled issues; 31843

(b) Arbitration confined to a choice between the last offer 31844
of each party to the agreement as a single package; 31845

(c) Arbitration confined to a choice of the last offer of 31846
each party to the agreement on each issue submitted; 31847

(d) The procedures described in division (C)(1)(a), (b), or 31848
(c) of this section and including among the choices for the 31849
arbitrator, the recommendations of the fact finder, if there are 31850
recommendations, either as a single package or on each issue 31851
submitted; 31852

(e) Settlement by a citizens' conciliation council composed 31853
of three residents within the jurisdiction of the public employer. 31854
The public employer shall select one member and the exclusive 31855
representative shall select one member. The two members selected 31856
shall select the third member who shall chair the council. If the 31857
two members cannot agree upon a third member within five days 31858
after their appointments, the board shall appoint the third 31859

member. Once appointed, the council shall make a final settlement 31860
of the issues submitted to it pursuant to division (G) of this 31861
section. 31862

(f) Any other dispute settlement procedure mutually agreed to 31863
by the parties. 31864

(2) If, fifty days before the expiration date of the 31865
collective bargaining agreement, the parties are unable to reach 31866
an agreement, any party may request the state employment relations 31867
board to intervene. The request shall set forth the names and 31868
addresses of the parties, the issues involved, and, if applicable, 31869
the expiration date of any agreement. 31870

The board shall intervene and investigate the dispute to 31871
determine whether the parties have engaged in collective 31872
bargaining. 31873

If an impasse exists or forty-five days before the expiration 31874
date of the collective bargaining agreement if one exists, the 31875
board shall appoint a mediator to assist the parties in the 31876
collective bargaining process. 31877

(3) ~~If the mediator after assisting the parties advises the~~ 31878
~~board that the parties have reached an impasse, or not later than~~ 31879
~~thirty one days prior to the expiration date of the agreement~~ Any 31880
time after the appointment of a mediator, either party may request 31881
the appointment of a fact-finding panel. Within fifteen days after 31882
receipt of a request for a fact-finding panel, the board shall 31883
appoint ~~within one day~~ a fact-finding panel of not more than three 31884
members who have been selected by the parties in accordance with 31885
rules established by the board, from a list of qualified persons 31886
maintained by the board. 31887

(a) The fact-finding panel shall, in accordance with rules 31888
and procedures established by the board that include the 31889
regulation of costs and expenses of fact-finding, gather facts and 31890

make recommendations for the resolution of the matter. The board 31891
shall by its rules require each party to specify in writing the 31892
unresolved issues and its position on each issue to the 31893
fact-finding panel. The fact-finding panel shall make final 31894
recommendations as to all the unresolved issues. 31895

(b) The board may continue mediation, order the parties to 31896
engage in collective bargaining until the expiration date of the 31897
agreement, or both. 31898

(4) The following guidelines apply to fact-finding: 31899

(a) The fact-finding panel may establish times and place of 31900
hearings which shall be, where feasible, in the jurisdiction of 31901
the state. 31902

(b) The fact-finding panel shall conduct the hearing pursuant 31903
to rules established by the board. 31904

(c) Upon request of the fact-finding panel, the board shall 31905
issue subpoenas for hearings conducted by the panel. 31906

(d) The fact-finding panel may administer oaths. 31907

(e) The board shall prescribe guidelines for the fact-finding 31908
panel to follow in making findings. In making its recommendations, 31909
the fact-finding panel shall take into consideration the factors 31910
listed in divisions (G)(7)(a) to (f) of this section. 31911

(f) The fact-finding panel may attempt mediation at any time 31912
during the fact-finding process. From the time of appointment 31913
until the fact-finding panel makes a final recommendation, it 31914
shall not discuss the recommendations for settlement of the 31915
dispute with parties other than the direct parties to the dispute. 31916

(5) The fact-finding panel, acting by a majority of its 31917
members, shall transmit its findings of fact and recommendations 31918
on the unresolved issues to the public employer and employee 31919
organization involved and to the board no later than fourteen days 31920

after the appointment of the fact-finding panel, unless the 31921
parties mutually agree to an extension. The ~~state~~ parties shall 31922
~~pay one half share~~ the cost of the fact-finding panel. ~~The parties~~ 31923
~~each shall pay one half of the remaining costs in a manner agreed~~ 31924
~~to by the parties.~~ 31925

(6)(a) Not later than seven days after the findings and 31926
recommendations are sent, the legislative body, by a three-fifths 31927
vote of its total membership, and in the case of the public 31928
employee organization, the membership, by a three-fifths vote of 31929
the total membership, may reject the recommendations; if neither 31930
rejects the recommendations, the recommendations shall be deemed 31931
agreed upon as the final resolution of the issues submitted and a 31932
collective bargaining agreement shall be executed between the 31933
parties, including the fact-finding panel's recommendations, 31934
except as otherwise modified by the parties by mutual agreement. 31935
If either the legislative body or the public employee organization 31936
rejects the recommendations, the board shall publicize the 31937
findings of fact and recommendations of the fact-finding panel. 31938
The board shall adopt rules governing the procedures and methods 31939
for public employees to vote on the recommendations of the 31940
fact-finding panel. 31941

(b) As used in division (C)(6)(a) of this section, 31942
"legislative body" means the controlling board when the state or 31943
any of its agencies, authorities, commissions, boards, or other 31944
branch of public employment is party to the fact-finding process. 31945

(D) If the parties are unable to reach agreement within seven 31946
days after the publication of findings and recommendations from 31947
the fact-finding panel or the collective bargaining agreement, if 31948
one exists, has expired, then the: 31949

(1) Public employees, who are members of a police or fire 31950
department, members of the state highway patrol, deputy sheriffs, 31951
dispatchers employed by a police, fire or sheriff's department or 31952

the state highway patrol or civilian dispatchers employed by a 31953
public employer other than a police, fire, or sheriff's department 31954
to dispatch police, fire, sheriff's department, or emergency 31955
medical or rescue personnel and units, an exclusive nurse's unit, 31956
employees of the state school for the deaf or the state school for 31957
the blind, employees of any public employee retirement system, 31958
corrections officers, guards at penal or mental institutions, 31959
special police officers appointed in accordance with sections 31960
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 31961
employed at mental health forensic facilities, or youth leaders 31962
employed at juvenile correctional facilities, shall submit the 31963
matter to a final offer settlement procedure pursuant to a board 31964
order issued forthwith to the parties to settle by a conciliator 31965
selected by the parties. The parties shall request from the board 31966
a list of five qualified conciliators and the parties shall select 31967
a single conciliator from the list by alternate striking of names. 31968
If the parties cannot agree upon a conciliator within five days 31969
after the board order, the board shall on the sixth day after its 31970
order appoint a conciliator from a list of qualified persons 31971
maintained by the board or shall request a list of qualified 31972
conciliators from the American arbitration association and appoint 31973
therefrom. 31974

(2) Public employees other than those listed in division 31975
(D)(1) of this section have the right to strike under Chapter 31976
4117. of the Revised Code provided that the employee organization 31977
representing the employees has given a ten-day prior written 31978
notice of an intent to strike to the public employer and to the 31979
board, and further provided that the strike is for full, 31980
consecutive work days and the beginning date of the strike is at 31981
least ten work days after the ending date of the most recent prior 31982
strike involving the same bargaining unit; however, the board, at 31983
its discretion, may attempt mediation at any time. 31984

(E) Nothing in this section shall be construed to prohibit the parties, at any time, from voluntarily agreeing to submit any or all of the issues in dispute to any other alternative dispute settlement procedure. An agreement or statutory requirement to arbitrate or to settle a dispute pursuant to a final offer settlement procedure and the award issued in accordance with the agreement or statutory requirement is enforceable in the same manner as specified in division (B) of section 4117.09 of the Revised Code.

(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.

(G) The following guidelines apply to final offer settlement proceedings under division (D)(1) of this section:

(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.

(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.

(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. 32016

(4) Upon the request by the conciliator, the board shall 32017
issue subpoenas for the hearing. 32018

(5) The conciliator may administer oaths. 32019

(6) The conciliator shall hear testimony from the parties and 32020
provide for a written record to be made of all statements at the 32021
hearing. The board shall submit for inclusion in the record and 32022
for consideration by the conciliator the written report and 32023
recommendation of the fact-finders. 32024

(7) After hearing, the conciliator shall resolve the dispute 32025
between the parties by selecting, on an issue-by-issue basis, from 32026
between each of the party's final settlement offers, taking into 32027
consideration the following: 32028

(a) Past collectively bargained agreements, if any, between 32029
the parties; 32030

(b) Comparison of the issues submitted to final offer 32031
settlement relative to the employees in the bargaining unit 32032
involved with those issues related to other public and private 32033
employees doing comparable work, giving consideration to factors 32034
peculiar to the area and classification involved; 32035

(c) The interests and welfare of the public, the ability of 32036
the public employer to finance and administer the issues proposed, 32037
and the effect of the adjustments on the normal standard of public 32038
service; 32039

(d) The lawful authority of the public employer; 32040

(e) The stipulations of the parties; 32041

(f) Such other factors, not confined to those listed in this 32042
section, which are normally or traditionally taken into 32043
consideration in the determination of the issues submitted to 32044
final offer settlement through voluntary collective bargaining, 32045

mediation, fact-finding, or other impasse resolution procedures in 32046
the public service or in private employment. 32047

(8) Final offer settlement awards made under Chapter 4117. of 32048
the Revised Code are subject to Chapter 2711. of the Revised Code. 32049

(9) If more than one conciliator is used, the determination 32050
must be by majority vote. 32051

(10) The conciliator shall make written findings of fact and 32052
promulgate a written opinion and order upon the issues presented 32053
to the conciliator, and upon the record made before the 32054
conciliator and shall mail or otherwise deliver a true copy 32055
thereof to the parties and the board. 32056

(11) Increases in rates of compensation and other matters 32057
with cost implications awarded by the conciliator may be effective 32058
only at the start of the fiscal year next commencing after the 32059
date of the final offer settlement award; provided that if a new 32060
fiscal year has commenced since the issuance of the board order to 32061
submit to a final offer settlement procedure, the awarded 32062
increases may be retroactive to the commencement of the new fiscal 32063
year. The parties may, at any time, amend or modify a 32064
conciliator's award or order by mutual agreement. 32065

(12) The parties shall bear equally the cost of the final 32066
offer settlement procedure. 32067

(13) Conciliators appointed pursuant to this section shall be 32068
residents of the state. 32069

(H) All final offer settlement awards and orders of the 32070
conciliator made pursuant to Chapter 4117. of the Revised Code are 32071
subject to review by the court of common pleas having jurisdiction 32072
over the public employer as provided in Chapter 2711. of the 32073
Revised Code. If the public employer is located in more than one 32074
court of common pleas district, the court of common pleas in which 32075
the principal office of the chief executive is located has 32076

jurisdiction. 32077

(I) The issuance of a final offer settlement award 32078
constitutes a binding mandate to the public employer and the 32079
exclusive representative to take whatever actions are necessary to 32080
implement the award. 32081

Sec. 4121.12. (A) There is hereby created the workers' 32082
compensation oversight commission consisting of ~~nine~~ eleven 32083
members, of which members the governor shall appoint ~~five~~ seven 32084
with the advice and consent of the senate. Of the ~~five~~ seven 32085
members the governor appoints, two shall be individuals who, on 32086
account of their previous vocation, employment, or affiliations, 32087
can be classed as representative of employees, at least one of 32088
whom is representative of employees who are members of an employee 32089
organization; two shall be individuals who, on account of their 32090
previous vocation, employment, or affiliations, can be classed as 32091
representative of employers, one of whom represents self-insuring 32092
employers and one of whom has experience as an employer in 32093
compliance with section 4123.35 of the Revised Code other than a 32094
self-insuring employer, and one of those two representatives also 32095
shall represent employers whose employees are not members of an 32096
employee organization; and ~~one~~ three shall represent the public 32097
and also be ~~an individual~~ individuals who, on account of ~~the~~ 32098
~~individual's~~ their previous vocation, employment, or affiliations, 32099
cannot be classed as either predominantly representative of 32100
employees or of employers. The governor shall select the 32101
chairperson of the commission who shall serve as chairperson at 32102
the pleasure of the governor. No more than ~~three~~ four members 32103
appointed by the governor shall belong to or be affiliated with 32104
the same political party. 32105

Each of these ~~five~~ seven members shall have at least three 32106
years' experience in the field of insurance, finance, workers' 32107

compensation, law, accounting, actuarial, personnel, investments, 32108
or data processing, or in the management of an organization whose 32109
size is commensurate with that of the bureau of workers' 32110
compensation. At least one of these ~~five~~ seven members shall be an 32111
attorney licensed under Chapter 4705. of the Revised Code to 32112
practice law in this state. 32113

~~(B) Of the initial appointments made to the commission, the 32114
governor shall appoint one member who represents employees to a 32115
term ending one year after September 1, 1995, one member who 32116
represents employers to a term ending two years after September 1, 32117
1995, the member who represents the public to a term ending three 32118
years after September 1, 1995, one member who represents employees 32119
to a term ending four years after September 1, 1995, and one 32120
member who represents employers to a term ending five years after 32121
September 1, 1995. Thereafter, terms Terms of office shall be for 32122
five years, with each term ending on the same day of the same 32123
month as did the term that it succeeds. Each member shall hold 32124
office from the date of the member's appointment until the end of 32125
the term for which the member was appointed. 32126~~

The governor shall not appoint any person to more than two 32127
full terms of office on the commission. This restriction does not 32128
prevent the governor from appointing a person to fill a vacancy 32129
caused by the death, resignation, or removal of a commission 32130
member and also appointing that person twice to full terms on the 32131
commission, or from appointing a person previously appointed to 32132
fill less than a full term twice to full terms on the commission. 32133
Any member appointed to fill a vacancy occurring prior to the 32134
expiration date of the term for which the member's predecessor was 32135
appointed shall hold office as a member for the remainder of that 32136
term. A member shall continue in office subsequent to the 32137
expiration date of the member's term until a successor takes 32138
office or until a period of sixty days has elapsed, whichever 32139

occurs first. 32140

(C) In making appointments to the commission, the governor 32141
shall select the members from the list of names submitted by the 32142
workers' compensation oversight commission nominating committee 32143
pursuant to this division. ~~Within fourteen days after the governor~~ 32144
~~calls the initial meeting of the nominating committee pursuant to~~ 32145
~~division (C) of section 4121.123 of the Revised Code, the~~ 32146
~~nominating committee shall submit to the governor, for the initial~~ 32147
~~appointments, a list containing four separate names for each of~~ 32148
~~the members on the commission. Within fourteen days after the~~ 32149
~~submission of the list, the governor shall appoint individuals~~ 32150
~~from the list.~~ 32151

For the appointment of the ~~member~~ members who ~~is~~ are 32152
representative of employees who are members of an employee 32153
organization, ~~both for initial appointments and~~ for the filling of 32154
vacancies, the list of four names submitted by the nominating 32155
committee shall be comprised of four individuals who are members 32156
of the executive committee of the largest statewide labor 32157
federation. 32158

~~Thereafter, within~~ Within sixty days after a vacancy 32159
occurring as a result of the expiration of a term and within 32160
thirty days after other vacancies occurring on the commission, the 32161
nominating committee shall submit a list containing four names for 32162
each vacancy. Within fourteen days after the submission of the 32163
list, the governor shall appoint individuals from the list. With 32164
respect to the filling of vacancies, the nominating committee 32165
shall provide the governor with a list of four individuals who 32166
are, in the judgment of the nominating committee, the most fully 32167
qualified to accede to membership on the commission. The 32168
nominating committee shall not include the name of an individual 32169
upon the list for the filling of vacancies if the appointment of 32170
that individual by the governor would result in more than ~~three~~ 32171

four of the members of the commission appointed by the governor 32172
belonging to or being affiliated with the same political party. 32173
The committee shall include on the list for the filling of 32174
vacancies only the names of attorneys admitted to practice law in 32175
this state if, to fulfill the requirement of division (A) of 32176
section 4121.12 of the Revised Code, the vacancy must be filled by 32177
an attorney. 32178

In order for the name of an individual to be submitted to the 32179
governor under this division, the nominating committee shall 32180
approve the individual by an affirmative vote of a majority of its 32181
members. 32182

(D) The remaining four members of the commission shall be the 32183
chairperson and ranking minority member of the standing committees 32184
of the house of representatives and of the senate to which 32185
legislation concerning this chapter and Chapters 4123., 4127., and 32186
4131. of the Revised Code normally are referred, or a designee of 32187
the chairperson or ranking minority member, provided that the 32188
designee is a member of the standing committee. Legislative 32189
members shall serve during the session of the general assembly to 32190
which they are elected and for as long as they are members of the 32191
general assembly. Legislative members shall serve in an advisory 32192
capacity to the commission and shall have no voting rights on 32193
matters coming before the commission. Membership on the commission 32194
by legislative members shall not be deemed as holding a public 32195
office. 32196

(E) All members of the commission shall receive their 32197
reasonable and necessary expenses pursuant to section 126.31 of 32198
the Revised Code while engaged in the performance of their duties 32199
as members. Legislative members also shall receive fifty dollars 32200
per meeting that they attend. Members appointed by the governor 32201
also shall receive an annual salary ~~as follows:~~ 32202

~~(1) On and before August 31, 1998, not to exceed six thousand~~ 32203

~~dollars payable at the rate of five hundred dollars per month. A 32204
member shall receive the monthly five hundred dollar salary only 32205
if the member has attended at least one meeting of the commission 32206
during that month. A member may receive no more than the monthly 32207
five hundred dollar salary regardless of the number of meetings 32208
held by the commission during a month or the number of meetings in 32209
excess of one within a month that the member attends. 32210~~

~~(2) After August 31, 1998, not to exceed eighteen thousand 32211
dollars payable on the following basis: 32212~~

~~(a)(1) Except as provided in division (E)(2)(b) of this 32213
section, a member shall receive two thousand dollars during a 32214
month in which the member attends one or more meetings of the 32215
commission and shall receive no payment during a month in which 32216
the member attends no meeting of the commission. 32217~~

~~(b)(2) A member may receive no more than the annual eighteen 32218
thousand dollar salary regardless of the number of meetings held 32219
by the commission during a year or the number of meetings in 32220
excess of nine within a year that the member attends. 32221~~

The chairperson of the commission shall set the meeting dates 32222
of the commission as necessary to perform the duties of the 32223
commission under this chapter and Chapters 4123., 4127., and 4131. 32224
of the Revised Code. The commission shall meet at least nine times 32225
during the period commencing on the first day of September and 32226
ending on the thirty-first day of August of the following year. 32227
The administrator of workers' compensation shall provide 32228
professional and clerical assistance to the commission, as the 32229
commission considers appropriate. 32230

(F) The commission shall: 32231

(1) Review progress of the bureau in meeting its cost and 32232
quality objectives and in complying with this chapter and Chapters 32233
4123., 4127., and 4131. of the Revised Code; 32234

(2) Issue an annual report on the cost and quality objectives	32235
of the bureau to the president of the senate, the speaker of the	32236
house of representatives, and the governor;	32237
(3) Review all independent financial audits of the bureau.	32238
The administrator shall provide access to records of the bureau to	32239
facilitate the review required under this division.	32240
(4) Study issues as requested by the administrator or the	32241
governor;	32242
(5) Contract with an independent actuarial firm to assist the	32243
commission in making recommendations to the administrator	32244
regarding premium rates;	32245
(6) Establish objectives, policies, and criteria for the	32246
administration of the investment program that include asset	32247
allocation targets and ranges, risk factors, asset class	32248
benchmarks, time horizons, total return objectives, and	32249
performance evaluation guidelines, and monitor the administrator's	32250
progress in implementing the objectives, policies, and criteria on	32251
a quarterly basis. The commission shall publish the objectives,	32252
policies, and criteria no less than annually and shall make copies	32253
available to interested parties. The commission shall prohibit, on	32254
a prospective basis, specific investment activity it finds to be	32255
contrary to its investment objectives, policies, and criteria.	32256
The investment policy in existence on March 7, 1997, shall	32257
continue until the commission approves objectives, policies, and	32258
criteria for the administration of the investment program pursuant	32259
to this section.	32260
(7) Advise and consent on all of the following:	32261
(a) Administrative rules the administrator submits to it	32262
pursuant to division (B)(5) of section 4121.121 of the Revised	32263
Code for the classification of occupations or industries, for	32264

premium rates and contributions, for the amount to be credited to 32265
the surplus fund, for rules and systems of rating, rate revisions, 32266
and merit rating; 32267

(b) The overall policy of the bureau of workers' compensation 32268
as set by the administrator; 32269

(c) The duties and authority conferred upon the administrator 32270
pursuant to section 4121.37 of the Revised Code; 32271

(d) Rules the administrator adopts for the health partnership 32272
program and the qualified health plan system, as provided in 32273
sections 4121.44, 4121.441, and 4121.442 of the Revised Code. 32274

(8) Perform all duties required under section 4121.125 of the 32275
Revised Code. 32276

(G) As used in this section, "employee organization" means 32277
any labor or bona fide organization in which employees participate 32278
and which exists for the purpose, in whole or in part, of dealing 32279
with employers concerning grievances, labor disputes, wages, 32280
hours, terms and other conditions of employment. 32281

Sec. 4123.27. Information contained in the annual statement 32282
provided for in section 4123.26 of the Revised Code, and such 32283
other information as may be furnished to the bureau of workers' 32284
compensation by employers in pursuance of that section, is for the 32285
exclusive use and information of the bureau in the discharge of 32286
its official duties, and shall not be open to the public nor be 32287
used in any court in any action or proceeding pending therein 32288
unless the bureau is a party to the action or proceeding; but the 32289
information contained in the statement may be tabulated and 32290
published by the bureau in statistical form for the use and 32291
information of other state departments and the public. No person 32292
in the employ of the bureau, except those who are authorized by 32293
the administrator of workers' compensation, shall divulge any 32294

information secured by the person while in the employ of the 32295
bureau in respect to the transactions, property, claim files, 32296
records, or papers of the bureau or in respect to the business or 32297
mechanical, chemical, or other industrial process of any company, 32298
firm, corporation, person, association, partnership, or public 32299
utility to any person other than the administrator or to the 32300
superior of such employee of the bureau. 32301

Notwithstanding the restrictions imposed by this section, the 32302
governor, select or standing committees of the general assembly, 32303
the auditor of state, the attorney general, or their designees, 32304
pursuant to the authority granted in this chapter and Chapter 32305
4121. of the Revised Code, may examine any records, claim files, 32306
or papers in possession of the industrial commission or the 32307
bureau. They also are bound by the privilege that attaches to 32308
these papers. 32309

The administrator shall report to the director of job and 32310
family services or to the county director of job and family 32311
services the name, address, and social security number or other 32312
identification number of any person receiving workers' 32313
compensation whose name or social security number or other 32314
identification number is the same as that of a person required by 32315
a court or child support enforcement agency to provide support 32316
payments to a recipient or participant of public assistance, and 32317
whose name is submitted to the administrator by the director under 32318
section 5101.36 of the Revised Code. The administrator also shall 32319
inform the director of the amount of workers' compensation paid to 32320
the person during such period as the director specifies. 32321

Within fourteen days after receiving from the director of job 32322
and family services a list of the names and social security 32323
numbers of recipients or participants of public assistance 32324
pursuant to section 5101.181 of the Revised Code, the 32325
administrator shall inform the auditor of state of the name, 32326

current or most recent address, and social security number of each 32327
person receiving workers' compensation pursuant to this chapter 32328
whose name and social security number are the same as that of a 32329
person whose name or social security number was submitted by the 32330
director. The administrator also shall inform the auditor of state 32331
of the amount of workers' compensation paid to the person during 32332
such period as the director specifies. 32333

The bureau and its employees, except for purposes of 32334
furnishing the auditor of state with information required by this 32335
section, shall preserve the confidentiality of recipients or 32336
participants of public assistance in compliance with division (A) 32337
of section 5101.181 of the Revised Code. 32338

For the purposes of this section, "public assistance" means 32339
medical assistance provided through the medical assistance program 32340
established under section 5111.01 of the Revised Code, Ohio works 32341
first provided under Chapter 5107. of the Revised Code, 32342
prevention, retention, and contingency benefits and services 32343
provided under Chapter 5108. of the Revised Code, ~~or~~ disability 32344
financial assistance provided under Chapter 5115. of the Revised 32345
Code, or disability medical assistance provided under Chapter 32346
5115. of the Revised Code. 32347

Sec. 4123.41. (A) By the first day of January of each year, 32348
the bureau of workers' compensation shall furnish to the county 32349
auditor of each county and the chief fiscal officer of each taxing 32350
district in a county and of each district activity and institution 32351
mentioned in section 4123.39 of the Revised Code forms containing 32352
the premium rates applicable to the county, district, district 32353
activity, or institution as an employer, on which to report the 32354
amount of money expended by the county, district, district 32355
activity, or institution during the previous twelve calendar 32356
months for the services of employees under this chapter. 32357

(B) Each county auditor and each fiscal officer of a district, district activity, and institution shall calculate on the form it receives from the bureau under division (A) of this section the premium due as its proper contribution to the public insurance fund and issue ~~his~~ a warrant in favor of the bureau for the amount due from the county, district, district activity, or institution to the public insurance fund according to the following schedule:

(1) On or before the fifteenth day of May of each year, no less than forty-five per cent of the amount due;

(2) On or before the first day of September of each year, no less than the total amount due.

The legislative body of any county, district, district activity, or institution may reimburse the fund from which the contribution is made by transferring to the fund from any other fund of the county, district, district activity, or institution, the proportionate amount of the contribution that should be chargeable to the fund, whether the fund is derived from taxation or otherwise. The proportionate amount of the contribution chargeable to the fund may be based on payroll, relative exposure, relative loss experience, or any combination of these factors, as determined by the legislative body. A transfer made pursuant to division (B)(2) of this section is not subject to section 5705.16 of the Revised Code.

(C) The bureau may investigate the correctness of the information provided by the county auditor and chief fiscal officer under division (B) of this section, and if the bureau determines at any time that the county, district, district activity, or institution has not reported the correct information, the administrator of workers' compensation may make deductions or additions as the facts warrant and take those facts into

consideration in determining the current or future contributions 32389
to be made by the county, district, district activity, or 32390
institution. If the county, district, district activity, or 32391
institution does not furnish the report in the time required by 32392
this section, the administrator may fix the amount of contribution 32393
the county, district, district activity, or institution must make 32394
and certify that amount for payment. 32395

(D) The administrator shall provide a discount to any county, 32396
district, district activity, or institution that pays its total 32397
amount due to the public insurance fund on or before the fifteenth 32398
day of May of each year as its proper contribution for premiums. 32399
The administrator shall base the discount provided under this 32400
division on the savings generated by the early payment to the 32401
public insurance fund. The administrator may provide the discount 32402
through a refund to the county, district, district activity, or 32403
institution or an offset against the future contributions due to 32404
the public insurance fund from the county, district, district 32405
activity, or institution. 32406

(E) The administrator may impose an interest penalty for late 32407
payment of any amount due from a county, district, district 32408
activity, and institution at the interest rate established by the 32409
state tax commissioner pursuant to section 5703.47 of the Revised 32410
Code. 32411

Sec. 4141.04. The director of job and family services shall 32412
maintain or ensure the existence of public employment offices that 32413
are free to the general public. These offices shall exist in such 32414
number and in such places as are necessary for the proper 32415
administration of this chapter, to perform such duties as are 32416
within the purview of the act of congress entitled "an act to 32417
provide for the establishment of a national employment system and 32418
for cooperation with the states in the promotion of such system, 32419

and for other purposes," approved June 6, 1933, as amended, which 32420
is known as the "Wagner-Peyser Act." The director shall cooperate 32421
with any official or agency of the United States having powers or 32422
duties under that act of congress and shall do and perform all 32423
things necessary to secure to this state the benefits of that act 32424
of congress in the promotion and maintenance of a system of public 32425
employment offices. That act of congress is hereby accepted by 32426
this state, in conformity with that act of congress and Title III 32427
of the "Social Security Act," and the "Federal Unemployment Tax 32428
Act," 26 U.S.C.A. 3301, as amended, and this state will observe 32429
and comply with the requirements thereof. The department of job 32430
and family services is hereby designated and constituted the 32431
agency of this state for the purposes of that act of congress. 32432

The director may cooperate with or enter into agreements with 32433
the railroad retirement board with respect to the establishment, 32434
maintenance, and use of employment service facilities that are 32435
free to the general public. 32436

All moneys received by this state under the act of congress 32437
known as the Wagner-Peyser Act shall be ~~paid~~ deposited into the 32438
state treasury to the credit of the special employment service 32439
account in the ~~unemployment compensation administration~~ federal 32440
operating fund, which is hereby created. Those moneys are hereby 32441
made available to the director to be expended as provided by this 32442
section and by that act of congress. For the purpose of 32443
establishing and maintaining public employment offices that are 32444
free to the general public, the director may enter into agreements 32445
with the railroad retirement board or any other agency of the 32446
United States charged with the administration of an unemployment 32447
compensation law, with any political subdivision of this state, or 32448
with any private, nonprofit organization and as a part of any such 32449
agreement the director may accept moneys, services, or quarters as 32450
a contribution to the employment service account. 32451

The director shall maintain labor market information and 32452
employment statistics as necessary for the administration of this 32453
chapter. 32454

The director shall appoint an employee of the department to 32455
serve as an ex officio member of the governor's council to 32456
maintain a liaison between the department and the governor's 32457
council on people with disabilities. 32458

Sec. 4141.09. (A) There is hereby created an unemployment 32459
compensation fund to be administered by the state without 32460
liability on the part of the state beyond the amounts paid into 32461
the fund and earned by the fund. The unemployment compensation 32462
fund shall consist of all contributions, payments in lieu of 32463
contributions described in sections 4141.241 and 4141.242 of the 32464
Revised Code, reimbursements of the federal share of extended 32465
benefits described in section 4141.301 of the Revised Code, 32466
collected under sections 4141.01 to 4141.46 of the Revised Code, 32467
together with all interest earned upon any moneys deposited with 32468
the secretary of the treasury of the United States to the credit 32469
of the account of this state in the unemployment trust fund 32470
established and maintained pursuant to section 904 of the "Social 32471
Security Act," any property or securities acquired through the use 32472
of moneys belonging to the fund, and all earnings of such property 32473
or securities. The unemployment compensation fund shall be used to 32474
pay benefits and refunds as provided by such sections and for no 32475
other purpose. 32476

(B) The treasurer of state shall be the custodian of the 32477
unemployment compensation fund and shall administer such fund in 32478
accordance with the directions of the director of job and family 32479
services. All disbursements therefrom shall be paid by the 32480
treasurer of state on warrants drawn by the director. Such 32481
warrants may bear the facsimile signature of the director printed 32482

thereon and that of a deputy or other employee of the director 32483
charged with the duty of keeping the account of the unemployment 32484
compensation fund and with the preparation of warrants for the 32485
payment of benefits to the persons entitled thereto. Moneys in the 32486
clearing and benefit accounts shall not be commingled with other 32487
state funds, except as provided in division (C) of this section, 32488
but shall be maintained in separate accounts on the books of the 32489
depository bank. Such money shall be secured by the depository 32490
bank to the same extent and in the same manner as required by 32491
sections 135.01 to 135.21 of the Revised Code; and collateral 32492
pledged for this purpose shall be kept separate and distinct from 32493
any collateral pledged to secure other funds of this state. All 32494
sums recovered for losses sustained by the unemployment 32495
compensation fund shall be deposited therein. The treasurer of 32496
state shall be liable on the treasurer's official bond for the 32497
faithful performance of the treasurer's duties in connection with 32498
the unemployment compensation fund, such liability to exist in 32499
addition to any liability upon any separate bond. 32500

(C) The treasurer of state shall maintain within the 32501
unemployment compensation fund three separate accounts which shall 32502
be a clearing account, an unemployment trust fund account, and a 32503
benefit account. All moneys payable to the unemployment 32504
compensation fund, upon receipt thereof by the director, shall be 32505
forwarded to the treasurer of state, who shall immediately deposit 32506
them in the clearing account. Refunds of contributions, or 32507
payments in lieu of contributions, payable pursuant to division 32508
(E) of this section may be paid from the clearing account upon 32509
warrants signed by a deputy or other employee of the director 32510
charged with the duty of keeping the record of the clearing 32511
account and with the preparation of warrants for the payment of 32512
refunds to persons entitled thereto. After clearance thereof, all 32513
moneys in the clearing account shall be deposited with the 32514
secretary of the treasury of the United States to the credit of 32515

the account of this state in the unemployment trust fund 32516
established and maintained pursuant to section 904 of the "Social 32517
Security Act," in accordance with requirements of the "Federal 32518
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 32519
3304(a)(3), any law in this state relating to the deposit, 32520
administration, release, or disbursement of moneys in the 32521
possession or custody of this state to the contrary 32522
notwithstanding. The benefit account shall consist of all moneys 32523
requisitioned from this state's account in the unemployment trust 32524
fund. Federal funds, other than funds received by the director 32525
under divisions (I) and (J) of this section, received for payment 32526
of federal benefits may be deposited into the benefit account 32527
solely for payment of benefits under a federal program 32528
administered by this state. Moneys so requisitioned shall be used 32529
solely for the payment of benefits and for no other purpose. 32530
Moneys in the clearing and benefit accounts may be deposited by 32531
the treasurer of state, under the direction of the director, in 32532
any bank or public depository in which general funds of the state 32533
may be deposited, but no public deposit insurance charge or 32534
premium shall be paid out of the fund. 32535

(D) Moneys shall be requisitioned from this state's account 32536
in the unemployment trust fund solely for the payment of benefits 32537
and in accordance with regulations prescribed by the director. The 32538
director shall requisition from the unemployment trust fund such 32539
amounts, not exceeding the amount standing to this state's account 32540
therein, as are deemed necessary for the payment of benefits for a 32541
reasonable future period. Upon receipt thereof, the treasurer of 32542
state shall deposit such moneys in the benefit account. 32543
Expenditures of such money in the benefit account and refunds from 32544
the clearing account shall not require specific appropriations or 32545
other formal release by state officers of money in their custody. 32546
Any balance of moneys requisitioned from the unemployment trust 32547
fund which remains unclaimed or unpaid in the benefit account 32548

after the expiration of the period for which such sums were 32549
requisitioned shall either be deducted from estimates for and may 32550
be utilized for the payment of benefits during succeeding periods, 32551
or, in the discretion of the director, shall be redeposited with 32552
the secretary of the treasury of the United States to the credit 32553
of this state's account in the unemployment trust fund, as 32554
provided in division (C) of this section. Unclaimed or unpaid 32555
federal funds redeposited with the secretary of the treasury of 32556
the United States shall be credited to the appropriate federal 32557
account. 32558

(E) No claim for an adjustment or a refund on contribution, 32559
payment in lieu of contributions, interest, or forfeiture alleged 32560
to have been erroneously or illegally assessed or collected, or 32561
alleged to have been collected without authority, and no claim for 32562
an adjustment or a refund of any sum alleged to have been 32563
excessive or in any manner wrongfully collected shall be allowed 32564
unless an application, in writing, therefor is made within four 32565
years from the date on which such payment was made. If the 32566
director ~~determines~~ determines that such contribution, payment in 32567
lieu of contributions, ~~interest~~ interest, or forfeiture, or any 32568
portion ~~thereof~~ thereof, was erroneously collected, the director 32569
shall allow such employer to make an adjustment thereof without 32570
interest in connection with subsequent contribution payments, or 32571
payments in lieu of contributions, by the employer, or the 32572
director may refund said amount, without interest, from the 32573
clearing account of the unemployment compensation fund, except as 32574
provided in division (B) of section 4141.11 of the Revised Code. 32575
For like cause and within the same period, adjustment or refund 32576
may be so made on the director's own initiative. An overpayment of 32577
contribution, payment in lieu of contributions, interest, or 32578
forfeiture for which an employer has not made application for 32579
refund prior to the date of sale of the employer's business shall 32580
accrue to the employer's successor in interest. 32581

An application for an adjustment or a refund, or any portion 32582
thereof, that is rejected is binding upon the employer unless, 32583
within thirty days after the mailing of a written notice of 32584
rejection to the employer's last known address, or, in the absence 32585
of mailing of such notice, within thirty days after the delivery 32586
of such notice, the employer files an application for a review and 32587
redetermination setting forth the reasons therefor. The director 32588
shall promptly examine the application for review and 32589
redetermination, and if a review is granted, the employer shall be 32590
promptly notified thereof, and shall be granted an opportunity for 32591
a prompt hearing. 32592

(F) If the director finds that contributions have been paid 32593
to the director in error, and that such contributions should have 32594
been paid to a department of another state or of the United States 32595
charged with the administration of an unemployment compensation 32596
law, the director may upon request by such department or upon the 32597
director's own initiative transfer to such department the amount 32598
of such contributions, less any benefits paid to claimants whose 32599
wages were the basis for such contributions. The director may 32600
request and receive from such department any contributions or 32601
adjusted contributions paid in error to such department which 32602
should have been paid to the director. 32603

(G) In accordance with section 303(c)(3) of the Social 32604
Security Act, and section 3304(a)(17) of the Internal Revenue Code 32605
of 1954 for continuing certification of Ohio unemployment 32606
compensation laws for administrative grants and for tax credits, 32607
any interest required to be paid on advances under Title XII of 32608
the Social Security Act shall be paid in a timely manner and shall 32609
not be paid, directly or indirectly, by an equivalent reduction in 32610
the Ohio unemployment taxes or otherwise, by the state from 32611
amounts in the unemployment compensation fund. 32612

(H) The treasurer of state, under the direction of the 32613

director and in accordance with the "Cash Management Improvement 32614
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 32615
amounts of interest earned by the state on funds in the benefit 32616
account established pursuant to division (C) of this section into 32617
the department of job and family services banking fees fund, which 32618
is hereby created in the state treasury for the purpose of paying 32619
related banking costs incurred by the state for the period for 32620
which the interest is calculated, except that if the deposited 32621
interest exceeds the banking costs incurred by the state for the 32622
period for which the interest is calculated, the treasurer of 32623
state shall deposit the excess interest into the unemployment 32624
trust fund. 32625

(I) The treasurer of state, under the direction of the 32626
director, shall deposit federal funds received by the director for 32627
the payment of benefits, job search, relocation, transportation, 32628
and subsistence allowances pursuant to the "Trade Act of 1974," 88 32629
Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American 32630
Free Trade Implementation Act of 1993," 107 Stat. 2057, 19 32631
U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat. 32632
993, 19 U.S.C.A. 3801, as amended, into the Trade Act benefit 32633
account, which is hereby created for the purpose of ~~paying for~~ 32634
~~benefits, training, and support services~~ making payments specified 32635
under ~~that act~~ those acts. 32636

(J) The treasurer of state, under the direction of the 32637
director, shall deposit federal funds received by the director for 32638
training and administration pursuant to the "Trade Act of 1974," 32639
88 Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American 32640
Free Trade Agreement Implementation Act," 107 Stat. 2057 (1993), 32641
19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 32642
Stat. 993, 19 U.S.C.A. 3801, as amended, into the ~~North American~~ 32643
~~Free Trade Act~~ training and administration account, which is 32644
hereby created for the purpose of ~~paying for benefits, training,~~ 32645

~~and support services~~ making payments specified under ~~that act~~ 32646
those acts. 32647

Sec. 4503.234. (A) As used in this section, "vehicle owner" 32648
means the person in whose name is registered a vehicle that is 32649
subject to an order of forfeiture issued under this section. 32650

(B) If a court is required by section 4503.233, 4503.236, 32651
4507.361, 4507.99, 4511.193, or 4511.99 of the Revised Code to 32652
order the criminal forfeiture of a vehicle, the order shall be 32653
issued and enforced in accordance with this division, subject to 32654
division (C) of this section and section 4503.235 of the Revised 32655
Code. An order of criminal forfeiture issued under this division 32656
shall authorize an appropriate law enforcement agency to seize the 32657
vehicle ordered criminally forfeited upon the terms and conditions 32658
that the court determines proper. No vehicle ordered criminally 32659
forfeited pursuant to this division shall be considered contraband 32660
for purposes of section 2933.41, 2933.42, or 2933.43 of the 32661
Revised Code, but shall be held by the law enforcement agency that 32662
employs the officer who seized it for disposal in accordance with 32663
this section. A forfeiture order may be issued only after the 32664
vehicle owner has been provided with an opportunity to be heard. 32665
The prosecuting attorney shall give the vehicle owner written 32666
notice of the possibility of forfeiture by sending a copy of the 32667
relevant uniform traffic ticket or other written notice to the 32668
vehicle owner not less than seven days prior to the date of 32669
issuance of the forfeiture order. A vehicle is subject to an order 32670
of criminal forfeiture pursuant to this division upon the 32671
conviction of the offender of or plea of guilty by the offender to 32672
a violation of division (A) of section 4503.236, division (B)(1) 32673
or (D)(2) of section 4507.02, section 4507.33, or division (A) of 32674
section 4511.19 of the Revised Code, or a municipal ordinance that 32675
is substantially equivalent to division (A) of section 4503.236, 32676
division (B)(1) or (D)(2) of section 4507.02, section 4507.33, or 32677

division (A) of section 4511.19 of the Revised Code. 32678

(C)(1) Prior to the issuance of an order of criminal 32679
forfeiture pursuant to division (B) of this section, the law 32680
enforcement agency that employs the law enforcement officer who 32681
seized the vehicle shall conduct or cause to be conducted a search 32682
of the appropriate public records that relate to the vehicle and 32683
shall make or cause to be made reasonably diligent inquiries to 32684
identify any lienholder or any person or entity with an ownership 32685
interest in the vehicle. The court that is to issue the forfeiture 32686
order also shall cause a notice of the potential order relative to 32687
the vehicle and of the expected manner of disposition of the 32688
vehicle after its forfeiture to be sent to any lienholder or 32689
person who is known to the court to have any right, title, or 32690
interest in the vehicle. The court shall give the notice by 32691
certified mail, return receipt requested, or by personal service. 32692

(2) No order of criminal forfeiture shall be issued pursuant 32693
to division (B) of this section if a lienholder or other person 32694
with an ownership interest in the vehicle establishes to the 32695
court, by a preponderance of the evidence after filing a motion 32696
with the court, that the lienholder or other ~~that~~ person neither 32697
knew nor should have known after a reasonable inquiry that the 32698
vehicle would be used or involved, or likely would be used or 32699
involved, in the violation resulting in the issuance of the order 32700
of criminal forfeiture or the violation of the order of 32701
immobilization issued under section 4503.233 of the Revised Code, 32702
that the lienholder or other ~~that~~ person did not expressly or 32703
impliedly consent to the use or involvement of the vehicle in that 32704
violation, and that the lien or ownership interest was perfected 32705
pursuant to law prior to the seizure of the vehicle under section 32706
4503.236, 4507.38, or 4511.195 of the Revised Code. If the 32707
lienholder or holder of the ownership interest satisfies the court 32708
that these criteria have been met, the court shall preserve ~~the~~ 32709

~~holder's~~ the lienholder's or other person's lien or interest, and 32710
the court either shall return the vehicle to the holder, ~~the~~ 32711
~~holder's~~ or shall order that the ~~the holder's~~ proceeds of any sale 32712
held pursuant to division (D) of this section be paid to the 32713
lienholder or holder of the interest less the costs of seizure, 32714
storage, and maintenance of the vehicle. The court shall not 32715
return a vehicle to a lienholder or a holder of an ownership 32716
interest under division (C)(2) of this section unless the 32717
lienholder or holder submits an affidavit to the court that states 32718
that the lienholder or holder will not return the vehicle to the 32719
person from whom the vehicle was seized pursuant to the order of 32720
criminal forfeiture or to any member of that person's family and 32721
will not otherwise knowingly permit that person or any member of 32722
that person's family to obtain possession of the vehicle. 32723

(3) No order of criminal forfeiture shall be issued pursuant 32724
to division (B) of this section if a person with an interest in 32725
the vehicle establishes to the court, by a preponderance of the 32726
evidence after filing a motion with the court, that the person 32727
neither knew nor should have known after a reasonable inquiry that 32728
the vehicle had been used or was involved in the violation 32729
resulting in the issuance of the order of criminal forfeiture or 32730
the violation of the order of immobilization issued under section 32731
4503.233 of the Revised Code, that the person did not expressly or 32732
impliedly consent to the use or involvement of the vehicle in that 32733
violation, that the interest was perfected in good faith and for 32734
value pursuant to law between the time of the arrest of the 32735
offender and the final disposition of the criminal charge in 32736
question, and that the vehicle was in the possession of the 32737
vehicle owner at the time of the perfection of the interest. If 32738
the court is satisfied that the interest holder has met these 32739
criteria, the court shall preserve ~~the holder's~~ the interest 32740
holder's interest, and the court either shall return the vehicle 32741
to the interest holder ~~the holder's~~ or order that the ~~the holder's~~ 32742

proceeds of any sale held pursuant to division (D) of this section 32743
be paid to the holder of the interest less the costs of seizure, 32744
storage, and maintenance of the vehicle. The court shall not 32745
return a vehicle to an interest holder under division (C)(3) of 32746
this section unless the holder submits an affidavit to the court 32747
stating that the holder will not return the vehicle to the person 32748
from whom the holder acquired ~~the holder's~~ the holder's interest, 32749
nor to any member of that person's family, and the holder will not 32750
otherwise knowingly permit that person or any member of that 32751
person's family to obtain possession of the vehicle. 32752

(D) A vehicle ordered criminally forfeited to the state 32753
pursuant to division (B) of this section shall be disposed of as 32754
follows: 32755

(1) It shall be given to the law enforcement agency that 32756
employs the law enforcement officer who seized the vehicle, if 32757
that agency desires to have it; 32758

(2) If a vehicle is not disposed of pursuant to division 32759
(D)(1) of this section, the vehicle shall be sold, without 32760
appraisal, if the value of the vehicle is two thousand dollars or 32761
more as determined by publications of the national auto dealer's 32762
association, at a public auction to the highest bidder for cash. 32763
Prior to the sale, the prosecuting attorney in the case shall 32764
cause a notice of the proposed sale to be given in accordance with 32765
law. The court shall cause notice of the sale of the vehicle to be 32766
published in a newspaper of general circulation in the county in 32767
which the court is located at least seven days prior to the date 32768
of the sale. The proceeds of a sale under this division or 32769
division (G) of this section shall be applied in the following 32770
order: 32771

(a) First, they shall be applied to the payment of the costs 32772
incurred in connection with the seizure, storage, and maintenance 32773
of, and provision of security for, the vehicle, any proceeding 32774

arising out of the forfeiture, and if any, the sale. 32775

(b) Second, the remaining proceeds after compliance with 32776
division (D)(2)(a) of this section, shall be applied to the 32777
payment of the value of any lien or ownership interest in the 32778
vehicle preserved under division (C) of this section. 32779

(c) Third, the remaining proceeds, after compliance with 32780
divisions (D)(2)(a) and (b) of this section, shall be applied to 32781
the appropriate funds in accordance with divisions (D)(1)(c) and 32782
(2) of section 2933.43 of the Revised Code, provided that the 32783
total of the amount so deposited under this division shall not 32784
exceed one thousand dollars. The remaining proceeds deposited 32785
under this division shall be used only for the purposes authorized 32786
by those divisions and division (D)(3)(a)(ii) of that section. 32787

(d) Fourth, the remaining proceeds after compliance with 32788
divisions (D)(2)(a) and (b) of this section and after deposit of a 32789
total amount of one thousand dollars under division (D)(2)(c) of 32790
this section shall be applied so that ~~fifty~~ seventy-five per cent 32791
of those remaining proceeds is paid into the reparation fund 32792
established by section 2743.191 of the Revised Code, ~~twenty-five~~ 32793
~~per cent is paid into the drug abuse resistance education programs~~ 32794
~~fund created by division (L)(2)(c) of section 4511.191 of the~~ 32795
~~Revised Code and shall be used only for the purposes authorized by~~ 32796
~~division (L)(2)(c) of that section,~~ and twenty-five per cent is 32797
applied to the appropriate funds in accordance with division 32798
(D)(1)(c) of section 2933.43 of the Revised Code. The proceeds 32799
deposited into any fund described in section 2933.43 of the 32800
Revised Code shall be used only for the purposes authorized by 32801
division (D)(1)(c), (2), and (3)(a)(ii) of that section. 32802

(E) Notwithstanding any other provision of law, neither the 32803
registrar of motor vehicles nor any deputy registrar shall accept 32804
an application for the registration of any motor vehicle in the 32805
name of any person, or register any motor vehicle in the name of 32806

any person, if both of the following apply: 32807

(1) Any vehicle registered in the person's name was 32808
criminally forfeited under division (B) of this section and 32809
section 4503.233, 4503.236, 4507.361, 4507.99, 4511.193, or 32810
4511.99 of the Revised Code; 32811

(2) Less than five years have expired since the issuance of 32812
the most recent order of criminal forfeiture issued in relation to 32813
a vehicle registered in the person's name. 32814

(F) If a court is required by section 4503.233, 4507.361, 32815
4507.99, 4511.193, or 4511.99 of the Revised Code to order the 32816
criminal forfeiture to the state of a vehicle, and the title to 32817
the motor vehicle is assigned or transferred, and division (C)(2) 32818
or (3) of this section applies, in addition to or independent of 32819
any other penalty established by law, the court may fine the 32820
offender the value of the vehicle as determined by publications of 32821
the national auto dealer's association. The proceeds from any fine 32822
imposed under division (F) of this section shall be distributed in 32823
accordance with division (D)(4) of this section. 32824

(G) As used in division (D) of this section and divisions 32825
(D)(1)(c), (2), and (D)(3)(a)(ii) of section 2933.43 of the 32826
Revised Code in relation to proceeds of the sale of a vehicle 32827
under division (D) of this section, "prosecuting attorney" 32828
includes the prosecuting attorney, village solicitor, city 32829
director of law, or similar chief legal officer of a municipal 32830
corporation who prosecutes the case resulting in the conviction or 32831
guilty plea in question. 32832

~~(G)~~(H) If the vehicle to be forfeited has an average retail 32833
value of less than two thousand dollars as determined by 32834
publications of the national auto dealer's association, no public 32835
auction is required to be held. In such a case, the court may 32836
direct that the vehicle be disposed of in any manner that it 32837

considers appropriate, including assignment of the certificate of 32838
title to the motor vehicle to a salvage dealer or a scrap metal 32839
processing facility. The court shall not transfer the vehicle to 32840
the person who is the vehicle's immediate previous owner. 32841

If the court assigns the motor vehicle to a salvage dealer or 32842
scrap metal processing facility and the court is in possession of 32843
the certificate of title to the motor vehicle, it shall send the 32844
assigned certificate of title to the motor vehicle to the clerk of 32845
the court of common pleas of the county in which the salvage 32846
dealer or scrap metal processing facility is located. The court 32847
shall mark the face of the certificate of title with the words 32848
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 32849
of title to the salvage dealer or scrap metal processing facility 32850
for its records. 32851

If the court is not in possession of the certificate of title 32852
to the motor vehicle, the court shall issue an order transferring 32853
ownership of the motor vehicle to a salvage dealer or scrap metal 32854
processing facility, send the order to the clerk of the court of 32855
common pleas of the county in which the salvage dealer or scrap 32856
metal processing facility is located, and send a photocopy of the 32857
order to the salvage dealer or scrap metal processing facility for 32858
its records. The clerk shall make the proper notations or entries 32859
in the clerk's records concerning the disposition of the motor 32860
vehicle. 32861

Sec. 4511.191. (A) Any person who operates a vehicle upon a 32862
highway or any public or private property used by the public for 32863
vehicular travel or parking within this state shall be deemed to 32864
have given consent to a chemical test or tests of the person's 32865
blood, breath, or urine for the purpose of determining the 32866
alcohol, drug, or alcohol and drug content of the person's blood, 32867
breath, or urine if arrested for operating a vehicle while under 32868

the influence of alcohol, a drug of abuse, or alcohol and a drug 32869
of abuse or for operating a vehicle with a prohibited 32870
concentration of alcohol in the blood, breath, or urine. The 32871
chemical test or tests shall be administered at the request of a 32872
police officer having reasonable grounds to believe the person to 32873
have been operating a vehicle upon a highway or any public or 32874
private property used by the public for vehicular travel or 32875
parking in this state while under the influence of alcohol, a drug 32876
of abuse, or alcohol and a drug of abuse or with a prohibited 32877
concentration of alcohol in the blood, breath, or urine. The law 32878
enforcement agency by which the officer is employed shall 32879
designate which of the tests shall be administered. 32880

(B) Any person who is dead or unconscious, or who is 32881
otherwise in a condition rendering the person incapable of 32882
refusal, shall be deemed not to have withdrawn consent as provided 32883
by division (A) of this section and the test or tests may be 32884
administered, subject to sections 313.12 to 313.16 of the Revised 32885
Code. 32886

(C)(1) Any person under arrest for operating a vehicle while 32887
under the influence of alcohol, a drug of abuse, or alcohol and a 32888
drug of abuse or for operating a vehicle with a prohibited 32889
concentration of alcohol in the blood, breath, or urine shall be 32890
advised at a police station, or at a hospital, first-aid station, 32891
or clinic to which the person has been taken for first-aid or 32892
medical treatment, of both of the following: 32893

(a) The consequences, as specified in division (E) of this 32894
section, of the person's refusal to submit upon request to a 32895
chemical test designated by the law enforcement agency as provided 32896
in division (A) of this section; 32897

(b) The consequences, as specified in division (F) of this 32898
section, of the person's submission to the designated chemical 32899
test if the person is found to have a prohibited concentration of 32900

alcohol in the blood, breath, or urine. 32901

(2)(a) The advice given pursuant to division (C)(1) of this 32902
section shall be in a written form containing the information 32903
described in division (C)(2)(b) of this section and shall be read 32904
to the person. The form shall contain a statement that the form 32905
was shown to the person under arrest and read to the person in the 32906
presence of the arresting officer and either another police 32907
officer, a civilian police employee, or an employee of a hospital, 32908
first-aid station, or clinic, if any, to which the person has been 32909
taken for first-aid or medical treatment. The witnesses shall 32910
certify to this fact by signing the form. 32911

(b) The form required by division (C)(2)(a) of this section 32912
shall read as follows: 32913

"You now are under arrest for operating a vehicle while under 32914
the influence of alcohol, a drug of abuse, or both alcohol and a 32915
drug of abuse and will be requested by a police officer to submit 32916
to a chemical test to determine the concentration of alcohol, 32917
drugs of abuse, or alcohol and drugs of abuse in your blood, 32918
breath, or urine. 32919

If you refuse to submit to the requested test or if you 32920
submit to the requested test and are found to have a prohibited 32921
concentration of alcohol in your blood, breath, or urine, your 32922
driver's or commercial driver's license or permit or nonresident 32923
operating privilege immediately will be suspended for the period 32924
of time specified by law by the officer, on behalf of the 32925
registrar of motor vehicles. You may appeal this suspension at 32926
your initial appearance before the court that hears the charges 32927
against you resulting from the arrest, and your initial appearance 32928
will be conducted no later than five days after the arrest. This 32929
suspension is independent of the penalties for the offense, and 32930
you may be subject to other penalties upon conviction." 32931

(D)(1) If a person under arrest as described in division 32932
(C)(1) of this section is not asked by a police officer to submit 32933
to a chemical test designated as provided in division (A) of this 32934
section, the arresting officer shall seize the Ohio or 32935
out-of-state driver's or commercial driver's license or permit of 32936
the person and immediately forward the seized license or permit to 32937
the court in which the arrested person is to appear on the charge 32938
for which the person was arrested. If the arrested person does not 32939
have the person's driver's or commercial driver's license or 32940
permit on the person's self or in the person's vehicle, the 32941
arresting officer shall order the arrested person to surrender it 32942
to the law enforcement agency that employs the officer within 32943
twenty-four hours after the arrest, and, upon the surrender, the 32944
officer's employing agency immediately shall forward the license 32945
or permit to the court in which the arrested person is to appear 32946
on the charge for which the person was arrested. Upon receipt of 32947
the license or permit, the court shall retain it pending the 32948
initial appearance of the arrested person and any action taken 32949
under section 4511.196 of the Revised Code. 32950

If a person under arrest as described in division (C)(1) of 32951
this section is asked by a police officer to submit to a chemical 32952
test designated as provided in division (A) of this section and is 32953
advised of the consequences of the person's refusal or submission 32954
as provided in division (C) of this section and if the person 32955
either refuses to submit to the designated chemical test or the 32956
person submits to the designated chemical test and the test 32957
results indicate that the person's blood contained a concentration 32958
of ten-hundredths of one per cent or more by weight of alcohol, 32959
the person's breath contained a concentration of ten-hundredths of 32960
one gram or more by weight of alcohol per two hundred ten liters 32961
of the person's breath, or the person's urine contained a 32962
concentration of fourteen-hundredths of one gram or more by weight 32963

of alcohol per one hundred milliliters of the person's urine at 32964
the time of the alleged offense, the arresting officer shall do 32965
all of the following: 32966

(a) On behalf of the registrar, serve a notice of suspension 32967
upon the person that advises the person that, independent of any 32968
penalties or sanctions imposed upon the person pursuant to any 32969
other section of the Revised Code or any other municipal 32970
ordinance, the person's driver's or commercial driver's license or 32971
permit or nonresident operating privilege is suspended, that the 32972
suspension takes effect immediately, that the suspension will last 32973
at least until the person's initial appearance on the charge that 32974
will be held within five days after the date of the person's 32975
arrest or the issuance of a citation to the person, and that the 32976
person may appeal the suspension at the initial appearance; seize 32977
the Ohio or out-of-state driver's or commercial driver's license 32978
or permit of the person; and immediately forward the seized 32979
license or permit to the registrar. If the arrested person does 32980
not have the person's driver's or commercial driver's license or 32981
permit on the person's self or in the person's vehicle, the 32982
arresting officer shall order the person to surrender it to the 32983
law enforcement agency that employs the officer within twenty-four 32984
hours after the service of the notice of suspension, and, upon the 32985
surrender, the officer's employing agency immediately shall 32986
forward the license or permit to the registrar. 32987

(b) Verify the current residence of the person and, if it 32988
differs from that on the person's driver's or commercial driver's 32989
license or permit, notify the registrar of the change; 32990

(c) In addition to forwarding the arrested person's driver's 32991
or commercial driver's license or permit to the registrar, send to 32992
the registrar, within forty-eight hours after the arrest of the 32993
person, a sworn report that includes all of the following 32994
statements: 32995

(i) That the officer had reasonable grounds to believe that, 32996
at the time of the arrest, the arrested person was operating a 32997
vehicle upon a highway or public or private property used by the 32998
public for vehicular travel or parking within this state while 32999
under the influence of alcohol, a drug of abuse, or alcohol and a 33000
drug of abuse or with a prohibited concentration of alcohol in the 33001
blood, breath, or urine; 33002

(ii) That the person was arrested and charged with operating 33003
a vehicle while under the influence of alcohol, a drug of abuse, 33004
or alcohol and a drug of abuse or with operating a vehicle with a 33005
prohibited concentration of alcohol in the blood, breath, or 33006
urine; 33007

(iii) That the officer asked the person to take the 33008
designated chemical test, advised the person of the consequences 33009
of submitting to the chemical test or refusing to take the 33010
chemical test, and gave the person the form described in division 33011
(C)(2) of this section; 33012

(iv) That the person refused to submit to the chemical test 33013
or that the person submitted to the chemical test and the test 33014
results indicate that the person's blood contained a concentration 33015
of ten-hundredths of one per cent or more by weight of alcohol, 33016
the person's breath contained a concentration of ten-hundredths of 33017
one gram or more by weight of alcohol per two hundred ten liters 33018
of the person's breath, or the person's urine contained a 33019
concentration of fourteen-hundredths of one gram or more by weight 33020
of alcohol per one hundred milliliters of the person's urine at 33021
the time of the alleged offense; 33022

(v) That the officer served a notice of suspension upon the 33023
person as described in division (D)(1)(a) of this section. 33024

(2) The sworn report of an arresting officer completed under 33025
division (D)(1)(c) of this section shall be given by the officer 33026

to the arrested person at the time of the arrest or sent to the 33027
person by regular first class mail by the registrar as soon 33028
thereafter as possible, but no later than fourteen days after 33029
receipt of the report. An arresting officer may give an unsworn 33030
report to the arrested person at the time of the arrest provided 33031
the report is complete when given to the arrested person and 33032
subsequently is sworn to by the arresting officer. As soon as 33033
possible, but no later than forty-eight hours after the arrest of 33034
the person, the arresting officer shall send a copy of the sworn 33035
report to the court in which the arrested person is to appear on 33036
the charge for which the person was arrested. 33037

(3) The sworn report of an arresting officer completed and 33038
sent to the registrar and the court under divisions (D)(1)(c) and 33039
(D)(2) of this section is prima-facie proof of the information and 33040
statements that it contains and shall be admitted and considered 33041
as prima-facie proof of the information and statements that it 33042
contains in any appeal under division (H) of this section relative 33043
to any suspension of a person's driver's or commercial driver's 33044
license or permit or nonresident operating privilege that results 33045
from the arrest covered by the report. 33046

(E)(1) Upon receipt of the sworn report of an arresting 33047
officer completed and sent to the registrar and a court pursuant 33048
to divisions (D)(1)(c) and (D)(2) of this section in regard to a 33049
person who refused to take the designated chemical test, the 33050
registrar shall enter into the registrar's records the fact that 33051
the person's driver's or commercial driver's license or permit or 33052
nonresident operating privilege was suspended by the arresting 33053
officer under division (D)(1)(a) of this section and the period of 33054
the suspension, as determined under divisions (E)(1)(a) to (d) of 33055
this section. The suspension shall be subject to appeal as 33056
provided in this section and shall be for whichever of the 33057
following periods applies: 33058

(a) If the arrested person, within five years of the date on which the person refused the request to consent to the chemical test, had not refused a previous request to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content, the period of suspension shall be one year. If the person is a resident without a license or permit to operate a vehicle within this state, the registrar shall deny to the person the issuance of a driver's or commercial driver's license or permit for a period of one year after the date of the alleged violation.

(b) If the arrested person, within five years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content, the period of suspension or denial shall be two years.

(c) If the arrested person, within five years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content, the period of suspension or denial shall be three years.

(d) If the arrested person, within five years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test of the person's blood, breath, or urine to determine its alcohol content, the period of suspension or denial shall be five years.

(2) The suspension or denial imposed under division (E)(1) of this section shall continue for the entire one-year, two-year, three-year, or five-year period, subject to appeal as provided in

this section and subject to termination as provided in division 33090
(K) of this section. 33091

(F) Upon receipt of the sworn report of an arresting officer 33092
completed and sent to the registrar and a court pursuant to 33093
divisions (D)(1)(c) and (D)(2) of this section in regard to a 33094
person whose test results indicate that the person's blood 33095
contained a concentration of ten-hundredths of one per cent or 33096
more by weight of alcohol, the person's breath contained a 33097
concentration of ten-hundredths of one gram or more by weight of 33098
alcohol per two hundred ten liters of the person's breath, or the 33099
person's urine contained a concentration of fourteen-hundredths of 33100
one gram or more by weight of alcohol per one hundred milliliters 33101
of the person's urine at the time of the alleged offense, the 33102
registrar shall enter into the registrar's records the fact that 33103
the person's driver's or commercial driver's license or permit or 33104
nonresident operating privilege was suspended by the arresting 33105
officer under division (D)(1)(a) of this section and the period of 33106
the suspension, as determined under divisions (F)(1) to (4) of 33107
this section. The suspension shall be subject to appeal as 33108
provided in this section and shall be for whichever of the 33109
following periods that applies: 33110

(1) Except when division (F)(2), (3), or (4) of this section 33111
applies and specifies a different period of suspension or denial, 33112
the period of the suspension or denial shall be ninety days. 33113

(2) The period of suspension or denial shall be one year if 33114
the person has been convicted, within six years of the date the 33115
test was conducted, of a violation of one of the following: 33116

(a) Division (A) or (B) of section 4511.19 of the Revised 33117
Code; 33118

(b) A municipal ordinance relating to operating a vehicle 33119
while under the influence of alcohol, a drug of abuse, or alcohol 33120

and a drug of abuse;	33121
(c) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine;	33122 33123 33124
(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;	33125 33126 33127
(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;	33128 33129 33130
(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;	33131 33132 33133 33134 33135 33136 33137
(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.	33138 33139 33140 33141
(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.	33142 33143 33144 33145
(4) If the person has been convicted, within six years of the date the test was conducted, of more than two violations of a statute or ordinance described in division (F)(2) of this section, the period of the suspension or denial shall be three years.	33146 33147 33148 33149
(G)(1) A suspension of a person's driver's or commercial	33150

driver's license or permit or nonresident operating privilege 33151
under division (D)(1)(a) of this section for the period of time 33152
described in division (E) or (F) of this section is effective 33153
immediately from the time at which the arresting officer serves 33154
the notice of suspension upon the arrested person. Any subsequent 33155
finding that the person is not guilty of the charge that resulted 33156
in the person being requested to take, or in the person taking, 33157
the chemical test or tests under division (A) of this section 33158
affects the suspension only as described in division (H)(2) of 33159
this section. 33160

(2) If a person is arrested for operating a vehicle while 33161
under the influence of alcohol, a drug of abuse, or alcohol and a 33162
drug of abuse or for operating a vehicle with a prohibited 33163
concentration of alcohol in the blood, breath, or urine and 33164
regardless of whether the person's driver's or commercial driver's 33165
license or permit or nonresident operating privilege is or is not 33166
suspended under division (E) or (F) of this section, the person's 33167
initial appearance on the charge resulting from the arrest shall 33168
be held within five days of the person's arrest or the issuance of 33169
the citation to the person, subject to any continuance granted by 33170
the court pursuant to division (H)(1) of this section regarding 33171
the issues specified in that division. 33172

(H)(1) If a person is arrested for operating a vehicle while 33173
under the influence of alcohol, a drug of abuse, or alcohol and a 33174
drug of abuse or for operating a vehicle with a prohibited 33175
concentration of alcohol in the blood, breath, or urine and if the 33176
person's driver's or commercial driver's license or permit or 33177
nonresident operating privilege is suspended under division (E) or 33178
(F) of this section, the person may appeal the suspension at the 33179
person's initial appearance on the charge resulting from the 33180
arrest in the court in which the person will appear on that 33181
charge. If the person appeals the suspension at the person's 33182

initial appearance, the appeal does not stay the operation of the 33183
suspension. Subject to division (H)(2) of this section, no court 33184
has jurisdiction to grant a stay of a suspension imposed under 33185
division (E) or (F) of this section, and any order issued by any 33186
court that purports to grant a stay of any suspension imposed 33187
under either of those divisions shall not be given administrative 33188
effect. 33189

If the person appeals the suspension at the person's initial 33190
appearance, either the person or the registrar may request a 33191
continuance of the appeal. Either the person or the registrar 33192
shall make the request for a continuance of the appeal at the same 33193
time as the making of the appeal. If either the person or the 33194
registrar requests a continuance of the appeal, the court may 33195
grant the continuance. The court also may continue the appeal on 33196
its own motion. The granting of a continuance applies only to the 33197
conduct of the appeal of the suspension and does not extend the 33198
time within which the initial appearance must be conducted, and 33199
the court shall proceed with all other aspects of the initial 33200
appearance in accordance with its normal procedures. Neither the 33201
request for nor the granting of a continuance stays the operation 33202
of the suspension that is the subject of the appeal. 33203

If the person appeals the suspension at the person's initial 33204
appearance, the scope of the appeal is limited to determining 33205
whether one or more of the following conditions have not been met: 33206

(a) Whether the law enforcement officer had reasonable ground 33207
to believe the arrested person was operating a vehicle upon a 33208
highway or public or private property used by the public for 33209
vehicular travel or parking within this state while under the 33210
influence of alcohol, a drug of abuse, or alcohol and a drug of 33211
abuse or with a prohibited concentration of alcohol in the blood, 33212
breath, or urine and whether the arrested person was in fact 33213
placed under arrest; 33214

(b) Whether the law enforcement officer requested the arrested person to submit to the chemical test designated pursuant to division (A) of this section;

(c) Whether the arresting officer informed the arrested person of the consequences of refusing to be tested or of submitting to the test;

(d) Whichever of the following is applicable:

(i) Whether the arrested person refused to submit to the chemical test requested by the officer;

(ii) Whether the chemical test results indicate that the arrested person's blood contained a concentration of ten-hundredths of one per cent or more by weight of alcohol, the person's breath contained a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of fourteen-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense.

(2) If the person appeals the suspension at the initial appearance, the judge or referee of the court or the mayor of the mayor's court shall determine whether one or more of the conditions specified in divisions (H)(1)(a) to (d) of this section have not been met. The person who appeals the suspension has the burden of proving, by a preponderance of the evidence, that one or more of the specified conditions has not been met. If during the appeal at the initial appearance the judge or referee of the court or the mayor of the mayor's court determines that all of those conditions have been met, the judge, referee, or mayor shall uphold the suspension, shall continue the suspension, and shall notify the registrar of the decision on a form approved by the registrar. Except as otherwise provided in division (H)(2) of this

section, if the suspension is upheld or if the person does not 33246
appeal the suspension at the person's initial appearance under 33247
division (H)(1) of this section, the suspension shall continue 33248
until the complaint alleging the violation for which the person 33249
was arrested and in relation to which the suspension was imposed 33250
is adjudicated on the merits by the judge or referee of the trial 33251
court or by the mayor of the mayor's court. If the suspension was 33252
imposed under division (E) of this section and it is continued 33253
under this division, any subsequent finding that the person is not 33254
guilty of the charge that resulted in the person being requested 33255
to take the chemical test or tests under division (A) of this 33256
section does not terminate or otherwise affect the suspension. If 33257
the suspension was imposed under division (F) of this section and 33258
it is continued under this division, the suspension shall 33259
terminate if, for any reason, the person subsequently is found not 33260
guilty of the charge that resulted in the person taking the 33261
chemical test or tests under division (A) of this section. 33262

If, during the appeal at the initial appearance, the judge or 33263
referee of the trial court or the mayor of the mayor's court 33264
determines that one or more of the conditions specified in 33265
divisions (H)(1)(a) to (d) of this section have not been met, the 33266
judge, referee, or mayor shall terminate the suspension, subject 33267
to the imposition of a new suspension under division (B) of 33268
section 4511.196 of the Revised Code; shall notify the registrar 33269
of the decision on a form approved by the registrar; and, except 33270
as provided in division (B) of section 4511.196 of the Revised 33271
Code, shall order the registrar to return the driver's or 33272
commercial driver's license or permit to the person or to take 33273
such measures as may be necessary, if the license or permit was 33274
destroyed under section 4507.55 of the Revised Code, to permit the 33275
person to obtain a replacement driver's or commercial driver's 33276
license or permit from the registrar or a deputy registrar in 33277
accordance with that section. The court also shall issue to the 33278

person a court order, valid for not more than ten days from the 33279
date of issuance, granting the person operating privileges for 33280
that period of time. 33281

If the person appeals the suspension at the initial 33282
appearance, the registrar shall be represented by the prosecuting 33283
attorney of the county in which the arrest occurred if the initial 33284
appearance is conducted in a juvenile court or county court, 33285
except that if the arrest occurred within a city or village within 33286
the jurisdiction of the county court in which the appeal is 33287
conducted, the city director of law or village solicitor of that 33288
city or village shall represent the registrar. If the appeal is 33289
conducted in a municipal court, the registrar shall be represented 33290
as provided in section 1901.34 of the Revised Code. If the appeal 33291
is conducted in a mayor's court, the registrar shall be 33292
represented by the city director of law, village solicitor, or 33293
other chief legal officer of the municipal corporation that 33294
operates that mayor's court. 33295

(I)(1)(a) A person is not entitled to request, and a court 33296
shall not grant to the person, occupational driving privileges 33297
under division (I)(1) of this section if a person's driver's or 33298
commercial driver's license or permit or nonresident operating 33299
privilege has been suspended pursuant to division (E) of this 33300
section, and the person, within the preceding seven years, has 33301
refused three previous requests to consent to a chemical test of 33302
the person's blood, breath, or urine to determine its alcohol 33303
content or has been convicted of or pleaded guilty to three or 33304
more violations of one or more of the following: 33305

(i) Division (A) or (B) of section 4511.19 of the Revised 33306
Code; 33307

(ii) A municipal ordinance relating to operating a vehicle 33308
while under the influence of alcohol, a drug of abuse, or alcohol 33309
and a drug of abuse; 33310

(iii) A municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine; 33311
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(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; 33314
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(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; 33317
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(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; 33320
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(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. 33327
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(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 related criminal or delinquency case. The petition may be filed at any time subsequent to the date on which the notice of suspension is served upon the arrested person. The person shall pay the costs of the proceeding, notify the registrar of the filing of the 33331
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petition, and send the registrar a copy of the petition. 33342

In the proceedings, the registrar shall be represented by the 33343
prosecuting attorney of the county in which the arrest occurred if 33344
the petition is filed in the juvenile court, county court, or 33345
common pleas court, except that, if the arrest occurred within a 33346
city or village within the jurisdiction of the county court in 33347
which the petition is filed, the city director of law or village 33348
solicitor of that city or village shall represent the registrar. 33349
If the petition is filed in the municipal court, the registrar 33350
shall be represented as provided in section 1901.34 of the Revised 33351
Code. If the petition is filed in a mayor's court, the registrar 33352
shall be represented by the city director of law, village 33353
solicitor, or other chief legal officer of the municipal 33354
corporation that operates the mayor's court. 33355

The court, if it finds reasonable cause to believe that 33356
suspension would seriously affect the person's ability to continue 33357
in the person's employment, may grant the person occupational 33358
driving privileges during the period of suspension imposed 33359
pursuant to division (E) of this section, subject to the 33360
limitations contained in this division and division (I)(2) of this 33361
section. The court may grant the occupational driving privileges, 33362
subject to the limitations contained in this division and division 33363
(I)(2) of this section, regardless of whether the person appeals 33364
the suspension at the person's initial appearance under division 33365
(H)(1) of this section or appeals the decision of the court made 33366
pursuant to the appeal conducted at the initial appearance, and, 33367
if the person has appealed the suspension or decision, regardless 33368
of whether the matter at issue has been heard or decided by the 33369
court. The court shall not grant occupational driving privileges 33370
for employment as a driver of commercial motor vehicles to any 33371
person who is disqualified from operating a commercial motor 33372
vehicle under section 3123.611 or 4506.16 of the Revised Code or 33373

whose commercial driver's license or commercial driver's temporary 33374
instruction permit has been suspended under section 3123.58 of the 33375
Revised Code. 33376

(2)(a) In granting occupational driving privileges under 33377
division (I)(1) of this section, the court may impose any 33378
condition it considers reasonable and necessary to limit the use 33379
of a vehicle by the person. The court shall deliver to the person 33380
a permit card, in a form to be prescribed by the court, setting 33381
forth the time, place, and other conditions limiting the 33382
defendant's use of a vehicle. The grant of occupational driving 33383
privileges shall be conditioned upon the person's having the 33384
permit in the person's possession at all times during which the 33385
person is operating a vehicle. 33386

A person granted occupational driving privileges who operates 33387
a vehicle for other than occupational purposes, in violation of 33388
any condition imposed by the court, or without having the permit 33389
in the person's possession, is guilty of a violation of section 33390
4507.02 of the Revised Code. 33391

(b) The court may not grant a person occupational driving 33392
privileges under division (I)(1) of this section when prohibited 33393
by a limitation contained in that division or during any of the 33394
following periods of time: 33395

(i) The first thirty days of suspension imposed upon a person 33396
who, within five years of the date on which the person refused the 33397
request to consent to a chemical test of the person's blood, 33398
breath, or urine to determine its alcohol content and for which 33399
refusal the suspension was imposed, had not refused a previous 33400
request to consent to a chemical test of the person's blood, 33401
breath, or urine to determine its alcohol content; 33402

(ii) The first ninety days of suspension imposed upon a 33403
person who, within five years of the date on which the person 33404

refused the request to consent to a chemical test of the person's 33405
blood, breath, or urine to determine its alcohol content and for 33406
which refusal the suspension was imposed, had refused one previous 33407
request to consent to a chemical test of the person's blood, 33408
breath, or urine to determine its alcohol content; 33409

(iii) The first year of suspension imposed upon a person who, 33410
within five years of the date on which the person refused the 33411
request to consent to a chemical test of the person's blood, 33412
breath, or urine to determine its alcohol content and for which 33413
refusal the suspension was imposed, had refused two previous 33414
requests to consent to a chemical test of the person's blood, 33415
breath, or urine to determine its alcohol content; 33416

(iv) The first three years of suspension imposed upon a 33417
person who, within five years of the date on which the person 33418
refused the request to consent to a chemical test of the person's 33419
blood, breath, or urine to determine its alcohol content and for 33420
which refusal the suspension was imposed, had refused three or 33421
more previous requests to consent to a chemical test of the 33422
person's blood, breath, or urine to determine its alcohol content. 33423

(3) The court shall give information in writing of any action 33424
taken under this section to the registrar. 33425

(4) If a person's driver's or commercial driver's license or 33426
permit or nonresident operating privilege has been suspended 33427
pursuant to division (F) of this section, and the person, within 33428
the preceding seven years, has been convicted of or pleaded guilty 33429
to three or more violations of division (A) or (B) of section 33430
4511.19 of the Revised Code, a municipal ordinance relating to 33431
operating a vehicle while under the influence of alcohol, a drug 33432
of abuse, or alcohol and a drug of abuse, a municipal ordinance 33433
relating to operating a vehicle with a prohibited concentration of 33434
alcohol in the blood, breath, or urine, section 2903.04 of the 33435
Revised Code in a case in which the person was subject to the 33436

sanctions described in division (D) of that section, or section 33437
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 33438
ordinance that is substantially similar to section 2903.07 of the 33439
Revised Code in a case in which the jury or judge found that the 33440
person was under the influence of alcohol, a drug of abuse, or 33441
alcohol and a drug of abuse, or a statute of the United States or 33442
of any other state or a municipal ordinance of a municipal 33443
corporation located in any other state that is substantially 33444
similar to division (A) or (B) of section 4511.19 of the Revised 33445
Code, the person is not entitled to request, and the court shall 33446
not grant to the person, occupational driving privileges under 33447
this division. Any other person whose driver's or commercial 33448
driver's license or nonresident operating privilege has been 33449
suspended pursuant to division (F) of this section may file in the 33450
court specified in division (I)(1)(b) of this section a petition 33451
requesting occupational driving privileges in accordance with 33452
section 4507.16 of the Revised Code. The petition may be filed at 33453
any time subsequent to the date on which the arresting officer 33454
serves the notice of suspension upon the arrested person. Upon the 33455
making of the request, occupational driving privileges may be 33456
granted in accordance with section 4507.16 of the Revised Code. 33457
The court may grant the occupational driving privileges, subject 33458
to the limitations contained in section 4507.16 of the Revised 33459
Code, regardless of whether the person appeals the suspension at 33460
the person's initial appearance under division (H)(1) of this 33461
section or appeals the decision of the court made pursuant to the 33462
appeal conducted at the initial appearance, and, if the person has 33463
appealed the suspension or decision, regardless of whether the 33464
matter at issue has been heard or decided by the court. 33465

(J) When it finally has been determined under the procedures 33466
of this section that a nonresident's privilege to operate a 33467
vehicle within this state has been suspended, the registrar shall 33468
give information in writing of the action taken to the motor 33469

vehicle administrator of the state of the person's residence and 33470
of any state in which the person has a license. 33471

(K) A suspension of the driver's or commercial driver's 33472
license or permit of a resident, a suspension of the operating 33473
privilege of a nonresident, or a denial of a driver's or 33474
commercial driver's license or permit pursuant to division (E) or 33475
(F) of this section shall be terminated by the registrar upon 33476
receipt of notice of the person's entering a plea of guilty to, or 33477
of the person's conviction of, operating a vehicle while under the 33478
influence of alcohol, a drug of abuse, or alcohol and a drug of 33479
abuse or with a prohibited concentration of alcohol in the blood, 33480
breath, or urine, if the offense for which the plea is entered or 33481
that resulted in the conviction arose from the same incident that 33482
led to the suspension or denial. 33483

The registrar shall credit against any judicial suspension of 33484
a person's driver's or commercial driver's license or permit or 33485
nonresident operating privilege imposed pursuant to division (B) 33486
or (E) of section 4507.16 of the Revised Code any time during 33487
which the person serves a related suspension imposed pursuant to 33488
division (E) or (F) of this section. 33489

(L) At the end of a suspension period under this section, 33490
section 4511.196, or division (B) of section 4507.16 of the 33491
Revised Code and upon the request of the person whose driver's or 33492
commercial driver's license or permit was suspended and who is not 33493
otherwise subject to suspension, revocation, or disqualification, 33494
the registrar shall return the driver's or commercial driver's 33495
license or permit to the person upon the person's compliance with 33496
all of the conditions specified in divisions (L)(1) and (2) of 33497
this section: 33498

(1) A showing by the person that the person has proof of 33499
financial responsibility, a policy of liability insurance in 33500
effect that meets the minimum standards set forth in section 33501

4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (L)(3) of this section, payment by the person of a license reinstatement fee of four hundred twenty-five dollars to the bureau of motor vehicles, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. The fund shall be used to pay the costs of driver treatment and intervention programs operated pursuant to sections 3793.02 and 3793.10 of the Revised Code. The director of alcohol and drug addiction services shall determine the share of the fund that is to be allocated to alcohol and drug addiction programs authorized by section 3793.02 of the Revised Code, and the share of the fund that is to be allocated to drivers' intervention programs authorized by section 3793.10 of the Revised Code.

(b) Seventy-five dollars shall be credited to the reparations fund created by section 2743.191 of the Revised Code.

(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established. Except as otherwise provided in division (L)(2)(c) of this section, moneys in the fund shall be distributed by the department of alcohol and drug addiction services to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to division (N) of this section, and shall be used only to pay the

cost of an alcohol and drug addiction treatment program attended 33534
by an offender or juvenile traffic offender who is ordered to 33535
attend an alcohol and drug addiction treatment program by a 33536
county, juvenile, or municipal court judge and who is determined 33537
by the county, juvenile, or municipal court judge not to have the 33538
means to pay for attendance at the program or to pay the costs 33539
specified in division (N)(4) of this section in accordance with 33540
that division. Moneys in the fund that are not distributed to a 33541
county indigent drivers alcohol treatment fund, a county juvenile 33542
indigent drivers alcohol treatment fund, or a municipal indigent 33543
drivers alcohol treatment fund under division (N) of this section 33544
because the director of alcohol and drug addiction services does 33545
not have the information necessary to identify the county or 33546
municipal corporation where the offender or juvenile offender was 33547
arrested may be transferred by the director of budget and 33548
management to the statewide treatment and prevention fund created 33549
by section 4301.30 of the Revised Code, upon certification of the 33550
amount by the director of alcohol and drug addiction services. 33551

(d) Seventy-five dollars shall be credited to the Ohio 33552
rehabilitation services commission established by section 3304.12 33553
of the Revised Code, to the services for rehabilitation fund, 33554
which is hereby established. The fund shall be used to match 33555
available federal matching funds where appropriate, and for any 33556
other purpose or program of the commission to rehabilitate people 33557
with disabilities to help them become employed and independent. 33558

(e) ~~Seventy-five~~ Sixty dollars shall be ~~deposited into the~~ 33559
~~state treasury and~~ credited to the ~~drug abuse resistance education~~ 33560
public transportation grant programs fund, which is hereby 33561
established, to be used by the ~~attorney general for the purposes~~ 33562
~~specified in division (L)(4) of this section~~ department of 33563
transportation to match available federal public transportation 33564
funds and for the department's related operating expenses. 33565

(f) Thirty dollars shall be credited to the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code. 33566
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(g) Twenty dollars shall be credited to the trauma and emergency medical services grants fund created by section 4513.263 of the Revised Code. 33569
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(h) Fifteen dollars shall be credited to the public safety investigative unit fund, which is hereby established, to be used by the department of public safety investigative unit for the enforcement of the laws and rules described in division (B)(1) of section 5502.14 of the Revised Code. 33572
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(3) If a person's driver's or commercial driver's license or permit is suspended under division (E) or (F) of this section, section 4511.196, or division (B) of section 4507.16 of the Revised Code, or any combination of the suspensions described in division (L)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the bureau, only one reinstatement fee of four hundred five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (L)(2) of this section. 33577
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~~(4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency under division (L)(2)(c) of this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who conduct drug abuse resistance education programs in public schools. The attorney general shall not use more than six per cent of the amounts the attorney general's office receives under~~ 33587
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~~division (L)(2)(c) of this section to pay the costs it incurs in 33597
administering the grant program established by division (L)(2)(c) 33598
of this section and in providing training and materials relating 33599
to drug abuse resistance education programs. 33600~~

~~The attorney general shall report to the governor and the 33601
general assembly each fiscal year on the progress made in 33602
establishing and implementing drug abuse resistance education 33603
programs. These reports shall include an evaluation of the 33604
effectiveness of these programs. 33605~~

(M) Suspension of a commercial driver's license under 33606
division (E) or (F) of this section shall be concurrent with any 33607
period of disqualification under section 3123.611 or 4506.16 of 33608
the Revised Code or any period of suspension under section 3123.58 33609
of the Revised Code. No person who is disqualified for life from 33610
holding a commercial driver's license under section 4506.16 of the 33611
Revised Code shall be issued a driver's license under Chapter 33612
4507. of the Revised Code during the period for which the 33613
commercial driver's license was suspended under division (E) or 33614
(F) of this section, and no person whose commercial driver's 33615
license is suspended under division (E) or (F) of this section 33616
shall be issued a driver's license under that chapter during the 33617
period of the suspension. 33618

(N)(1) Each county shall establish an indigent drivers 33619
alcohol treatment fund, each county shall establish a juvenile 33620
indigent drivers alcohol treatment fund, and each municipal 33621
corporation in which there is a municipal court shall establish an 33622
indigent drivers alcohol treatment fund. All revenue that the 33623
general assembly appropriates to the indigent drivers alcohol 33624
treatment fund for transfer to a county indigent drivers alcohol 33625
treatment fund, a county juvenile indigent drivers alcohol 33626
treatment fund, or a municipal indigent drivers alcohol treatment 33627
fund, all portions of fees that are paid under division (L) of 33628

this section and that are credited under that division to the 33629
indigent drivers alcohol treatment fund in the state treasury for 33630
a county indigent drivers alcohol treatment fund, a county 33631
juvenile indigent drivers alcohol treatment fund, or a municipal 33632
indigent drivers alcohol treatment fund, and all portions of fines 33633
that are specified for deposit into a county or municipal indigent 33634
drivers alcohol treatment fund by section 4511.193 of the Revised 33635
Code shall be deposited into that county indigent drivers alcohol 33636
treatment fund, county juvenile indigent drivers alcohol treatment 33637
fund, or municipal indigent drivers alcohol treatment fund in 33638
accordance with division (N)(2) of this section. Additionally, all 33639
portions of fines that are paid for a violation of section 4511.19 33640
of the Revised Code or division (B)(2) of section 4507.02 of the 33641
Revised Code, and that are required under division (A)(1), (2), 33642
(5), or (6) of section 4511.99 or division (B)(5) of section 33643
4507.99 of the Revised Code to be deposited into a county indigent 33644
drivers alcohol treatment fund or municipal indigent drivers 33645
alcohol treatment fund shall be deposited into the appropriate 33646
fund in accordance with the applicable division. 33647

(2) That portion of the license reinstatement fee that is 33648
paid under division (L) of this section and that is credited under 33649
that division to the indigent drivers alcohol treatment fund shall 33650
be deposited into a county indigent drivers alcohol treatment 33651
fund, a county juvenile indigent drivers alcohol treatment fund, 33652
or a municipal indigent drivers alcohol treatment fund as follows: 33653

(a) If the suspension in question was imposed under this 33654
section, that portion of the fee shall be deposited as follows: 33655

(i) If the fee is paid by a person who was charged in a 33656
county court with the violation that resulted in the suspension, 33657
the portion shall be deposited into the county indigent drivers 33658
alcohol treatment fund under the control of that court; 33659

(ii) If the fee is paid by a person who was charged in a 33660

juvenile court with the violation that resulted in the suspension, 33661
the portion shall be deposited into the county juvenile indigent 33662
drivers alcohol treatment fund established in the county served by 33663
the court; 33664

(iii) If the fee is paid by a person who was charged in a 33665
municipal court with the violation that resulted in the 33666
suspension, the portion shall be deposited into the municipal 33667
indigent drivers alcohol treatment fund under the control of that 33668
court. 33669

(b) If the suspension in question was imposed under division 33670
(B) of section 4507.16 of the Revised Code, that portion of the 33671
fee shall be deposited as follows: 33672

(i) If the fee is paid by a person whose license or permit 33673
was suspended by a county court, the portion shall be deposited 33674
into the county indigent drivers alcohol treatment fund under the 33675
control of that court; 33676

(ii) If the fee is paid by a person whose license or permit 33677
was suspended by a municipal court, the portion shall be deposited 33678
into the municipal indigent drivers alcohol treatment fund under 33679
the control of that court. 33680

(3) Expenditures from a county indigent drivers alcohol 33681
treatment fund, a county juvenile indigent drivers alcohol 33682
treatment fund, or a municipal indigent drivers alcohol treatment 33683
fund shall be made only upon the order of a county, juvenile, or 33684
municipal court judge and only for payment of the cost of the 33685
attendance at an alcohol and drug addiction treatment program of a 33686
person who is convicted of, or found to be a juvenile traffic 33687
offender by reason of, a violation of division (A) of section 33688
4511.19 of the Revised Code or a substantially similar municipal 33689
ordinance, who is ordered by the court to attend the alcohol and 33690
drug addiction treatment program, and who is determined by the 33691

court to be unable to pay the cost of attendance at the treatment 33692
program or for payment of the costs specified in division (N)(4) 33693
of this section in accordance with that division. The alcohol and 33694
drug addiction services board or the board of alcohol, drug 33695
addiction, and mental health services established pursuant to 33696
section 340.02 or 340.021 of the Revised Code and serving the 33697
alcohol, drug addiction, and mental health service district in 33698
which the court is located shall administer the indigent drivers 33699
alcohol treatment program of the court. When a court orders an 33700
offender or juvenile traffic offender to attend an alcohol and 33701
drug addiction treatment program, the board shall determine which 33702
program is suitable to meet the needs of the offender or juvenile 33703
traffic offender, and when a suitable program is located and space 33704
is available at the program, the offender or juvenile traffic 33705
offender shall attend the program designated by the board. A 33706
reasonable amount not to exceed five per cent of the amounts 33707
credited to and deposited into the county indigent drivers alcohol 33708
treatment fund, the county juvenile indigent drivers alcohol 33709
treatment fund, or the municipal indigent drivers alcohol 33710
treatment fund serving every court whose program is administered 33711
by that board shall be paid to the board to cover the costs it 33712
incurs in administering those indigent drivers alcohol treatment 33713
programs. 33714

(4) If a county, juvenile, or municipal court determines, in 33715
consultation with the alcohol and drug addiction services board or 33716
the board of alcohol, drug addiction, and mental health services 33717
established pursuant to section 340.02 or 340.021 of the Revised 33718
Code and serving the alcohol, drug addiction, and mental health 33719
district in which the court is located, that the funds in the 33720
county indigent drivers alcohol treatment fund, the county 33721
juvenile indigent drivers alcohol treatment fund, or the municipal 33722
indigent drivers alcohol treatment fund under the control of the 33723
court are more than sufficient to satisfy the purpose for which 33724

the fund was established, as specified in divisions (N)(1) to (3) 33725
of this section, the court may declare a surplus in the fund. If 33726
the court declares a surplus in the fund, the court may expend the 33727
amount of the surplus in the fund for alcohol and drug abuse 33728
assessment and treatment of persons who are charged in the court 33729
with committing a criminal offense or with being a delinquent 33730
child or juvenile traffic offender and in relation to whom both of 33731
the following apply: 33732

(a) The court determines that substance abuse was a 33733
contributing factor leading to the criminal or delinquent activity 33734
or the juvenile traffic offense with which the person is charged. 33735

(b) The court determines that the person is unable to pay the 33736
cost of the alcohol and drug abuse assessment and treatment for 33737
which the surplus money will be used. 33738

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 33739
trackless trolley upon meeting or overtaking from either direction 33740
any school bus stopped for the purpose of receiving or discharging 33741
any school child, person attending programs offered by community 33742
boards of mental health and county boards of mental retardation 33743
and developmental disabilities, or child attending a program 33744
offered by a head start agency, shall stop at least ten feet from 33745
the front or rear of the school bus and shall not proceed until 33746
such school bus resumes motion, or until signaled by the school 33747
bus driver to proceed. 33748

It is no defense to a charge under this division that the 33749
school bus involved failed to display or be equipped with an 33750
automatically extended stop warning sign as required by division 33751
(B) of this section. 33752

(B) Every school bus shall be equipped with amber and red 33753
visual signals meeting the requirements of section 4511.771 of the 33754
Revised Code, and an automatically extended stop warning sign of a 33755

type approved by the state board of education, which shall be 33756
actuated by the driver of the bus whenever but only whenever the 33757
bus is stopped or stopping on the roadway for the purpose of 33758
receiving or discharging school children, persons attending 33759
programs offered by community boards of mental health and county 33760
boards of mental retardation and developmental disabilities, or 33761
children attending programs offered by head start agencies. A 33762
school bus driver shall not actuate the visual signals or the stop 33763
warning sign in designated school bus loading areas where the bus 33764
is entirely off the roadway or at school buildings when children 33765
or persons attending programs offered by community boards of 33766
mental health and county boards of mental retardation and 33767
developmental disabilities are loading or unloading at curbside or 33768
at buildings when children attending programs offered by head 33769
start agencies are loading or unloading at curbside. The visual 33770
signals and stop warning sign shall be synchronized or otherwise 33771
operated as required by rule of the board. 33772

(C) Where a highway has been divided into four or more 33773
traffic lanes, a driver of a vehicle, streetcar, or trackless 33774
trolley need not stop for a school bus approaching from the 33775
opposite direction which has stopped for the purpose of receiving 33776
or discharging any school child, persons attending programs 33777
offered by community boards of mental health and county boards of 33778
mental retardation and developmental disabilities, or children 33779
attending programs offered by head start agencies. The driver of 33780
any vehicle, streetcar, or trackless trolley overtaking the school 33781
bus shall comply with division (A) of this section. 33782

(D) School buses operating on divided highways or on highways 33783
with four or more traffic lanes shall receive and discharge all 33784
school children, persons attending programs offered by community 33785
boards of mental health and county boards of mental retardation 33786
and developmental disabilities, and children attending programs 33787

offered by head start agencies on their residence side of the 33788
highway. 33789

(E) No school bus driver shall start the driver's bus until 33790
after any child, person attending programs offered by community 33791
boards of mental health and county boards of mental retardation 33792
and developmental disabilities, or child attending a program 33793
offered by a head start agency who may have alighted therefrom has 33794
reached a place of safety on the child's or person's residence 33795
side of the road. 33796

(F) As used in this section: 33797

(1) "Head start agency" has the same meaning as in ~~division~~ 33798
~~(A)(1)~~ of section 3301.31 of the Revised Code. 33799

(2) "School bus," as used in relation to children who attend 33800
a program offered by a head start agency, means a bus that is 33801
owned and operated by a head start agency, is equipped with an 33802
automatically extended stop warning sign of a type approved by the 33803
state board of education, is painted the color and displays the 33804
markings described in section 4511.77 of the Revised Code, and is 33805
equipped with amber and red visual signals meeting the 33806
requirements of section 4511.771 of the Revised Code, irrespective 33807
of whether or not the bus has fifteen or more children aboard at 33808
any time. "School bus" does not include a van owned and operated 33809
by a head start agency, irrespective of its color, lights, or 33810
markings. 33811

Sec. 4561.18. Applications for the licensing and registration 33812
of aircraft shall be made and signed by the owner thereof upon 33813
forms prepared by the department of transportation and shall 33814
contain a description of the aircraft, including its federal 33815
registration number, and such other information as is required by 33816
the department. 33817

Applications shall be filed with the director of 33818
transportation during the month of January, annually and shall be 33819
renewed according to the standard renewal procedure of sections 33820
4745.01 to 4745.03 of the Revised Code. Application for 33821
registration of any aircraft not previously registered in this 33822
state, if such aircraft is acquired or becomes subject to such 33823
license tax subsequent to the last day of January in any year, 33824
shall be made for the balance of the year in which the same is 33825
acquired, within forty-eight hours after such acquisition or after 33826
becoming subject to such license tax. Each such application shall 33827
be accompanied by the proper license tax, which shall be at the 33828
~~following rates: For, for~~ aircraft other than gliders, ~~listed by~~ 33829
~~the manufacturer thereof as having a maximum seating capacity of~~ 33830
~~either one or two persons, six dollars annually; three persons,~~ 33831
~~eight dollars annually; four persons, twelve dollars annually;~~ 33832
~~five persons, fifteen dollars annually; over five persons, fifteen~~ 33833
~~dollars plus five dollars for each person in excess thereof,~~ 33834
~~annually; and shall be at the annual rate of one hundred dollars~~ 33835
~~per aircraft. The license tax for gliders, shall be~~ three dollars 33836
annually. 33837

Such taxes are in lieu of all other taxes on or with respect 33838
to ownership of such aircraft. 33839

Sec. 4561.21. (A) The director of transportation shall 33840
deposit all ~~license taxes and~~ transfer fees in the state treasury 33841
to the credit of the general fund. 33842

(B) The director shall deposit all license taxes in the state 33843
treasury to the credit of the county airport maintenance 33844
assistance fund, which is hereby created. Money in the fund shall 33845
be used to assist counties in maintaining the airports they own, 33846
and the director shall distribute the money to counties in 33847
accordance with such procedures, guidelines, and criteria as the 33848

director shall establish. 33849

Sec. 4707.071. (A) On May 1, 1991, all persons licensed as 33850
auction companies under former section 4707.071 of the Revised 33851
Code shall comply with all provisions of this chapter that are 33852
applicable to auctioneers except as provided in divisions (B) and 33853
(C) of this section. Such persons, however, do not have to serve 33854
an apprenticeship or attend a course of study under section 33855
4707.09 of the Revised Code or submit to an examination under 33856
section 4707.08 of the Revised Code as long as they do not engage 33857
in the calling for, recognition of, and the acceptance of, offers 33858
for the purchase of personal property at auction and do not 33859
conduct auctions at any location other than the definite place of 33860
business required in section 4707.14 of the Revised Code. 33861

(B) The principal owner of each auction company ~~which~~ that is 33862
licensed as of May 1, 1991, who pays the annual renewal fee 33863
specified in division ~~(A)~~(B) of section 4707.10 of the Revised 33864
Code during the first renewal period following May 1, 1991, shall 33865
be issued a special auctioneer's license, for the sale of personal 33866
property subject to division (A) of this section. Each principal 33867
owner shall apply for an annual license. In applying for an annual 33868
license, each person licensed as an auction company on May 1, 33869
1991, shall designate an individual as principal owner by 33870
submitting documentation substantiating that the individual is in 33871
fact the principal owner and shall identify a definite place of 33872
business as required in section 4707.14 of the Revised Code. A 33873
person licensed as an auctioneer shall not be entitled to a 33874
special auctioneer's license. 33875

(C) A special auctioneer's license issued under this section 33876
to the principal owner of a former auction company does not 33877
entitle the principal owner or former auction company to conduct 33878
auctions at any location other than the definite place of business 33879

required in section 4707.14 of the Revised Code. Notwithstanding 33880
section 4707.10 of the Revised Code, the department of agriculture 33881
shall not issue a new special auctioneer's license if the definite 33882
place of business identified by the licensee in the licensee's 33883
initial application for a special auctioneer license has changed 33884
or if the name under which the licensee is doing business has 33885
changed. No person other than an owner, officer, member, or agent 33886
of the former auction company who personally has passed the 33887
examination prescribed in section 4707.08 of the Revised Code and 33888
been licensed as an auctioneer shall engage in the calling for, 33889
recognition of, and the acceptance of, offers for the purchase of 33890
real or personal property, goods, or chattels at auction in 33891
connection with a former auction company that has been issued a 33892
special auctioneer's license. 33893

(D) A person licensed as a special auctioneer shall not 33894
engage in the sale of real property at auction. 33895

Sec. 4707.072. (A) For purposes of this section, the 33896
department of agriculture shall adopt rules in accordance with 33897
section 4707.19 of the Revised Code prescribing the fee that a 33898
license applicant must pay. Until those rules are adopted, a 33899
license applicant shall pay the fee established in this section. 33900

(B) The department ~~of agriculture~~ may grant one-auction 33901
licenses to any nonresident person deemed qualified by the 33902
department. Any person who applies for a one-auction license shall 33903
attest, on forms provided by the department, and furnish to the 33904
department, satisfactory proof that the license applicant or any 33905
auctioneer affiliated with the applicant meets the following 33906
requirements: 33907

~~(A)~~(1) Has a good reputation; 33908

~~(B)~~(2) Is of trustworthy character; 33909

(C) (3) Has attained the age of at least eighteen years;	33910
(D) (4) Has a general knowledge of the requirements of the Revised Code relative to auctioneers, the auction profession, and the principles involved in conducting an auction;	33911 33912 33913
(E) (5) Has two years of professional auctioneering experience immediately preceding the date of application and the experience includes the personal conduct by the applicant of at least twelve auction sales in any state, or has met the requirements of section 4707.12 of the Revised Code;	33914 33915 33916 33917 33918
(F) (6) Has paid a fee of one hundred dollars, which shall be credited to the auctioneers fund;	33919 33920
(G) (7) Has provided proof of financial responsibility as required under section 4707.11 of the Revised Code in the form of either an irrevocable letter of credit or a cash bond or a surety bond in the amount of fifty thousand dollars. If the applicant gives a surety bond, the bond shall be executed by a surety company authorized to do business in this state. A bond shall be made to the department and shall be conditioned that the applicant shall comply with this chapter and rules adopted under it, including refraining from conduct described in section 4707.15 of the Revised Code. All bonds shall be on a form approved by the director of agriculture.	33921 33922 33923 33924 33925 33926 33927 33928 33929 33930 33931
Sec. 4707.10. (A) <u>For purposes of this section, the department of agriculture shall adopt rules in accordance with section 4707.19 of the Revised Code prescribing fees that licensees must pay and license renewal deadlines and procedures with which licensees must comply. Until those rules are adopted, licensees shall pay the fees and comply with the license renewal deadlines and procedures established in this section.</u>	33932 33933 33934 33935 33936 33937 33938
(B) The fee for each auctioneer's, apprentice auctioneer's,	33939

or special auctioneer's license issued by the department of ~~of~~ 33940
~~agriculture~~ is one hundred dollars, and the annual renewal fee for 33941
any such license is one hundred dollars. All licenses expire 33942
annually on the last day of June of each year and shall be renewed 33943
according to the standard renewal procedures of Chapter 4745. of 33944
the Revised Code, or the procedures of this section. Any licensee 33945
under this chapter who wishes to renew the licensee's license, but 33946
fails to do so before the first day of July shall reapply for 33947
licensure in the same manner and pursuant to the same requirements 33948
as for initial licensure, unless before the first day of September 33949
of the year of expiration, the former licensee pays to the 33950
department, in addition to the regular renewal fee, a late renewal 33951
penalty of one hundred dollars. 33952

~~(B)~~(C) Any person who fails to renew the person's license 33953
before the first day of July is prohibited from engaging in any 33954
activity specified or comprehended in section 4707.01 of the 33955
Revised Code until such time as the person's license is renewed or 33956
a new license is issued. Renewal of a license between the first 33957
day of July and the first day of September does not relieve any 33958
person from complying with this division. The department may 33959
refuse to renew the license of or issue a new license to any 33960
person who violates this division. 33961

~~(C)~~(D) The department shall prepare and deliver to each 33962
licensee a permanent license certificate and an ~~annual renewal~~ 33963
identification card, the appropriate portion of which shall be 33964
carried on the person of the licensee at all times when engaged in 33965
any type of auction activity, and part of which shall be posted 33966
with the permanent certificate in a conspicuous location at the 33967
licensee's place of business. 33968

~~(D)~~(E) Notice in writing shall be given to the department by 33969
each auctioneer or apprentice auctioneer licensee of any change of 33970
principal business location or any change or addition to the name 33971

or names under which business is conducted, whereupon the 33972
department shall issue a new license for the unexpired period. Any 33973
change of business location or change or addition of names without 33974
notification to the department shall automatically cancel any 33975
license previously issued. For each new auctioneer or apprentice 33976
auctioneer license issued upon the occasion of a change in 33977
business location or a change in or an addition of names under 33978
which business is conducted, the department may collect a fee of 33979
ten dollars for each change in location, or name or each added 33980
name unless the notification of the change occurs concurrently 33981
with the renewal application. 33982

Sec. 4707.24. Except for the purposes of divisions (A) and 33983
(B) of section 4707.25 of the Revised Code, sections 4707.25 to 33984
4707.31 of the Revised Code do not apply with respect to a license 33985
issued under section 4707.072 of the Revised Code. 33986

Sec. 4709.12. (A) The barber board shall charge and collect 33987
the following fees: 33988

(1) For the application to take the barber examination, ~~sixty~~ 33989
ninety dollars; 33990

(2) For an application to retake any part of the barber 33991
examination, ~~thirty~~ forty-five dollars; 33992

(3) For the initial issuance of a license to practice as a 33993
barber, ~~twenty~~ thirty dollars; 33994

(4) For the biennial renewal of the license to practice as a 33995
barber, ~~seventy-five~~ one hundred ten dollars; 33996

(5) For the restoration of an expired barber license, one 33997
hundred dollars, and ~~fifty~~ seventy-five dollars for each lapsed 33998
year, provided that the total fee shall not exceed ~~four~~ six 33999
hundred ~~sixty~~ ninety dollars; 34000

(6) For the issuance of a duplicate barber or shop license,	34001
thirty <u>forty-five</u> dollars;	34002
(7) For the inspection of a new barber shop, change of	34003
ownership, or reopening of premises or facilities formerly	34004
operated as a barber shop, and issuance of a shop license,	34005
seventy-five <u>one hundred ten</u> dollars;	34006
(8) For the biennial renewal of a barber shop license, fifty	34007
<u>seventy-five</u> dollars;	34008
(9) For the restoration of a barber shop license,	34009
seventy-five <u>one hundred ten</u> dollars;	34010
(10) For each inspection of premises for location of a new	34011
barber school, or each inspection of premises for relocation of a	34012
currently licensed barber school, five <u>seven</u> hundred <u>fifty</u>	34013
dollars;	34014
(11) For the initial barber school license, five hundred one	34015
<u>thousand</u> dollars, and five hundred one thousand dollars for the	34016
renewal of the license;	34017
(12) For the restoration of a barber school license, six	34018
hundred <u>one thousand</u> dollars;	34019
(13) For the issuance of a student registration, twenty-five	34020
<u>forty</u> dollars;	34021
(14) For the examination and issuance of a biennial teacher	34022
or assistant teacher license, one hundred twenty-five <u>eighty-five</u>	34023
dollars;	34024
(15) For the renewal of a biennial teacher or assistant	34025
teacher license, one hundred <u>fifty</u> dollars;	34026
(16) For the restoration of an expired teacher or assistant	34027
teacher license, one <u>two</u> hundred fifty <u>twenty-five</u> dollars, and	34028
forty <u>sixty</u> dollars for each lapsed year, provided that the total	34029
fee shall not exceed three <u>four</u> hundred <u>fifty</u> dollars;	34030

(17) For the issuance of a barber license by reciprocity 34031
pursuant to section 4709.08 of the Revised Code, ~~two~~ three hundred 34032
dollars; 34033

(18) For providing licensure information concerning an 34034
applicant, upon written request of the applicant, ~~twenty-five~~ 34035
forty dollars. 34036

(B) The board, subject to the approval of the controlling 34037
board, may establish fees in excess of the amounts provided in 34038
this section, provided that the fees do not exceed the amounts 34039
permitted by this section by more than fifty per cent. 34040

Sec. 4717.01. As used in this chapter: 34041

(A) "Embalming" means the preservation and disinfection, or 34042
attempted preservation and disinfection, of the dead human body by 34043
application of chemicals externally, internally, or both. 34044

(B) "Funeral business" means a sole proprietorship, 34045
partnership, corporation, limited liability company, or other 34046
business entity that is engaged in funeral directing for profit or 34047
for free from one or more funeral homes licensed under this 34048
chapter. 34049

(C) "Funeral directing" means the business or profession of 34050
directing or supervising funerals for profit, the business or 34051
profession of preparing dead human bodies for burial by means 34052
other than embalming, the disposition of dead human bodies, the 34053
provision or maintenance of a place for the preparation, the care, 34054
or disposition of dead human bodies, the use in connection with a 34055
business of the term "funeral director," "undertaker," 34056
"mortician," or any other term from which can be implied the 34057
business of funeral directing, or the holding out to the public 34058
that one is a funeral director or a disposer of dead human bodies. 34059

(D) "Funeral home" means a fixed place for the care, 34060

preparation for burial, or disposition of dead human bodies or the 34061
conducting of funerals. Each business location is a funeral home, 34062
regardless of common ownership or management. 34063

(E) "Embalmer" means a person who engages, in whole or in 34064
part, in embalming and who is licensed under this chapter. 34065

(F) "Funeral director" means a person who engages, in whole 34066
or in part, in funeral directing and who is licensed under this 34067
chapter. 34068

(G) "Final disposition" has the same meaning as in division 34069
~~(J)~~(K) of section 3705.01 of the Revised Code. 34070

(H) "Supervision" means the operation of all phases of the 34071
business of funeral directing or embalming under the specific 34072
direction of a licensed funeral director or licensed embalmer. 34073

(I) "Direct supervision" means the physical presence of a 34074
licensed funeral director or licensed embalmer while the specific 34075
functions of the funeral or embalming are being carried out. 34076

(J) "Embalming facility" means a fixed location, separate 34077
from the funeral home, that is licensed under this chapter whose 34078
only function is the embalming and preparation of dead human 34079
bodies. 34080

(K) "Crematory facility" means the physical location at which 34081
a cremation chamber is located and the cremation process takes 34082
place. "Crematory facility" does not include an infectious waste 34083
incineration facility for which a license is held under division 34084
(B) of section 3734.05 of the Revised Code, or a solid waste 34085
incineration facility for which a license is held under division 34086
(A) of that section that includes a notation pursuant to division 34087
(B)(3) of that section authorizing the facility to also treat 34088
infectious wastes, in connection with the incineration of body 34089
parts other than dead human bodies that were donated to science 34090
for purposes of medical education or research. 34091

(L) "Crematory" means the building or portion of a building that houses the holding facility and the cremation chamber.	34092 34093
(M) "Cremation" means the technical process of using heat and flame to reduce human or animal remains to bone fragments or ashes or any combination thereof. "Cremation" includes processing and may include the pulverization of bone fragments.	34094 34095 34096 34097
(N) "Cremation chamber" means the enclosed space within which cremation takes place.	34098 34099
(O) "Cremated remains" means all human or animal remains recovered after the completion of the cremation process, which may include the residue of any foreign matter such as casket material, dental work, or eyeglasses that were cremated with the human or animal remains.	34100 34101 34102 34103 34104
(P) "Lapsed license" means a license issued under this chapter that has become invalid because of the failure of the licensee to renew the license within the time limits prescribed under this chapter.	34105 34106 34107 34108
(Q) "Operator of a crematory facility" means the sole proprietorship, partnership, corporation, limited liability company, or other business entity responsible for the overall operation of a crematory facility.	34109 34110 34111 34112
(R) "Processing" means the reduction of identifiable bone fragments to unidentifiable bone fragments through manual or mechanical means after the completion of the cremation process.	34113 34114 34115
(S) "Pulverization" means the reduction of identifiable bone fragments to granulated particles by manual or mechanical means after the completion of the cremation process.	34116 34117 34118
Sec. 4717.07. (A) The board of embalmers and funeral directors shall charge and collect the following fees:	34119 34120

(1) For the <u>initial</u> issuance <u>or biennial renewal</u> of an	34121
initial embalmer's or funeral director's license, <u>five one hundred</u>	34122
<u>forty</u> dollars;	34123
(2) For the issuance of an embalmer or funeral director	34124
registration, twenty-five dollars;	34125
(3) For filing an embalmer or funeral director certificate of	34126
apprenticeship, ten dollars;	34127
(4) For the application to take the examination for a license	34128
to practice as an embalmer or funeral director, or to retake a	34129
section of the examination, thirty-five dollars;	34130
(5) For the biennial renewal of an embalmer's or funeral	34131
director's license, one hundred twenty dollars;	34132
(6) For the initial issuance of a license to operate a	34133
funeral home, one two hundred twenty-five <u>fifty</u> dollars and	34134
biennial renewal of a license to operate a funeral home, two	34135
hundred fifty dollars;	34136
(7) <u>(6)</u> For the reinstatement of a lapsed embalmer's or	34137
funeral director's license, the renewal fee prescribed in division	34138
(A)(5) of this section plus fifty dollars for each month or	34139
portion of a month the license is lapsed until reinstatement;	34140
(8) <u>(7)</u> For the reinstatement of a lapsed license to operate a	34141
funeral home, the renewal fee prescribed in division (A)(6) of	34142
this section plus fifty dollars for each month or portion of a	34143
month the license is lapsed until reinstatement;	34144
(9) <u>(8)</u> For the initial issuance of a license to operate an	34145
embalming facility, one two hundred dollars and biennial renewal	34146
of a license to operate an embalming facility, two hundred	34147
dollars;	34148
(10) <u>(9)</u> For the reinstatement of a lapsed license to operate	34149
an embalming facility, the renewal fee prescribed in division	34150

(A)(9) of this section plus fifty dollars for each month or 34151
portion of a month the license is lapsed until reinstatement; 34152

~~(11)~~(10) For the initial issuance of a license to operate a 34153
crematory facility, ~~one~~ two hundred dollars and biennial renewal 34154
of a license to operate a crematory facility, two hundred dollars; 34155

~~(12)~~(11) For the reinstatement of a lapsed license to operate 34156
a crematory facility, the renewal fee prescribed in division 34157
(A)(11) of this section plus fifty dollars for each month or 34158
portion of a month the license is lapsed until reinstatement; 34159

~~(13)~~(12) For the issuance of a duplicate of a license issued 34160
under this chapter, four dollars. 34161

(B) In addition to the fees set forth in division (A) of this 34162
section, an applicant shall pay the examination fee assessed by 34163
any examining agency the board uses for any section of an 34164
examination required under this chapter. 34165

(C) Subject to the approval of the controlling board, the 34166
board of embalmers and funeral directors may establish fees in 34167
excess of the amounts set forth in this section, provided that 34168
these fees do not exceed the amounts set forth in this section by 34169
more than fifty per cent. 34170

Sec. 4717.09. (A) Every two years, licensed embalmers and 34171
funeral directors shall attend between twelve and thirty hours of 34172
educational programs as a condition for renewal of their licenses. 34173
The board of embalmers and funeral directors shall adopt rules 34174
governing the administration and enforcement of the continuing 34175
education requirements of this section. The board may contract 34176
with a professional organization or association or other third 34177
party to assist it in performing functions necessary to administer 34178
and enforce the continuing education requirements of this section. 34179
A professional organization or association or other third party 34180

with whom the board so contracts may charge a reasonable fee for 34181
performing these functions to licensees or to the persons who 34182
provide continuing education programs. 34183

(B) A person holding both an embalmer's license and a funeral 34184
director's license need meet only the continuing education 34185
requirements established by the board for one or the other of 34186
those licenses in order to satisfy the requirement of division (A) 34187
of this section. 34188

(C) The board shall not renew the license of a licensee who 34189
fails to meet the continuing education requirements of this 34190
section and who has not been granted a waiver or exemption under 34191
division (D) or (E) of this section. 34192

(D) Any licensee who fails to meet the continuing education 34193
requirements of this section because of undue hardship or 34194
disability, or who is not actively engaged in the practice of 34195
funeral directing or embalming in this state, may apply to the 34196
board for a waiver or an exemption. ~~The~~ 34197

(E) A licensee who has been an embalmer or a funeral director 34198
for not less than fifty years and is not actually in charge of an 34199
embalming facility or funeral home may apply to the board for an 34200
exemption. 34201

(F) The board shall determine, by rule, the procedures for 34202
applying for a waiver or an exemption from continuing education 34203
requirements under this section and under what conditions a waiver 34204
or an exemption may be granted. 34205

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of 34206
the Revised Code: 34207

(1) "Affiliate" means a business entity that is owned by, 34208
operated by, controlled by, or under common control with another 34209
business entity. 34210

(2) "Communication" means a written or oral notification or advertisement that meets both of the following criteria, as applicable:

(a) The notification or advertisement is transmitted by or on behalf of the seller of goods or services and by or through any printed, audio, video, cinematic, telephonic, or electronic means.

(b) In the case of a notification or advertisement other than by telephone, either of the following conditions is met:

(i) The notification or advertisement is followed by a telephone call from a telephone solicitor or salesperson.

(ii) The notification or advertisement invites a response by telephone, and, during the course of that response, a telephone solicitor or salesperson attempts to make or makes a sale of goods or services. As used in division (A)(2)(b)(ii) of this section, "invites a response by telephone" excludes the mere listing or inclusion of a telephone number in a notification or advertisement.

(3) "Gift, award, or prize" means anything of value that is offered or purportedly offered, or given or purportedly given by chance, at no cost to the receiver and with no obligation to purchase goods or services. As used in this division, "chance" includes a situation in which a person is guaranteed to receive an item and, at the time of the offer or purported offer, the telephone solicitor does not identify the specific item that the person will receive.

(4) "Goods or services" means any real property or any tangible or intangible personal property, or services of any kind provided or offered to a person. "Goods or services" includes, but is not limited to, advertising; labor performed for the benefit of a person; personal property intended to be attached to or installed in any real property, regardless of whether it is so

attached or installed; timeshare estates or licenses; and extended 34242
service contracts. 34243

(5) "Purchaser" means a person that is solicited to become or 34244
does become financially obligated as a result of a telephone 34245
solicitation. 34246

(6) "Salesperson" means an individual who is employed, 34247
appointed, or authorized by a telephone solicitor to make 34248
telephone solicitations but does not mean any of the following: 34249

(a) An individual who comes within one of the exemptions in 34250
division (B) of this section; 34251

(b) An individual employed, appointed, or authorized by a 34252
person who comes within one of the exemptions in division (B) of 34253
this section; 34254

(c) An individual under a written contract with a person who 34255
comes within one of the exemptions in division (B) of this 34256
section, if liability for all transactions with purchasers is 34257
assumed by the person so exempted. 34258

(7) "Telephone solicitation" means a communication to a 34259
person that meets both of the following criteria: 34260

(a) The communication is initiated by or on behalf of a 34261
telephone solicitor or by a salesperson. 34262

(b) The communication either represents a price or the 34263
quality or availability of goods or services or is used to induce 34264
the person to purchase goods or services, including, but not 34265
limited to, inducement through the offering of a gift, award, or 34266
prize. 34267

(8) "Telephone solicitor" means a person that engages in 34268
telephone solicitation directly or through one or more 34269
salespersons either from a location in this state, or from a 34270
location outside this state to persons in this state. "Telephone 34271

solicitor" includes, but is not limited to, any such person that 34272
is an owner, operator, officer, or director of, partner in, or 34273
other individual engaged in the management activities of, a 34274
business. 34275

(B) A telephone solicitor is exempt from the provisions of 34276
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 34277
Code if the telephone solicitor is any one of the following: 34278

(1) A person engaging in a telephone solicitation that is a 34279
one-time or infrequent transaction not done in the course of a 34280
pattern of repeated transactions of a like nature; 34281

(2) A person engaged in telephone solicitation solely for 34282
religious or political purposes; a charitable organization, 34283
fund-raising counsel, or professional solicitor in compliance with 34284
the registration and reporting requirements of Chapter 1716. of 34285
the Revised Code; or any person or other entity exempt under 34286
section 1716.03 of the Revised Code from filing a registration 34287
statement under section 1716.02 of the Revised Code; 34288

(3) A person, making a telephone solicitation involving a 34289
home solicitation sale as defined in section 1345.21 of the 34290
Revised Code, that makes the sales presentation and completes the 34291
sale at a later, face-to-face meeting between the seller and the 34292
purchaser rather than during the telephone solicitation. However, 34293
if the person, following the telephone solicitation, causes 34294
another person to collect the payment of any money, this exemption 34295
does not apply. 34296

(4) A licensed securities, commodities, or investment broker, 34297
dealer, investment advisor, or associated person when making a 34298
telephone solicitation within the scope of the person's license. 34299
As used in division (B)(4) of this section, "licensed securities, 34300
commodities, or investment broker, dealer, investment advisor, or 34301
associated person" means a person subject to licensure or 34302

registration as such by the securities and exchange commission; 34303
the National Association of Securities Dealers or other 34304
self-regulatory organization, as defined by 15 U.S.C.A. 78c; by 34305
the division of securities under Chapter 1707. of the Revised 34306
Code; or by an official or agency of any other state of the United 34307
States. 34308

(5)(a) A person primarily engaged in soliciting the sale of a 34309
newspaper of general circulation; 34310

(b) As used in division (B)(5)(a) of this section, "newspaper 34311
of general circulation" includes, but is not limited to, both of 34312
the following: 34313

(i) A newspaper that is a daily law journal designated as an 34314
official publisher of court calendars pursuant to section 2701.09 34315
of the Revised Code; 34316

(ii) A newspaper or publication that has at least twenty-five 34317
per cent editorial, non-advertising content, exclusive of inserts, 34318
measured relative to total publication space, and an audited 34319
circulation to at least fifty per cent of the households in the 34320
newspaper's retail trade zone as defined by the audit. 34321

(6)(a) An issuer, or its subsidiary, that has a class of 34322
securities to which all of the following apply: 34323

(i) The class of securities is subject to section 12 of the 34324
"Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is 34325
registered or is exempt from registration under 15 U.S.C.A. 34326
781(g)(2)(A), (B), (C), (E), (F), (G), or (H); 34327

(ii) The class of securities is listed on the New York stock 34328
exchange, the American stock exchange, or the NASDAQ national 34329
market system; 34330

(iii) The class of securities is a reported security as 34331
defined in 17 C.F.R. 240.11Aa3-1(a)(4). 34332

(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.

(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;

(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 full refund within thirty days to a purchaser who returns the merchandise or if the person solicits the sale on behalf of a membership club operating in compliance with regulations adopted by the federal trade commission in 16 C.F.R. 425;

(9) A supervised financial institution or its subsidiary. As used in division (B)(9) of this section, "supervised financial institution" means a bank, trust company, savings and loan association, savings bank, credit union, industrial loan company, consumer finance lender, commercial finance lender, or institution described in section 2(c)(2)(F) of the "Bank Holding Company Act of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an official or agency of the United States, this state, or any other state of the United States; or a licensee or registrant under sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to

1321.83 of the Revised Code.	34365
(10)(a) An insurance company, association, or other organization that is licensed or authorized to conduct business in this state by the superintendent of insurance pursuant to Title XXXIX of the Revised Code or Chapter 1751. of the Revised Code, when soliciting within the scope of its license or authorization.	34366 34367 34368 34369 34370
(b) A licensed insurance broker, agent, or solicitor when soliciting within the scope of the person's license. As used in division (B)(10)(b) of this section, "licensed insurance broker, agent, or solicitor" means any person licensed as an insurance broker, agent, or solicitor by the superintendent of insurance pursuant to Title XXXIX of the Revised Code.	34371 34372 34373 34374 34375 34376
(11) A person soliciting the sale of services provided by a cable television system operating under authority of a governmental franchise or permit;	34377 34378 34379
(12) A person soliciting a business-to-business sale under which any of the following conditions are met:	34380 34381
(a) The telephone solicitor has been operating continuously for at least three years under the same business name under which it solicits purchasers, and at least fifty-one per cent of its gross dollar volume of sales consists of repeat sales to existing customers to whom it has made sales under the same business name.	34382 34383 34384 34385 34386
(b) The purchaser business intends to resell the goods purchased.	34387 34388
(c) The purchaser business intends to use the goods or services purchased in a recycling, reuse, manufacturing, or remanufacturing process.	34389 34390 34391
(d) The telephone solicitor is a publisher of a periodical or of magazines distributed as controlled circulation publications as defined in division (CC) of section 5739.01 of the Revised Code	34392 34393 34394

and is soliciting sales of advertising, subscriptions, reprints, 34395
lists, information databases, conference participation or 34396
sponsorships, trade shows or media products related to the 34397
periodical or magazine, or other publishing services provided by 34398
the controlled circulation publication. 34399

(13) A person that, not less often than once each year, 34400
publishes and delivers to potential purchasers a catalog that 34401
complies with both of the following: 34402

(a) It includes all of the following: 34403

(i) The business address of the seller; 34404

(ii) A written description or illustration of each good or 34405
service offered for sale; 34406

(iii) A clear and conspicuous disclosure of the sale price of 34407
each good or service; shipping, handling, and other charges; and 34408
return policy; 34409

(b) One of the following applies: 34410

(i) The catalog includes at least twenty-four pages of 34411
written material and illustrations, is distributed in more than 34412
one state, and has an annual postage-paid mail circulation of not 34413
less than two hundred fifty thousand households; 34414

(ii) The catalog includes at least ten pages of written 34415
material or an equivalent amount of material in electronic form on 34416
the internet or an on-line computer service, the person does not 34417
solicit customers by telephone but solely receives telephone calls 34418
made in response to the catalog, and during the calls the person 34419
takes orders but does not engage in further solicitation of the 34420
purchaser. As used in division (B)(13)(b)(ii) of this section, 34421
"further solicitation" does not include providing the purchaser 34422
with information about, or attempting to sell, any other item in 34423
the catalog that prompted the purchaser's call or in a 34424

substantially similar catalog issued by the seller.	34425
(14) A political subdivision or instrumentality of the United States, this state, or any state of the United States;	34426 34427
(15) A college or university or any other public or private institution of higher education in this state;	34428 34429
(16) A public utility as defined in section 4905.02 of the Revised Code or a retail natural gas supplier as defined in section 4929.01 of the Revised Code, if the utility or supplier is subject to regulation by the public utilities commission, or the affiliate of the utility or supplier;	34430 34431 34432 34433 34434
(17) A travel agency or tour promoter that is registered in compliance with section 1333.96 of the Revised Code when soliciting within the scope of the agency's or promoter's registration;	34435 34436 34437 34438
(18) A person that solicits sales through a television program or advertisement that is presented in the same market area no fewer than twenty days per month or offers for sale no fewer than ten distinct items of goods or services; and offers to the purchaser an unconditional right to return any good or service purchased within a period of at least seven days and to receive a full refund within thirty days after the purchaser returns the good or cancels the service;	34439 34440 34441 34442 34443 34444 34445 34446
(19) <u>(18)</u> (a) A person that, for at least one year, has been operating a retail business under the same name as that used in connection with telephone solicitation and both of the following occur on a continuing basis:	34447 34448 34449 34450
(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.	34451 34452 34453
(ii) At least fifty-one per cent of the person's gross dollar	34454

volume of retail sales involves purchases of goods or services at 34455
the person's business premises. 34456

(b) An affiliate of a person that meets the requirements in 34457
division (B)~~(19)~~(18)(a) of this section if the affiliate meets all 34458
of the following requirements: 34459

(i) The affiliate has operated a retail business for a period 34460
of less than one year; 34461

(ii) The affiliate either displays goods and offers them for 34462
retail sale at the affiliate's business premises or offers 34463
services for sale and provides them at the affiliate's business 34464
premises; 34465

(iii) At least fifty-one per cent of the affiliate's gross 34466
dollar volume of retail sales involves purchases of goods or 34467
services at the affiliate's business premises. 34468

(c) A person that, for a period of less than one year, has 34469
been operating a retail business in this state under the same name 34470
as that used in connection with telephone solicitation, as long as 34471
all of the following requirements are met: 34472

(i) The person either displays goods and offers them for 34473
retail sale at the person's business premises or offers services 34474
for sale and provides them at the person's business premises; 34475

(ii) The goods or services that are the subject of telephone 34476
solicitation are sold at the person's business premises, and at 34477
least sixty-five per cent of the person's gross dollar volume of 34478
retail sales involves purchases of goods or services at the 34479
person's business premises; 34480

(iii) The person conducts all telephone solicitation 34481
activities according to sections 310.3, 310.4, and 310.5 of the 34482
telemarketing sales rule adopted by the federal trade commission 34483
in 16 C.F.R. part 310. 34484

~~(20)~~(19) A person who performs telephone solicitation sales 34485
services on behalf of other persons and to whom one of the 34486
following applies: 34487

(a) The person has operated under the same ownership, 34488
control, and business name for at least five years, and the person 34489
receives at least seventy-five per cent of its gross revenues from 34490
written telephone solicitation contracts with persons who come 34491
within one of the exemptions in division (B) of this section. 34492

(b) The person is an affiliate of one or more exempt persons 34493
and makes telephone solicitations on behalf of only the exempt 34494
persons of which it is an affiliate. 34495

(c) The person makes telephone solicitations on behalf of 34496
only exempt persons, the person and each exempt person on whose 34497
behalf telephone solicitations are made have entered into a 34498
written contract that specifies the manner in which the telephone 34499
solicitations are to be conducted and that at a minimum requires 34500
compliance with the telemarketing sales rule adopted by the 34501
federal trade commission in 16 C.F.R. part 310, and the person 34502
conducts the telephone solicitations in the manner specified in 34503
the written contract. 34504

(d) The person performs telephone solicitation for religious 34505
or political purposes, a charitable organization, a fund-raising 34506
council, or a professional solicitor in compliance with the 34507
registration and reporting requirements of Chapter 1716. of the 34508
Revised Code; and meets all of the following requirements: 34509

(i) The person has operated under the same ownership, 34510
control, and business name for at least five years, and the person 34511
receives at least fifty-one per cent of its gross revenues from 34512
written telephone solicitation contracts with persons who come 34513
within the exemption in division (B)(2) of this section; 34514

(ii) The person does not conduct a prize promotion or offer 34515

the sale of an investment opportunity; and 34516

(iii) The person conducts all telephone solicitation 34517
activities according to sections 310.3, 310.4, and 310.5 of the 34518
telemarketing sales rules adopted by the federal trade commission 34519
in 16 C.F.R. part 310. 34520

~~(21)~~(20) A person that is a licensed real estate salesperson 34521
or broker under Chapter 4735. of the Revised Code when soliciting 34522
within the scope of the person's license; 34523

~~(22)~~(21)(a) Either of the following: 34524

(i) A publisher that solicits the sale of the publisher's 34525
periodical or magazine of general, paid circulation, or a person 34526
that solicits a sale of that nature on behalf of a publisher under 34527
a written agreement directly between the publisher and the person. 34528

(ii) A publisher that solicits the sale of the publisher's 34529
periodical or magazine of general, paid circulation, or a person 34530
that solicits a sale of that nature as authorized by a publisher 34531
under a written agreement directly with a publisher's 34532
clearinghouse provided the person is a resident of Ohio for more 34533
than three years and initiates all telephone solicitations from 34534
Ohio and the person conducts the solicitation and sale in 34535
compliance with 16 C.F.R. Part 310, as adopted by the federal 34536
trade commission. 34537

(b) As used in division (B)~~(22)~~(21) of this section, 34538
"periodical or magazine of general, paid circulation" excludes a 34539
periodical or magazine circulated only as part of a membership 34540
package or given as a free gift or prize from the publisher or 34541
person. 34542

~~(23)~~(22) A person that solicits the sale of food, as defined 34543
in section 3715.01 of the Revised Code, or the sale of products of 34544
horticulture, as defined in section 5739.01 of the Revised Code, 34545
if the person does not intend the solicitation to result in, or 34546

the solicitation actually does not result in, a sale that costs 34547
the purchaser an amount greater than five hundred dollars. 34548

~~(24)~~(23) A funeral director licensed pursuant to Chapter 34549
4717. of the Revised Code when soliciting within the scope of that 34550
license, if both of the following apply: 34551

(a) The solicitation and sale are conducted in compliance 34552
with 16 C.F.R. part 453, as adopted by the federal trade 34553
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 34554
the Revised Code; 34555

(b) The person provides to the purchaser of any preneed 34556
funeral contract a notice that clearly and conspicuously sets 34557
forth the cancellation rights specified in division (G) of section 34558
1107.33 of the Revised Code, and retains a copy of the notice 34559
signed by the purchaser. 34560

~~(25)~~(24) A person, or affiliate thereof, licensed to sell or 34561
issue Ohio instruments designated as travelers checks pursuant to 34562
sections 1315.01 to 1315.11 of the Revised Code. 34563

~~(26)~~(25) A person that solicits sales from its previous 34564
purchasers and meets all of the following requirements: 34565

(a) The solicitation is made under the same business name 34566
that was previously used to sell goods or services to the 34567
purchaser; 34568

(b) The person has, for a period of not less than three 34569
years, operated a business under the same business name as that 34570
used in connection with telephone solicitation; 34571

(c) The person does not conduct a prize promotion or offer 34572
the sale of an investment opportunity; 34573

(d) The person conducts all telephone solicitation activities 34574
according to sections 310.3, 310.4, and 310.5 of the telemarketing 34575
sales rules adopted by the federal trade commission in 16 C.F.R. 34576

part 310; 34577

(e) Neither the person nor any of its principals has been 34578
convicted of, pleaded guilty to, or has entered a plea of no 34579
contest for a felony or a theft offense as defined in sections 34580
2901.02 and 2913.01 of the Revised Code or similar law of another 34581
state or of the United States; 34582

(f) Neither the person nor any of its principals has had 34583
entered against them an injunction or a final judgment or order, 34584
including an agreed judgment or order, an assurance of voluntary 34585
compliance, or any similar instrument, in any civil or 34586
administrative action involving engaging in a pattern of corrupt 34587
practices, fraud, theft, embezzlement, fraudulent conversion, or 34588
misappropriation of property; the use of any untrue, deceptive, or 34589
misleading representation; or the use of any unfair, unlawful, 34590
deceptive, or unconscionable trade act or practice. 34591

~~(27)~~(26) An institution defined as a home health agency in 34592
section 3701.88 of the Revised Code, that conducts all telephone 34593
solicitation activities according to sections 310.3, 310.4, and 34594
310.5 of the telemarketing sales rules adopted by the federal 34595
trade commission in 16 C.F.R. part 310, and engages in telephone 34596
solicitation only within the scope of the institution's 34597
certification, accreditation, contract with the department of 34598
aging, or status as a home health agency; and that meets one of 34599
the following requirements: 34600

(a) The institution is certified as a provider of home health 34601
services under Title XVIII of the Social Security Act, 49 Stat. 34602
620, 42 U.S.C. 301, as amended; and is registered with the 34603
department of health pursuant to division (B) of section 3701.88 34604
of the Revised Code; 34605

(b) The institution is accredited by either the joint 34606
commission on accreditation of health care organizations or the 34607

community health accreditation program; 34608

(c) The institution is providing passport services under the 34609
direction of the Ohio department of aging under section 173.40 of 34610
the Revised Code; 34611

(d) An affiliate of an institution that meets the 34612
requirements of division (B)~~(27)~~(26)(a), (b), or (c) of this 34613
section when offering for sale substantially the same goods and 34614
services as those that are offered by the institution that meets 34615
the requirements of division (B)~~(27)~~(26)(a), (b), or (c) of this 34616
section. 34617

~~(28)~~(27) A person licensed to provide a hospice care program 34618
by the department of health pursuant to section 3712.04 of the 34619
Revised Code when conducting telephone solicitations within the 34620
scope of the person's license and according to sections 310.3, 34621
310.4, and 310.5 of the telemarketing sales rules adopted by the 34622
federal trade commission in 16 C.F.R. part 310. 34623

Sec. 4723.06. (A) The board of nursing shall: 34624

(1) Administer and enforce the provisions of this chapter, 34625
including the taking of disciplinary action for violations of 34626
section 4723.28 of the Revised Code, any other provisions of this 34627
chapter, or rules adopted under this chapter; 34628

(2) Develop criteria that an applicant must meet to be 34629
eligible to sit for the examination for licensure to practice as a 34630
registered nurse or as a licensed practical nurse; 34631

(3) Issue and renew nursing licenses and dialysis technician 34632
certificates, as provided in this chapter; 34633

(4) Define the minimum curricula and standards for 34634
educational programs of the schools of professional nursing and 34635
schools of practical nursing in this state; 34636

(5) Survey, inspect, and grant full approval to prelicensure 34637

nursing education programs that meet the standards established by 34638
rules adopted under section 4723.07 of the Revised Code. 34639
Prelicensure nursing education programs include, but are not 34640
limited to, associate degree, baccalaureate degree, diploma, and 34641
doctor of nursing programs leading to initial licensure to 34642
practice nursing as a registered nurse and practical nurse 34643
programs leading to initial licensure to practice nursing as a 34644
licensed practical nurse. 34645

(6) Grant conditional approval, by a vote of a quorum of the 34646
board, to a new prelicensure nursing education program or a 34647
program that is being reestablished after having ceased to 34648
operate, if the program meets and maintains the minimum standards 34649
of the board established by rules adopted under section 4723.07 of 34650
the Revised Code. If the board does not grant conditional 34651
approval, it shall hold an adjudication under Chapter 119. of the 34652
Revised Code to consider conditional approval of the program. If 34653
the board grants conditional approval, at its first meeting after 34654
the first class has completed the program, the board shall 34655
determine whether to grant full approval to the program. If the 34656
board does not grant full approval or if it appears that the 34657
program has failed to meet and maintain standards established by 34658
rules adopted under section 4723.07 of the Revised Code, the board 34659
shall hold an adjudication under Chapter 119. of the Revised Code 34660
to consider the program. Based on results of the adjudication, the 34661
board may continue or withdraw conditional approval, or grant full 34662
approval. 34663

(7) Place on provisional approval, for a period of time 34664
specified by the board, a program that has ceased to meet and 34665
maintain the minimum standards of the board established by rules 34666
adopted under section 4723.07 of the Revised Code. At the end of 34667
the period, the board shall reconsider whether the program meets 34668
the standards and shall grant full approval if it does. If it does 34669

not, the board may withdraw approval, pursuant to an adjudication	34670
under Chapter 119. of the Revised Code.	34671
(8) Approve continuing nursing education programs and courses	34672
under standards established in rules adopted under section 4723.07	34673
of the Revised Code;	34674
(9) Approve peer support programs, under rules adopted under	34675
section 4723.07 of the Revised Code, for nurses and for dialysis	34676
technicians;	34677
(10) Establish a program for monitoring chemical dependency	34678
in accordance with section 4723.35 of the Revised Code;	34679
(11) Establish the practice intervention and improvement	34680
program in accordance with section 4723.282 of the Revised Code;	34681
(12) Issue and renew certificates of authority to practice	34682
nursing as a certified registered nurse anesthetist, clinical	34683
nurse specialist, certified nurse-midwife, or certified nurse	34684
practitioner;	34685
(13) Approve under section 4723.46 of the Revised Code	34686
national certifying organizations for examination and	34687
certification of certified registered nurse anesthetists, clinical	34688
nurse specialists, certified nurse-midwives, or certified nurse	34689
practitioners;	34690
(14) Issue and renew certificates to prescribe in accordance	34691
with sections 4723.48 and 4723.485 of the Revised Code;	34692
(15) Grant approval to the planned classroom and clinical	34693
study required by section 4723.483 of the Revised Code to be	34694
eligible for a certificate to prescribe;	34695
(16) Make an annual edition of the formulary established in	34696
rules adopted under section 4723.50 of the Revised Code available	34697
to the public either in printed form or by electronic means and,	34698
as soon as possible after any revision of the formulary becomes	34699

effective, make the revision available to the public in printed 34700
form or by electronic means; 34701

(17) Provide guidance and make recommendations to the general 34702
assembly, the governor, state agencies, and the federal government 34703
with respect to the regulation of the practice of nursing and the 34704
enforcement of this chapter; 34705

(18) Make an annual report to the governor, which shall be 34706
open for public inspection; 34707

(19) Maintain and have open for public inspection the 34708
following records: 34709

(a) A record of all its meetings and proceedings; 34710

(b) A file of holders of nursing licenses, registrations, and 34711
certificates granted under this chapter and dialysis technician 34712
certificates granted under this chapter. The file shall be 34713
maintained in the form prescribed by rule of the board. 34714

(c) A list of prelicensure nursing education programs 34715
approved by the board; 34716

(d) A list of approved peer support programs for nurses and 34717
dialysis technicians. 34718

(B) The board may fulfill the requirement of division (A)(8) 34719
of this section by authorizing persons who meet the standards 34720
established in rules adopted under section 4723.07 of the Revised 34721
Code to approve continuing nursing education programs and courses. 34722
Persons so authorized shall approve continuing nursing education 34723
programs and courses in accordance with standards established in 34724
rules adopted under section 4723.07 of the Revised Code. 34725

Persons seeking authorization to approve continuing nursing 34726
education programs and courses shall apply to the board and pay 34727
the appropriate fee established under section 4723.08 of the 34728
Revised Code. Authorizations to approve continuing nursing 34729

education programs and courses shall expire, and may be renewed 34730
according to the schedule established in rules adopted under 34731
section 4732.07 of the Revised Code. 34732

In addition to approving continuing nursing education 34733
programs under division (A)(8) of this section, the board may 34734
sponsor continuing education activities that are directly related 34735
to the statutes and rules pertaining to the practice of nursing in 34736
this state. 34737

Sec. 4723.063. (A) As used in this section: 34738

(1) "Health care facility" means: 34739

(a) A hospital registered under section 3701.07 of the 34740
Revised Code; 34741

(b) A nursing home licensed under section 3721.02 of the 34742
Revised Code, or by a political subdivision certified under 34743
section 3721.09 of the Revised Code; 34744

(c) A county home or a county nursing home as defined in 34745
section 5155.31 of the Revised Code that is certified under Title 34746
XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 34747
U.S.C. 301, amended; 34748

(d) A freestanding dialysis center; 34749

(e) A freestanding inpatient rehabilitation facility; 34750

(f) An ambulatory surgical facility; 34751

(g) A freestanding cardiac catheterization facility; 34752

(h) A freestanding birthing center; 34753

(i) A freestanding or mobile diagnostic imaging center; 34754

(j) A freestanding radiation therapy center. 34755

(2) "Nurse education program" means a prelicensure nurse 34756
education program approved by the board of nursing under section 34757

4723.06 of the Revised Code or a postlicensure nurse education 34758
program approved by the board of regents under section 3333.04 of 34759
the Revised Code. 34760

(B) The state board of nursing shall establish and administer 34761
the nurse education grant program. Under the program, the board 34762
shall award joint grants to nurse education programs and health 34763
care facilities. Joint grant recipients shall use the money to 34764
fund partnerships to increase the nurse education program's 34765
enrollment capacity by hiring clinical faculty and preceptors and 34766
purchasing educational equipment and materials. Partnerships may 34767
be developed between one or more nurse education programs and one 34768
or more health care facilities. 34769

In awarding grants, the board shall give preference to 34770
partnerships between nurse education programs and hospitals, 34771
nursing homes, and county homes or county nursing homes, but may 34772
also award grants to fund partnerships between nurse education 34773
programs and other health care facilities. 34774

(C) The board shall adopt rules in accordance with Chapter 34775
119. of the Revised Code establishing the following: 34776

(1) Eligibility requirements for receipt of a grant; 34777

(2) Grant application forms and procedures; 34778

(3) The amounts in which grants may be made and the total 34779
amount that may be jointly awarded to a nurse education program 34780
and health care facility; 34781

(4) A method whereby the board may evaluate the effectiveness 34782
of a partnership between joint recipients in increasing the nurse 34783
education program's enrollment capacity; 34784

(5) The percentage of the money in the fund that must remain 34785
in the fund at all times to maintain a fiscally responsible fund 34786
balance; 34787

(6) Any other matters incidental to the operation of the 34788
program. 34789

(D) From January 1, 2004, until December 31, 2013, the ten 34790
dollars of each biennial nursing license renewal fee collected 34791
under section 4723.08 of the Revised Code shall be dedicated to 34792
the nurse education grant program fund, which is hereby created in 34793
the state treasury. The board shall use money in the fund for 34794
grants awarded under division (A) of this section and for expenses 34795
of administering the grant program. The amount used for 34796
administrative expenses in any year shall not exceed ten per cent 34797
of the amount transferred to the fund in that year. 34798

(E) Each quarter, for the purposes of transferring funds to 34799
the nurse education grant program, the board of nursing shall 34800
certify to the director of budget and management the number of 34801
biennial licenses renewed under this chapter during the preceding 34802
quarter and the amount equal to that number times ten dollars. 34803

(F) Notwithstanding the requirements of section 4743.05 of 34804
the Revised Code, from January 1, 2004, until December 31, 2013, 34805
at the end of each quarter, the director of budget and management 34806
shall transfer from the occupational licensing and regulatory fund 34807
to the nurse education grant program fund the amount certified 34808
under division (E) of this section. 34809

Sec. 4723.08. (A) The board of nursing may impose fees not to 34810
exceed the following limits: 34811

(1) For application for licensure by examination to practice 34812
nursing as a registered nurse or as a licensed practical nurse, 34813
~~fifty~~ seventy-five dollars; 34814

(2) For application for licensure by endorsement to practice 34815
nursing as a registered nurse or as a licensed practical nurse, 34816
~~fifty~~ seventy-five dollars; 34817

(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist,	34818
clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;	34819
	34820
	34821
(4) For application for a temporary dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	34822
	34823
	34824
(5) For application for a full dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	34825
	34826
	34827
(6) For application for a certificate to prescribe, fifty dollars;	34828
	34829
(7) For verification of a nursing license, certificate of authority, or dialysis technician certificate to another jurisdiction, fifteen dollars;	34830
	34831
	34832
(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;	34833
	34834
	34835
	34836
(9) For biennial renewal of a nursing license that expires on or before <u>after</u> August 31, 2003, thirty-five but before January 1, 2004, <u>forty-five</u> dollars;	34837
	34838
	34839
(10) For biennial renewal of a nursing license that expires on or after September 1, 2003, <u>forty-five</u> <u>January 1, 2004,</u> <u>sixty-five</u> dollars;	34840
	34841
	34842
(11) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse mid-wife, or certified nurse practitioner that expires on or before August 31, 2005, one hundred dollars;	34843
	34844
	34845
	34846
	34847

(12) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist,	34848
clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner that expires on or after September 1, 2005,	34849
eighty-five dollars;	34850
	34851
	34852
(13) For renewal of a certificate to prescribe, fifty dollars;	34853
	34854
(14) For biennial renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	34855
	34856
	34857
(15) For processing a late application for renewal of a nursing license, certificate of authority, or dialysis technician certificate, fifty dollars;	34858
	34859
	34860
(16) For application for authorization to approve continuing nursing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	34861
	34862
	34863
	34864
(17) For application for authorization to approve continuing nursing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	34865
	34866
	34867
	34868
(18) For each year for which authorization to approve continuing nursing education programs and courses is renewed, one hundred fifty dollars;	34869
	34870
	34871
(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;	34872
	34873
	34874
(20) For reinstatement of a lapsed nursing license, certificate of authority, or dialysis technician certificate, one hundred dollars;	34875
	34876
	34877

(21) For written verification of a nursing license, 34878
certificate of authority, or dialysis technician certificate, 34879
other than verification to another jurisdiction, five dollars. The 34880
board may contract for services pertaining to this verification 34881
process and the collection of the fee, and may permit the 34882
contractor to retain a portion of the fees as compensation, before 34883
any amounts are deposited into the state treasury. 34884

(22) For processing a check returned to the board by a 34885
financial institution as noncollectible, twenty-five dollars; 34886

(23) For issuance of an intravenous therapy card for which a 34887
fee may be charged under section 4723.17 of the Revised Code, 34888
twenty-five dollars; 34889

(24) For out-of-state survey visits of nursing education 34890
programs operating in Ohio, two thousand dollars. 34891

(B) Each quarter, for purposes of transferring funds under 34892
section 4743.05 of the Revised Code to the nurse education 34893
assistance fund created in section 3333.28 of the Revised Code, 34894
the board of nursing shall certify to the director of budget and 34895
management the number of biennial licenses renewed under this 34896
chapter during the preceding quarter and the amount equal to that 34897
number times five dollars. 34898

(C) The board may charge a participant in a board-sponsored 34899
continuing education activity an amount not exceeding fifteen 34900
dollars for each activity. 34901

Sec. 4723.082. ~~All~~ (A) Except as provided in section 4723.062 34902
of the Revised Code and division (B) of this section, all receipts 34903
of the board of nursing, from any source, shall be deposited in 34904
the state treasury to the credit of the occupational licensing and 34905
regulatory fund. All 34906

(B) All receipts from board-sponsored continuing education 34907

activities shall be deposited in the state treasury to the credit 34908
of the special nursing issue fund created by section 4723.062 of 34909
the Revised Code. 34910

(C) All vouchers of the board shall be approved by the board 34911
president or executive director, or both, as authorized by the 34912
board. 34913

Sec. 4723.17. (A) The board of nursing may authorize a 34914
licensed practical nurse to administer to an adult intravenous 34915
therapy authorized by an individual who is authorized to practice 34916
in this state and is acting within the course of the individual's 34917
professional practice, ~~if all of the following are true of the~~ 34918
licensed practical nurse+ 34919

~~(1) The nurse~~ has a current, valid license issued under this 34920
chapter that includes authorization to administer medications and 34921
one of the following is the case: 34922

(1) The nurse has successfully completed, within a practical 34923
nurse prelicensure education program approved by the board or by 34924
another jurisdiction's agency that regulates the practice of 34925
nursing, a course of study that prepares the nurse to safely 34926
perform the intravenous therapy procedures the board may authorize 34927
under this section. To meet this requirement, the course of study 34928
must include all of the following: 34929

(a) Both didactic and clinical components; 34930

(b) Curriculum requirements established in rules the board of 34931
nursing shall adopt in accordance with Chapter 119. of the Revised 34932
Code; 34933

(c) Standards that require the nurse to perform a successful 34934
demonstration of the intravenous procedures, including all skills 34935
needed to perform them safely. 34936

(2) The nurse has successfully completed a ~~course in~~ 34937

~~intravenous administration approved by the board that includes~~ 34938
~~both of the following:~~ 34939

~~(a)~~ A minimum of forty hours of training that includes all of 34940
the following: 34941

~~(i)~~(a) The curriculum established by rules adopted by the 34942
board and in effect on January 1, 1999; 34943

~~(ii)~~(b) Training in the anatomy and physiology of the 34944
cardiovascular system, signs and symptoms of local and systemic 34945
complications in the administration of fluids and antibiotic 34946
additives, and guidelines for management of these complications; 34947

~~(iii)~~(c) Any other training or instruction the board 34948
considers appropriate. 34949

~~(b)~~(d) A testing component that ~~includes the successful~~ 34950
~~performance of three venipunctures supervised by a physician or~~ 34951
~~registered nurse in a health care setting~~ requires the nurse to 34952
perform a successful demonstration of the intravenous procedures, 34953
including all skills needed to perform them safely. 34954

(B) Except as provided in section 4723.171 of the Revised 34955
Code, a licensed practical nurse may perform intravenous therapy 34956
only if authorized by the board pursuant to division (A) of this 34957
section and only if it is performed in accordance with this 34958
section. 34959

A licensed practical nurse authorized by the board to perform 34960
intravenous therapy may perform an intravenous therapy procedure 34961
only at the direction of one of the following: 34962

(1) A licensed physician, dentist, optometrist, or podiatrist 34963
who, except as provided in division (C)(2) of this section, is 34964
present and readily available at the facility where the 34965
intravenous therapy procedure is performed; 34966

(2) A registered nurse in accordance with division (C) of 34967

this section. 34968

(C)(1) Except as provided in division (C)(2) of this section 34969
and section 4723.171 of the Revised Code, when a licensed 34970
practical nurse authorized by the board to perform intravenous 34971
therapy performs an intravenous therapy procedure at the direction 34972
of a registered nurse, the registered nurse or another registered 34973
nurse shall be readily available at the site where the intravenous 34974
therapy is performed, and before the licensed practical nurse 34975
initiates the intravenous therapy, the registered nurse shall 34976
personally perform an on-site assessment of the individual who is 34977
to receive the intravenous therapy. 34978

(2) When a licensed practical nurse authorized by the board 34979
to perform intravenous therapy performs an intravenous therapy 34980
procedure in a home as defined in section 3721.10 of the Revised 34981
Code, or in an intermediate care facility for the mentally 34982
retarded as defined in section 5111.20 of the Revised Code, at the 34983
direction of a registered nurse or licensed physician, dentist, 34984
optometrist, or podiatrist, a registered nurse shall be on the 34985
premises of the home or facility or accessible by some form of 34986
telecommunication. 34987

(D) No licensed practical nurse shall perform any of the 34988
following intravenous therapy procedures: 34989

(1) Initiating or maintaining any of the following: 34990

(a) Blood or blood components; 34991

(b) Solutions for total parenteral nutrition; 34992

(c) Any cancer therapeutic medication including, but not 34993
limited to, cancer chemotherapy or an anti-neoplastic agent; 34994

(d) Solutions administered through any central venous line or 34995
arterial line or any other line that does not terminate in a 34996
peripheral vein, except that a licensed practical nurse authorized 34997

by the board to perform intravenous therapy may maintain the 34998
solutions specified in division (D)(6)(a) of this section that are 34999
being administered through a central venous line or peripherally 35000
inserted central catheter; 35001

(e) Any investigational or experimental medication. 35002

(2) Initiating intravenous therapy in any vein, except that a 35003
licensed practical nurse authorized by the board to perform 35004
intravenous therapy may initiate intravenous therapy in accordance 35005
with this section in a vein of the hand, forearm, or antecubital 35006
fossa; 35007

(3) Discontinuing a central venous, arterial, or any other 35008
line that does not terminate in a peripheral vein; 35009

(4) Initiating or discontinuing a peripherally inserted 35010
central catheter; 35011

(5) Mixing, preparing, or reconstituting any medication for 35012
intravenous therapy, except that a licensed practical nurse 35013
authorized by the board to perform intravenous therapy may prepare 35014
or reconstitute an antibiotic additive; 35015

(6) Administering medication via the intravenous route, 35016
including all of the following activities: 35017

(a) Adding medication to an intravenous solution or to an 35018
existing infusion, except that a licensed practical nurse 35019
authorized by the board to perform intravenous therapy may do 35020
either of the following: 35021

(i) Initiate an intravenous infusion containing one or more 35022
of the following elements: dextrose 5%; normal saline; lactated 35023
ringers; sodium chloride .45%; sodium chloride 0.2%; sterile 35024
water. 35025

(ii) Hang subsequent containers of the intravenous solutions 35026
specified in division (D)(6)(a) of this section that contain 35027

vitamins or electrolytes, if a registered nurse initiated the 35028
infusion of that same intravenous solution. 35029

(b) Initiating or maintaining an intravenous piggyback 35030
infusion, except that a licensed practical nurse authorized by the 35031
board to perform intravenous therapy may initiate or maintain an 35032
intravenous piggyback infusion containing an antibiotic additive; 35033

(c) Injecting medication via a direct intravenous route, 35034
except that a licensed practical nurse authorized by the board to 35035
perform intravenous therapy may inject heparin or normal saline to 35036
flush an intermittent infusion device or heparin lock including, 35037
but not limited to, bolus or push. 35038

(7) Aspirating any intravenous line to maintain patency; 35039

(8) Changing tubing on any line including, but not limited 35040
to, an arterial line or a central venous line, except that a 35041
licensed practical nurse authorized by the board to perform 35042
intravenous therapy may change tubing on an intravenous line that 35043
terminates in a peripheral vein; 35044

(9) Programming or setting any function of a patient 35045
controlled infusion pump. 35046

(E) Notwithstanding division (D) of this section, at the 35047
direction of a physician or a registered nurse, a licensed 35048
practical nurse authorized by the board to perform intravenous 35049
therapy may perform the following activities for the purpose of 35050
performing dialysis: 35051

(1) The routine administration and regulation of saline 35052
solution for the purpose of maintaining an established fluid plan; 35053

(2) The administration of a heparin dose intravenously; 35054

(3) The administration of a heparin dose peripherally via a 35055
fistula needle; 35056

(4) The loading and activation of a constant infusion pump or 35057

the intermittent injection of a dose of medication prescribed by a licensed physician for dialysis.

(F) No person shall employ or direct a licensed practical nurse to perform an intravenous therapy procedure without first verifying that the licensed practical nurse is authorized by the board to perform intravenous therapy.

(G) The board shall issue an intravenous therapy card to the licensed practical nurses authorized pursuant to division (A) of this section to perform intravenous therapy. A fee for issuing the card shall not be charged under section 4723.08 of the Revised Code if the licensed practical nurse receives the card by meeting the requirements of division (A)(1) of this section. The board shall maintain a registry of the names of licensed practical nurses ~~authorized pursuant to division (A) of this section to perform~~ who hold intravenous therapy cards.

Sec. 4725.01. As used in this chapter:

(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.

(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.

(3) In the case of a licensed optometrist who holds a

therapeutic pharmaceutical agents certificate, the "practice of 35088
optometry" has the same meaning as in divisions (A)(1) and (2) of 35089
this section, except that it also includes employing, applying, 35090
administering, and prescribing instruments, devices, procedures 35091
other than invasive procedures, and therapeutic pharmaceutical 35092
agents for the following purposes: 35093

(a) Examination, investigation, diagnosis, or prevention of 35094
any disease, injury, or other abnormal condition of the visual 35095
system; 35096

(b) Treatment or cure of any disease, injury, or other 35097
abnormal condition of the anterior segment of the human eye. 35098

(B) "Topical ocular pharmaceutical agents" means: 35099

(1) Proparacaine hydrochloride in a potency not exceeding 35100
five-tenths of one per cent ophthalmic solution; 35101

(2) Benoxinate hydrochloride in a potency not exceeding 35102
four-tenths of one per cent ophthalmic solution; 35103

(3) Phenylephrine hydrochloride in a potency not exceeding 35104
two and five-tenths per cent ophthalmic solution; 35105

(4) Hydroxyamphetamine hydrobromide in a potency not 35106
exceeding one per cent ophthalmic solution; 35107

(5) Tropicamide in a potency not exceeding one per cent 35108
ophthalmic solution; 35109

(6) Cyclopentolate in a potency not exceeding one per cent 35110
ophthalmic solution; 35111

(7) Any other topical ocular pharmaceutical agents if the 35112
primary indications for their use are consistent with the purposes 35113
set forth in division (A)(1) of this section, their new drug 35114
application is approved by and the potency in which they may be 35115
used for evaluative purposes has been established by the federal 35116
food and drug administration after January 1, 1983, and their use 35117

for the purposes set forth in division (A)(1) of this section has 35118
been approved by rule of the state vision board ~~of optometry~~. 35119

(C) "Therapeutic pharmaceutical agent" means a topical ocular 35120
pharmaceutical agent or any of the following drugs or dangerous 35121
drugs that is used for examination, investigation, diagnosis, or 35122
prevention of disease, injury, or other abnormal condition of the 35123
visual system or for treatment or cure of disease, injury, or 35124
other abnormal condition of the anterior segment of the human eye 35125
and is an anti-microbial, anti-allergy, anti-glaucoma, topical 35126
anti-inflammatory, or cycloplegic agent, or an analgesic: 35127

(1) A topical ophthalmic preparation; 35128

(2) Oral dosage of any of the following drugs: 35129

(a) Acetazolamide; 35130

(b) Astemizole; 35131

(c) Dichlorphenamide; 35132

(d) Diphenhydramine; 35133

(e) Glycerin in a fifty per cent solution; 35134

(f) Isosorbide in a forty-five per cent solution; 35135

(g) Methazolamide; 35136

(h) Analgesics that may be legally sold without prescription; 35137

(i) Terfenadine; 35138

(j) Ampicillin in a two hundred fifty milligram or five 35139
hundred milligram dosage; 35140

(k) Cefaclor in a two hundred fifty milligram or five hundred 35141
milligram dosage; 35142

(l) Cephalexin in a two hundred fifty milligram or five 35143
hundred milligram dosage; 35144

(m) Dicloxacillin in a two hundred fifty milligram or five 35145

hundred milligram dosage;	35146
(n) Doxycycline in a fifty milligram or one hundred milligram dosage;	35147 35148
(o) Erythromycin in a two hundred fifty milligram, three hundred and thirty-three milligram, or five hundred milligram dosage;	35149 35150 35151
(p) Penicillin VK in a two hundred fifty milligram or five hundred milligram dosage;	35152 35153
(q) Tetracycline in a two hundred fifty milligram or five hundred milligram dosage.	35154 35155
(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.	35156 35157 35158
(D) "Drug" and "dangerous drug" have the same meanings as in section 4729.01 of the Revised Code.	35159 35160
(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.	35161 35162 35163 35164 35165
(F) "Visual system" means the human eye and its accessory or subordinate anatomical parts.	35166 35167
(G) "Certificate of licensure" means a certificate issued by the state <u>vision</u> board of optometry under <u>division (A) of section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(1) of this section or under division (E) of section 4725.13 of the Revised Code authorizing the holder to practice optical dispensing.</u>	35168 35169 35170 35171 35172 35173
(H) "Topical ocular pharmaceutical agents certificate" means a certificate issued by the state <u>vision</u> board of optometry under	35174 35175

division (A) of section 4725.13 of the Revised Code authorizing 35176
the holder to practice optometry as provided in division (A)(2) of 35177
this section. 35178

(I) "Therapeutic pharmaceutical agents certificate" means a 35179
certificate issued by the state vision board of optometry under 35180
division (A)(3) or (4) of section 4725.13 of the Revised Code 35181
authorizing the holder to practice optometry as provided in 35182
division (A)(3) of this section. 35183

(J) "Optical aid" means an instrument or device prescribed by 35184
a physician or optometrist licensed by any state to correct human 35185
vision, including spectacles, eyeglasses, contact lenses, and 35186
accessories. Contact lenses shall be dispensed only in accordance 35187
with a written prescription designated for contact lenses. 35188

(K) "Optical dispensing" means interpreting but not altering 35189
a prescription of a licensed physician or optometrist and 35190
designing, adapting, fitting, or replacing the prescribed optical 35191
aids, pursuant to such prescription, to or for the intended 35192
wearer; duplicating lenses, other than contact lenses, accurately 35193
as to power without a prescription; and duplicating 35194
nonprescription eyewear and parts of eyewear. "Optical dispensing" 35195
does not include selecting frames, transacting a sale, 35196
transferring an optical aid to the wearer after an optician has 35197
completed fitting it, or providing instruction in the general care 35198
and use of an optical aid, including placement, removal, hygiene, 35199
or cleaning. 35200

(L) "Licensed dispensing optician" means a person holding a 35201
current, valid certificate of licensure that authorizes the person 35202
to engage in optical dispensing. Nothing in this chapter shall be 35203
construed to permit a licensed dispensing optician to alter the 35204
specifications of a prescription. 35205

(M) "Licensed spectacle dispensing optician" means a licensed 35206

dispensing optician authorized to engage in the dispensing of 35207
optical aids other than contact lenses. 35208

(N) "Licensed contact lens dispensing optician" means a 35209
licensed dispensing optician authorized to engage only in the 35210
dispensing of contact lenses. 35211

(O) "Licensed spectacle-contact lens dispensing optician" 35212
means a licensed dispensing optician authorized to engage in the 35213
dispensing of any optical aid. 35214

(P) "Apprentice" means any person dispensing optical aids 35215
under the direct supervision of a licensed dispensing optician. 35216

(Q) "Prescription" means the written or verbal directions or 35217
instructions as specified by a physician or optometrist licensed 35218
by any state for preparing an optical aid for a patient. 35219

(R) "Supervision" means the provision of direction and 35220
control through personal inspection and evaluation of work. 35221

(S) "Licensed ocularist" means a person holding a current, 35222
valid certificate of licensure issued by the state vision board 35223
that authorizes the person to engage in the practice of designing, 35224
fabricating, and fitting artificial eyes or prostheses associated 35225
with the appearance or function of the human eye. 35226

Sec. 4725.02. (A) Except as provided in section 4725.26 of 35227
the Revised Code, no person shall engage in the practice of 35228
optometry, including the determination of the kind of procedure, 35229
treatment, or optical accessories needed by a person or the 35230
examination of the eyes of any person for the purpose of fitting 35231
the same with optical accessories, unless the person holds a 35232
current, valid certificate of licensure as an optometrist from the 35233
state vision board of optometry. No person shall claim to be the 35234
lawful holder of such a certificate of licensure when in fact the 35235
person is not such lawful holder, or impersonate any licensed 35236

optometrist.	35237
(B) No optometrist shall administer topical ocular	35238
pharmaceutical agents unless the optometrist holds a valid topical	35239
ocular pharmaceutical agents certificate or therapeutic	35240
pharmaceutical agents certificate and fulfills the other	35241
requirements of this chapter.	35242
(C) No optometrist shall practice optometry as described in	35243
division (A)(3) of section 4725.01 of the Revised Code unless the	35244
optometrist holds a valid therapeutic pharmaceutical agents	35245
certificate.	35246
(D) No optometrist shall personally furnish a therapeutic	35247
pharmaceutical agent to any person, except that a licensed	35248
optometrist who holds a therapeutic pharmaceutical agents	35249
certificate may personally furnish a therapeutic pharmaceutical	35250
agent to a patient if no charge is imposed for the agent or for	35251
furnishing it and the amount furnished does not exceed a	35252
seventy-two hour supply, except that if the minimum available	35253
quantity of the agent is greater than a seventy-two hour supply,	35254
the optometrist may furnish the minimum available quantity.	35255
<u>(E)(1) No person shall engage in optical dispensing or hold</u>	35256
<u>themselves out as being engaged in optical dispensing unless the</u>	35257
<u>person holds a current, valid certificate of licensure from the</u>	35258
<u>state board as a dispensing optician. No person shall claim to be</u>	35259
<u>the lawful holder of such a certificate of licensure when in fact</u>	35260
<u>the person is not such a lawful holder, or impersonate a licensed</u>	35261
<u>dispensing optician.</u>	35262
<u>(2) No person shall engage in the designing, fabricating, and</u>	35263
<u>fitting of an artificial eye or of prostheses associated with the</u>	35264
<u>appearance or function of the human eye unless the person is</u>	35265
<u>licensed as an ocularist by the state board.</u>	35266
<u>(F) After dispensing contact lenses pursuant to the written</u>	35267

prescription of a licensed physician or a licensed optometrist, 35268
each licensed contact lens dispensing optician shall, in writing, 35269
immediately inform the patient to return back to the prescribing 35270
physician or optometrist for final evaluation. 35271

Sec. 4725.03. ~~The governor, with the advice and consent of~~ 35272
~~the senate, shall appoint a~~ There is hereby created the state 35273
vision board of optometry consisting of ~~six nonmedical~~ seven 35274
residents of this state, ~~five of whom shall be persons actually~~ 35275
~~engaged in the practice of optometry for five years preceding~~ 35276
~~appointment and one of whom shall be a member of the public at~~ 35277
~~least sixty years of age~~ three appointed by the governor, two 35278
appointed by the speaker of the house of representatives, and two 35279
appointed by the president of the senate. Terms Thereafter, terms 35280
of office shall be ~~five~~ seven years, commencing on the 35281
twenty-sixth day of September and ending on the twenty-fifth day 35282
of September. The governor, speaker of the house of 35283
representatives, and president of the senate, shall each make one 35284
initial appointment for a three-year term. The remaining initial 35285
appointments shall be for six-year terms. Each member shall hold 35286
office from the date of appointment until the end of the term for 35287
which appointed. Any member appointed to fill a vacancy occurring 35288
prior to the expiration of the term for which the member's 35289
predecessor was appointed shall hold office for the remainder of 35290
the term. A member shall continue in office subsequent to the 35291
expiration date of the member's term until the member's successor 35292
takes office, or until a period of sixty days has elapsed, 35293
whichever occurs first. No person shall serve as a member for more 35294
than two terms. 35295

Sec. 4725.04. The state vision board of optometry shall 35296
organize by the election of a president and a secretary from its 35297
members, who shall hold their respective offices for one year. 35298

The board shall hold meetings to perform its regular duties 35299
at least four times each year. At least one of the board's regular 35300
meetings shall be held in Columbus. The board may hold additional 35301
meetings as it considers necessary. The time and place of any 35302
regular or other meeting shall be fixed and published by the board 35303
at least thirty days prior to the date that it is to be held, 35304
except when the meeting to be held is an emergency or special 35305
meeting, in which case the board shall give twenty-four hours' 35306
notice or as much notice as possible under the circumstances. 35307

A majority of the board constitutes a quorum, but a lesser 35308
number may adjourn from time to time. 35309

The office of budget and management shall determine a 35310
location for the office of the board, where all of the board's 35311
permanent records shall be kept. 35312

Sec. 4725.05. The state vision board ~~of optometry~~ shall 35313
employ an executive director, to serve at the pleasure of the 35314
board. Before entering upon the discharge of official duties of 35315
office, the executive director shall give a bond, to be approved 35316
by the board, in the sum of two thousand dollars conditioned for 35317
the faithful discharge of the duties of the office. The premium 35318
for such bond shall be paid as are other expenditures of the 35319
board. The bond, with the approval of the board and oath of office 35320
indorsed thereon, shall be deposited with the secretary of state 35321
and kept in the secretary of state's office. 35322

The board may employ up to ten persons, who may include such 35323
assistants, inspectors, investigators, and clerical help as are 35324
necessary to administer and enforce sections 4725.01 to 4725.34 of 35325
the Revised Code, the expenses thereof to be charged and paid as 35326
other expenditures of the board. The staff shall serve at the 35327
pleasure of the executive director. 35328

Sec. 4725.06. Each member of the state vision board of 35329
~~optometry shall receive an amount fixed pursuant to division (J)~~ 35330
~~of section 124.15 of the Revised Code for each day actually~~ 35331
~~employed in the discharge of the official duties of the member,~~ 35332
~~and the necessary expenses of the member~~ serve without 35333
compensation. 35334

The ~~executive director~~ members of the board shall receive 35335
reimbursement for necessary travel expenses incurred in the 35336
discharge of ~~the executive director's~~ their official duties. 35337

All vouchers of the board shall be approved by the board 35338
president or executive director, or both, as authorized by the 35339
board. 35340

Sec. 4725.07. The state vision board ~~of optometry~~ shall adopt 35341
a seal and certificate of suitable design and shall keep a record 35342
of its proceedings, a register of persons who have received 35343
certificates of licensure, a register of licensed optometrists who 35344
have received topical ocular pharmaceutical agents certificates, a 35345
register of licensed optometrists who have received therapeutic 35346
pharmaceutical agents certificates, and a register of persons who 35347
have been subject to the board's revocation of any of those 35348
certificates. 35349

~~The board shall have an office in Columbus, where all its~~ 35350
~~permanent records shall be kept.~~ The board may make requisition 35351
upon the proper state officials for office rooms and supplies, 35352
including stationery and furniture. All printing and binding 35353
necessary for the work of the board shall be done upon an order 35354
issued by the board through its president and executive director 35355
to the department of administrative services. 35356

Except as provided in division (C) of section 4725.22 and 35357
division (C) of section 4725.23 of the Revised Code, the records 35358

of the board, including its registers, shall be open to public 35359
inspection at all reasonable times. A copy of an entry in such 35360
records, certified by the executive director under the seal of the 35361
board, shall be prima-facie evidence of the facts therein stated. 35362

The board annually, on or before the first day of February, 35363
shall make a report to the governor of all its official acts 35364
during the preceding year, its receipts and disbursements, and a 35365
complete report of the conditions of optometry and of the practice 35366
of optical dispensing in this state. 35367

Sec. 4725.08. In the absence of fraud or bad faith, the state 35368
vision board ~~of optometry~~, a current or former board member, an 35369
agent of the board, a person formally requested by the board to be 35370
the board's representative, or an employee of the board shall not 35371
be held liable in damages to any person as the result of any act, 35372
omission, proceeding, conduct, or decision related to official 35373
duties undertaken or performed pursuant to sections 4725.01 to 35374
4725.34 of the Revised Code. If any such person asks to be 35375
defended by the state against any claim or action arising out of 35376
any act, omission, proceeding, conduct, or decision related to the 35377
person's official duties, and if the request is made in writing at 35378
a reasonable time before trial and the person requesting defense 35379
cooperates in good faith in the defense of the claim or action, 35380
the state shall provide and pay for the person's defense and shall 35381
pay any resulting judgment, compromise, or settlement. At no time 35382
shall the state pay any part of a claim or judgment that is for 35383
punitive or exemplary damages. 35384

Sec. 4725.09. (A) The state vision board ~~of optometry~~ shall 35385
adopt rules as it considers necessary to govern the practice of 35386
optometry and to administer and enforce sections 4725.01 to 35387
4725.34 of the Revised Code. All rules adopted under sections 35388
4725.01 to 4725.34 of the Revised Code shall be adopted in 35389

accordance with Chapter 119. of the Revised Code. 35390

(B) The board, in consultation with the state board of 35391
pharmacy, shall adopt rules specifying oral dosages of drugs or 35392
dangerous drugs that are therapeutic pharmaceutical agents under 35393
division (C)(3) of section 4725.01 of the Revised Code. 35394

(C) The board shall adopt rules that establish standards to 35395
be met and procedures to be followed with respect to the 35396
delegation by an optometrist of the performance of an optometric 35397
task to a person who is not licensed or otherwise specifically 35398
authorized by the Revised Code to perform the task. The rules 35399
shall permit an optometrist who holds a topical ocular 35400
pharmaceutical agents certificate or therapeutic pharmaceutical 35401
agents certificate to delegate the administration of drugs 35402
included in the optometrist's scope of practice. 35403

The rules adopted under this division shall provide for all 35404
of the following: 35405

(1) On-site supervision when the delegation occurs in an 35406
institution or other facility that is used primarily for the 35407
purpose of providing health care, unless the board established a 35408
specific exception to the on-site supervision requirement with 35409
respect to routine administration of a topical drug; 35410

(2) Evaluation of whether delegation is appropriate according 35411
to the acuity of the patient involved; 35412

(3) Training and competency requirements that must be met by 35413
the person administering the drugs; 35414

(4) Other standards and procedures the board considers 35415
relevant. 35416

(D) The board shall adopt rules as it considers necessary to 35417
govern the practice of optical dispensing and to administer and 35418
enforce the processing of applications for licensure as licensed 35419

dispensing opticians; the scheduling, administration, and 35420
supervision of qualifying examinations; the issuance of 35421
certificates of licensure to qualified individuals; the revocation 35422
and suspension of certificates of licensure; and the maintenance 35423
of related records. The board may adopt rules governing the 35424
employment of licensed dispensing opticians, the location or 35425
number of optical stores, advertising of optical products or 35426
services, or the manner in which such products can be displayed. 35427

Sec. 4725.10. (A) The state vision board ~~of optometry~~ shall 35428
evaluate schools of optometry and grant its approval to schools 35429
that adequately prepare their graduates for the practice of 35430
optometry in this state. Approval shall be granted only by an 35431
affirmative vote of a majority of the members of the board. 35432

(B) To be approved by the board, a school of optometry shall 35433
meet at least the following conditions: 35434

(1) Be accredited by a professional optometric accrediting 35435
agency recognized by the board; 35436

(2) Require as a prerequisite to admission to the school's 35437
courses in optometry at least two academic years of study with 35438
credits of at least sixty semester hours or ninety quarter hours 35439
in a college of arts and sciences accredited by a post-secondary 35440
education accrediting organization recognized by the board; 35441

(3) Require a course of study of at least four academic years 35442
with credits of at least one hundred thirty-four semester hours or 35443
two hundred quarter hours. 35444

(C) The board may establish standards for the approval of 35445
schools of optometry that are higher than the standards specified 35446
in division (B) of this section. 35447

Sec. 4725.11. (A) The state vision board ~~of optometry~~ shall 35448
accept as the examination that must be passed to receive a license 35449

to practice optometry in this state the examination prepared, 35450
administered, and graded by the national board of examiners in 35451
optometry or an examination prepared, administered, and graded by 35452
another professional testing organization recognized by the board 35453
as being qualified to examine applicants for licenses to practice 35454
optometry in this state. The board shall periodically review its 35455
acceptance of a licensing examination under this section to 35456
determine if the examination and the organization offering it 35457
continue to meet standards the board considers appropriate. 35458

(B) The licensing examination accepted by the board under 35459
this section may be divided into parts and offered as follows: 35460

(1) Part one: Tests in basic science, human biology, ocular 35461
and visual biology, theoretical ophthalmic, physiological optics, 35462
and physiological psychology; 35463

(2) Part two: Tests in clinical science, systemic conditions, 35464
the treatment and management of ocular disease, refractive 35465
oculomotor, sensory integrative conditions, perceptual conditions, 35466
public health, the legal issues regarding the clinical practice of 35467
optometry, and pharmacology; 35468

(3) Part three: Tests in patient care and management, 35469
clinical skills, and the visual recognition and interpretation of 35470
clinical signs. 35471

(C) The licensing examination accepted by the board may be 35472
offered in a manner other than the manner specified in division 35473
(B) of this section, but if offered in another manner, the 35474
examination must test the person sitting for the examination in 35475
the areas specified in division (B) of this section and may test 35476
the person in other areas. 35477

The board may require as a condition of its acceptance of an 35478
examination that the examination cover subject matters in addition 35479
to those specified in division (B) of this section, if the schools 35480

of optometry it approves under section 4725.10 of the Revised Code 35481
include the additional subject matters in their prescribed 35482
curriculum. 35483

(D) The board shall accept direct delivery of the results of 35484
the licensing examination from the testing organization 35485
administering the examination. The results shall be kept as a 35486
permanent part of the board's records maintained pursuant to 35487
section 4725.07 of the Revised Code. 35488

(E) On request of any person seeking to practice optometry in 35489
this state, the board shall provide information on the licensing 35490
examination accepted by the board, including requirements that 35491
must be met to be eligible to sit for the examination and the 35492
dates the examination is offered. 35493

Sec. 4725.12. (A) Each person who desires to commence the 35494
practice of optometry in the state shall file with the executive 35495
director of the state vision board ~~of optometry~~ a written 35496
application for a certificate of licensure and a therapeutic 35497
pharmaceutical agents certificate. The application shall be 35498
accompanied by the fees specified under section 4725.34 of the 35499
Revised Code and shall contain all information the board considers 35500
necessary to determine whether an applicant is qualified to 35501
receive the certificates. The application shall be made upon the 35502
form prescribed by the board and shall be verified by the oath of 35503
the applicant. 35504

(B) To receive a certificate of licensure as an optometrist 35505
and a therapeutic pharmaceutical agents certificate, an applicant 35506
must meet all of the following conditions: 35507

(1) Be at least eighteen years of age; 35508

(2) Be of good moral character; 35509

(3) Complete satisfactorily a course of study of at least six 35510

college years; 35511

(4) Graduate from a school of optometry approved by the board 35512
under section 4725.10 of the Revised Code; 35513

(5) Pass the licensing examination accepted by the board 35514
under section 4725.11 of the Revised Code. 35515

(C)(1) Any person who desires to engage in optical dispensing 35516
shall file a properly completed written application for 35517
examination with the executive director of the board. The 35518
application shall be made on a form provided by the board and 35519
shall be accompanied by an examination fee the board shall 35520
establish by rule. Applicants shall return the application to the 35521
board at least sixty days prior to the date the examination is 35522
scheduled to be administered. No person is eligible to take the 35523
examination unless they are at least eighteen years of age, of 35524
good moral character, free of contagious or infectious disease, 35525
and a graduate of an accredited high school of any state or having 35526
an education equivalent thereto. 35527

(2) Except as provided in division (C)(3) of this section, 35528
each person who desires to dispense optical aids is eligible to 35529
take the qualifying examination for such practice, if, in addition 35530
to satisfying the criteria of division (C)(1) of this section, the 35531
person successfully completed either of the following: 35532

(a) Two years of supervised experience under a licensed 35533
dispensing optician, optometrist, or physician engaged in the 35534
practice of ophthalmology, up to one year of which may be 35535
continuous experience of not less than thirty hours a week in an 35536
optical laboratory; 35537

(b) A two-year college level program in optical dispensing 35538
that has been approved by the board and that includes, but is not 35539
limited to, courses of study in mathematics, science, English, 35540
anatomy and physiology of the eye, applied optics, ophthalmic 35541

optics, measurement and inspection of lenses, lens grinding and 35542
edging, ophthalmic lens design, keratometry, and the fitting and 35543
adjusting of spectacle lenses and frames and contact lenses, 35544
including methods of fitting contact lenses and post-fitting care. 35545

(3) A registered apprentice or a student in an approved 35546
college level program in optical dispensing may take the 35547
qualifying examination after completion of one year of the 35548
apprenticeship or program but is not eligible for licensure until 35549
they have completed the second year of the apprenticeship or 35550
program. 35551

(4) Any person who desires to obtain a license to practice as 35552
an ocularist shall file a properly completed written application 35553
with the board accompanied by the application fee and proof that 35554
the applicant has met the requirements for licensure. The board 35555
shall establish, by rule, the application fee and the minimum 35556
requirements for licensure, including education, examination, and 35557
experience standards recognized by the board as meeting national 35558
standards for ocularists. The board shall issue a license to 35559
practice as an ocularist to an applicant who satisfies the 35560
requirements of division (C)(4) of this section. 35561

(D)(1) The board shall examine each applicant eligible for 35562
examination under division (C) of this section. The board may 35563
provide for the examination of applicants by designing, preparing, 35564
and administering the qualifying examinations or by contracting 35565
with a testing service that is nationally recognized as being 35566
capable of determining competence to dispense optical aids as a 35567
licensed spectacle dispensing optician, a licensed contact lens 35568
dispensing optician, or a licensed spectacle-contact lens 35569
dispensing optician. Any examination used shall be designed to 35570
measure specific performance requirements, be professionally 35571
constructed and validated, and be independently and objectively 35572
administered and scored, in order to determine the applicant's 35573

<u>competence to dispense optical aids.</u>	35574
<u>(2) The board shall ensure that it, or the testing service with which it contracts, does all of the following:</u>	35575
<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>	35576
<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>	35577
<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>	35578
<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>	35579
<u>(b) Offers each qualifying examination at least twice each year in Columbus, except as provided by division (D)(3) of this section;</u>	35580
<u>(b) Offers each qualifying examination at least twice each year in Columbus, except as provided by division (D)(3) of this section;</u>	35581
<u>(b) Offers each qualifying examination at least twice each year in Columbus, except as provided by division (D)(3) of this section;</u>	35582
<u>(c) Provides to each applicant all forms necessary to apply for examination;</u>	35583
<u>(c) Provides to each applicant all forms necessary to apply for examination;</u>	35584
<u>(d) Provides all materials and equipment necessary for the applicant to take the qualifying examination.</u>	35585
<u>(d) Provides all materials and equipment necessary for the applicant to take the qualifying examination.</u>	35586
<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>	35587
<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>	35588
<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>	35589
<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>	35590
<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>	35591
<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>	35592
<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>	35593
<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>	35594
<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>	35595
<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>	35596
<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>	35597
<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>	35598
<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>	35599
<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>	35600
<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>	35601
<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>	35602
<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>	35603

the license or certificate issued by the other state, if the board 35604
determines that the applicant has the required amount of 35605
experience or education and meets the requirements of division 35606
(C)(1) of this section. 35607

(F) The board shall issue to each person who qualifies for 35608
licensure as a licensed dispensing optician, under its seal, a 35609
certificate of licensure entitling them to practice as a licensed 35610
spectacle dispensing optician, licensed contact lens dispensing 35611
optician, or licensed spectacle-contact lens dispensing optician. 35612
The appropriate certificate of licensure shall be issued no later 35613
than sixty days after the board notifies the applicant of its 35614
approval for licensure. The board shall establish, by rule, a 35615
license fee. 35616

(G) Each licensed dispensing optician shall display the 35617
optician's certificate of licensure in a conspicuous place in the 35618
optician's office or place of business. If a licensed dispensing 35619
optician maintains more than one office or place of business, the 35620
optician shall display a duplicate copy of the certificate at each 35621
location. The board shall issue duplicate copies of the 35622
appropriate certificate of licensure for this purpose upon the 35623
filing of an application form therefor and the payment of a 35624
five-dollar fee for each duplicate copy. 35625

(H) Any licensed dispensing optician may supervise a maximum 35626
of three apprentices who may engage in optical dispensing only 35627
under the supervision of the licensed dispensing optician. A 35628
person serving as an apprentice shall register annually with the 35629
board either on a form provided by the board or in the form of a 35630
statement giving the name and address of the supervising licensed 35631
dispensing optician, the location at which the apprentice will be 35632
employed, and any other information required by the board. Each 35633
registrant shall pay a registration fee of ten dollars. A person 35634
who is gaining experience under the supervision of a licensed 35635

optometrist or ophthalmologist that would qualify them to take the 35636
examination to engage in optical dispensing is not required to 35637
register with the board. 35638

Sec. 4725.13. (A) The state vision board of optometry, by an 35639
affirmative vote of a majority of its members, shall issue 35640
certificates of licensure to practice optometry under its seal as 35641
follows: 35642

(1) Every applicant who, prior to May 19, 1992, passed the 35643
licensing examination then in effect, and who otherwise complies 35644
with sections 4725.01 to 4725.34 of the Revised Code shall receive 35645
from the board a certificate of licensure authorizing the holder 35646
to engage in the practice of optometry as provided in division 35647
(A)(1) of section 4725.01 of the Revised Code. 35648

(2) Every applicant who, prior to May 19, 1992, passed the 35649
general and ocular pharmacology examination then in effect, and 35650
who otherwise complies with sections 4725.01 to 4725.34 of the 35651
Revised Code, shall receive from the board a separate topical 35652
ocular pharmaceutical agents certificate authorizing the holder to 35653
administer topical ocular pharmaceutical agents as provided in 35654
division (A)(2) of section 4725.01 of the Revised Code and in 35655
accordance with sections 4725.01 to 4725.34 of the Revised Code. 35656

(3) Every applicant who holds a valid certificate of 35657
licensure issued prior to May 19, 1992, and meets the requirements 35658
of section 4725.14 of the Revised Code shall receive from the 35659
board a separate therapeutic pharmaceutical agents certificate 35660
authorizing the holder to engage in the practice of optometry as 35661
provided in division (A)(3) of section 4725.01 of the Revised 35662
Code. 35663

(4) Every applicant who, on or after May 19, 1992, passes all 35664
parts of the licensing examination accepted by the board under 35665
section 4725.11 of the Revised Code and otherwise complies with 35666

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 35698
4725.12 or 4725.14 of the Revised Code for a certificate of 35699
licensure as an optometrist, the board shall not give further 35700
consideration to the application until the applicant completes 35701
thirty hours of remedial training approved by the board in the 35702
specific subject area or areas covered by the examination or part 35703
of the examination that was failed. 35704

Sec. 4725.16. (A) Each certificate of licensure, topical 35705
ocular pharmaceutical agents certificate, and therapeutic 35706
pharmaceutical agents certificate issued by the state vision board 35707
~~of optometry~~ shall expire annually on the last day of December, 35708
and may be renewed in accordance with this section and the 35709
standard renewal procedure established under Chapter 4745. of the 35710
Revised Code. 35711

(B) All licensed optometrists shall annually complete 35712
continuing education in subjects relating to the practice of 35713
optometry, to the end that the utilization and application of new 35714
techniques, scientific and clinical advances, and the achievements 35715
of research will assure comprehensive care to the public. The 35716
board shall prescribe by rule the continuing optometric education 35717
that licensed optometrists must complete. The length of study 35718
shall be determined by the board but shall be not less than six 35719
nor more than twenty-five clock hours each year, except that the 35720
board shall prescribe an additional five clock hours of 35721
instruction in pharmacology to be completed by optometrists who 35722
hold topical ocular pharmaceutical agents certificates or 35723
therapeutic pharmaceutical agents certificates. 35724

Unless the continuing education required under this division 35725
is waived or deferred under division (D) of this section, the 35726
continuing education must be completed during the twelve-month 35727
period beginning on the first day of October and ending on the 35728

last day of September. If the board receives notice from a 35729
continuing education program indicating that an optometrist 35730
completed the program after the last day of September, and the 35731
optometrist wants to use the continuing education completed after 35732
that day to renew the license that expires on the last day of 35733
December of that year, the optometrist shall pay the penalty 35734
specified under section 4725.34 of the Revised Code for late 35735
completion of continuing education. 35736

At least once annually, the board shall mail to each licensed 35737
optometrist a list of courses approved in accordance with 35738
standards prescribed by board rule. Upon the request of a licensed 35739
optometrist, the executive director of the board shall supply a 35740
list of additional courses that the board has approved subsequent 35741
to the most recent mailing of the list of approved courses. 35742

(C) Annually, by the first day of November, the board shall 35743
mail to each licensed optometrist a notice regarding license 35744
renewal and include with the notice an application for license 35745
renewal. The application shall be in such form and require such 35746
pertinent professional biographical data as the board may require. 35747
An optometrist seeking to continue to practice optometry shall 35748
file the renewal application with the board. Filing the 35749
application shall serve as notice by the optometrist that the 35750
continuing optometric education requirement has been successfully 35751
completed. 35752

If the board finds that an optometrist has not completed the 35753
required continuing optometric education, the board shall 35754
disapprove the optometrist's application. The board's disapproval 35755
of renewal is effective without a hearing, unless a hearing is 35756
requested pursuant to Chapter 119. of the Revised Code. The board 35757
shall refuse to accept an application for renewal from any 35758
applicant whose license is not in good standing or who is under 35759
disciplinary review pursuant to section 4725.19 of the Revised 35760

Code. Notice of an applicant's failure to qualify for renewal 35761
shall be served upon the applicant by mail, which shall be sent on 35762
or before the fifteenth day of November to the address shown in 35763
the board's records. 35764

(D) In cases of certified illness or undue hardship, the 35765
board may waive or defer for up to twelve months the requirement 35766
of continuing optometric education, except that in such cases the 35767
board may not waive or defer the continuing education in 35768
pharmacology required to be completed by optometrists who hold 35769
topical ocular pharmaceutical agents certificates or therapeutic 35770
pharmaceutical agents certificates. The board shall waive the 35771
requirement of continuing optometric education for any optometrist 35772
who is serving in the armed forces of the United States or who has 35773
received an initial certificate of licensure during the nine-month 35774
period which ended on the last day of September. 35775

(E) The board shall approve all applications for renewal that 35776
are not disapproved or refused under division (C) of this section. 35777
An optometrist whose renewal application has been approved may 35778
renew each certificate held by paying to the treasurer of state 35779
the fees for renewal specified under section 4725.34 of the 35780
Revised Code. On payment of all applicable fees, the board shall 35781
issue a renewal of the optometrist's certificate of licensure, 35782
topical ocular pharmaceutical agents certificate, and therapeutic 35783
pharmaceutical agents certificate, as appropriate. 35784

(F) A notice shall be sent to every licensed optometrist who 35785
fails to file the renewal application provided under division (C) 35786
of this section, at the optometrist's last address, at least one 35787
month in advance of the last day of December, which is the date of 35788
expiration. A second notice shall be sent prior to any action 35789
under division (I) of this section to classify the optometrist's 35790
certificates as delinquent, to every optometrist failing to 35791
respond to the preceding notice. 35792

(G) The failure of an optometrist to apply for license 35793
renewal or the failure to pay the applicable annual renewal fees 35794
on or before the date of expiration, shall automatically work a 35795
forfeiture of the optometrist's authority to practice optometry in 35796
this state. 35797

(H) The board shall accept renewal applications and renewal 35798
fees that are submitted from the first day of January to the last 35799
day of April of the year next succeeding the date of expiration. 35800
An individual who submits such a late renewal application or fee 35801
shall pay the late renewal fee specified in section 4725.34 of the 35802
Revised Code. 35803

(I)(1) If the certificates issued by the board to ~~an~~ 35804
~~individual a licensed optometrist~~ have expired and the ~~individual~~ 35805
~~optometrist~~ has not filed a complete application during the late 35806
renewal period, the individual's certificates shall be classified 35807
in the board's records as delinquent. 35808

(2) Any optometrist subject to delinquent classification may 35809
submit a written application to the board for reinstatement. For 35810
reinstatement to occur, the applicant must meet all of the 35811
following conditions: 35812

(a) Submit to the board evidence of compliance with board 35813
rules requiring continuing optometric education in a sufficient 35814
number of hours to make up for any delinquent compliance; 35815

(b) Pay the renewal fees for the year in which application 35816
for reinstatement is made and the reinstatement fee specified 35817
under division (A)(8) of section 4725.34 of the Revised Code; 35818

(c) Pass all or part of the licensing examination accepted by 35819
the board under section 4725.11 of the Revised Code as the board 35820
considers appropriate to determine whether the application for 35821
reinstatement should be approved; 35822

(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.

(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.

(J) Each licensed dispensing optician annually shall complete continuing education requirements as follows:

(1) Licensed spectacle dispensing opticians - four hours of study in spectacle dispensing, approved by the board;

(2) Licensed contact lens dispensing opticians - eight hours of study in contact lens dispensing, approved by the board;

(3) Licensed spectacle-contact lens dispensing opticians - courses of study under divisions (J)(1) and (2) of this section.

(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

division shall be required to take a qualifying examination under 35854
division (D) of section 4725.12 of the Revised Code as a condition 35855
of renewal, provided that an application for renewal and proof of 35856
the requisite continuing education hours are submitted within 35857
ninety days from the date the license expired and the applicant 35858
pays the annual renewal fee and a penalty of seventy-five dollars. 35859
The board may provide, by rule, for an extension of the grace 35860
period for licensed dispensing opticians who are serving in the 35861
armed forces of the United States and for waiver of the continuing 35862
education requirements or the penalty in cases of hardship or 35863
illness. 35864

(L) The board shall approve continuing education programs for 35865
licensed dispensing opticians and shall adopt rules as necessary 35866
for approving the programs. Approved programs shall be scheduled, 35867
sponsored, and conducted in accordance with the board's rules. 35868

Sec. 4725.17. (A) An optometrist who intends not to continue 35869
practicing optometry in this state due to retirement or a decision 35870
to practice in another state or country may apply to the state 35871
vision board of optometry to have the certificates issued to the 35872
optometrist placed on inactive status. Application for inactive 35873
status shall consist of a written notice to the board of the 35874
optometrist's intention to no longer practice in this state. The 35875
board may not accept an application submitted after the 35876
applicant's certificate of licensure and any other certificates 35877
have expired. The board may approve an application for placement 35878
on inactive status only if the applicant's certificates are in 35879
good standing and the applicant is not under disciplinary review 35880
pursuant to section 4725.19 of the Revised Code. 35881

(B) An individual whose certificates have been placed on 35882
inactive status may submit a written application to the board for 35883
reinstatement. For reinstatement to occur, the applicant must meet 35884

all of the following conditions:	35885
(1) Pay the renewal fees for the year in which application	35886
for reinstatement is made and the reinstatement fee specified	35887
under division (A)(9) of section 4725.34 of the Revised Code;	35888
(2) Pass all or part of the licensing examination accepted by	35889
the board under section 4725.11 of the Revised Code as the board	35890
considers appropriate, if the board considers examination	35891
necessary to determine whether the application for reinstatement	35892
should be approved;	35893
(3) If the applicant has been practicing optometry in another	35894
state or country, submit evidence of being in the active practice	35895
of optometry in the other state or country and evidence that the	35896
applicant's license to practice in the other state or country is	35897
in good standing.	35898
(C) The board shall approve an application for reinstatement	35899
if the conditions specified in division (B) of this section are	35900
met. An optometrist who receives reinstatement is subject to the	35901
continuing education requirements specified under section 4725.16	35902
of the Revised Code for the year in which reinstatement occurs.	35903
Sec. 4725.171. (A) An optometrist who discontinued practicing	35904
optometry in this state due to retirement or a decision to	35905
practice in another state or country before the state <u>vision</u> board	35906
of optometry accepted applications for placement of certificates	35907
to practice on inactive status pursuant to section 4725.17 of the	35908
Revised Code may apply to the board to have the optometrist's	35909
certificates reinstated. The board may accept an application for	35910
reinstatement only if, at the time the optometrist's certificates	35911
expired, the certificates were in good standing and the	35912
optometrist was not under disciplinary review by the board.	35913
	35914

(B) For reinstatement to occur, the applicant must meet all 35915
of the following conditions: 35916

(1) Pay the renewal fees for the year in which application 35917
for reinstatement is made and the reinstatement fee specified 35918
under division (A)(10) of section 4725.34 of the Revised Code; 35919

(2) Pass all or part of the licensing examination accepted by 35920
the board under section 4725.11 of the Revised Code as the board 35921
considers appropriate, if the board considers examination 35922
necessary to determine whether the application for reinstatement 35923
should be approved; 35924

(3) If the applicant has been practicing optometry in another 35925
state or country, submit evidence of being in the active practice 35926
of optometry in the other state or country and evidence that the 35927
applicant's license to practice in the other state or country is 35928
in good standing. 35929

(C) The board shall approve an application for reinstatement 35930
if the conditions specified in division (B) of this section are 35931
met. An optometrist who receives reinstatement is subject to the 35932
continuing education requirements specified under section 4725.16 35933
of the Revised Code for the year in which reinstatement occurs. 35934

Sec. 4725.18. (A) The state vision board ~~of optometry~~ may 35935
issue a certificate of licensure as an optometrist and therapeutic 35936
pharmaceutical agents certificate to an individual licensed as an 35937
optometrist by another state if the board determines that the 35938
other state has standards for the practice of optometry that are 35939
at least as stringent as the standards established under sections 35940
4725.01 to 4725.34 of the Revised Code and the other state 35941
similarly grants licenses to practice optometry to individuals who 35942
hold certificates of licensure issued by the board. 35943

(B) To receive a certificate of licensure and therapeutic 35944

pharmaceutical agents certificate under this section, an applicant 35945
must meet all of the following conditions: 35946

(1) Hold a license to practice optometry from the other state 35947
that is in good standing, evidenced by submission of a letter from 35948
the licensing agency of the other state; 35949

(2) Have been actively engaged in the practice of optometry, 35950
including the use of therapeutic pharmaceutical agents, for at 35951
least three years immediately preceding making application under 35952
this section; 35953

(3) Pay the application fees established under section 35954
4725.34 of the Revised Code for a certificate of licensure and 35955
therapeutic pharmaceutical agents certificate; 35956

(4) Submit all transcripts, reports, or other information the 35957
board requires; 35958

(5) Pass all or part of the licensing examination accepted by 35959
the board under section 4725.11 of the Revised Code, if the board 35960
determines that testing is necessary to determine whether the 35961
applicant's qualifications are sufficient for issuance of a 35962
certificate of licensure and therapeutic pharmaceutical agents 35963
certificate under this section. 35964

(C) If the applicant meets the conditions specified in 35965
division (B) of this section and the board has not previously 35966
denied issuance of a license to the applicant, the board may, by 35967
an affirmative vote of a majority of its members, issue to the 35968
applicant a certificate of licensure as an optometrist and 35969
therapeutic pharmaceutical agents certificate. 35970

Sec. 4725.19. (A) In accordance with Chapter 119. of the 35971
Revised Code and by an affirmative vote of a majority of its 35972
members, the state vision board ~~of optometry~~, for any of the 35973
reasons specified in division (B) of this section, shall refuse to 35974

grant a certificate of licensure to an applicant and may, with	35975
respect to a licensed optometrist <u>or dispensing optician</u> , do one	35976
or more of the following:	35977
(1) Suspend the operation of any certificate of licensure,	35978
topical ocular pharmaceutical agents certificate, or therapeutic	35979
pharmaceutical agents certificate, or all certificates granted by	35980
it to the optometrist <u>or dispensing optician</u> ;	35981
(2) Permanently revoke any or all of the certificates;	35982
(3) Limit or otherwise place restrictions on any or all of	35983
the certificates;	35984
(4) Reprimand the optometrist <u>or dispensing optician</u> ;	35985
(5) Impose a monetary penalty. If the reason for which the	35986
board is imposing the penalty involves a criminal offense that	35987
carries a fine under the Revised Code, the penalty shall not	35988
exceed the maximum fine that may be imposed for the criminal	35989
offense. In any other case, the penalty imposed by the board shall	35990
not exceed five hundred dollars.	35991
(B) The sanctions specified in division (A) of this section	35992
may be taken by the board for any of the following reasons:	35993
(1) Committing fraud in passing the licensing examination or	35994
making false or purposely misleading statements in an application	35995
for a certificate of licensure;	35996
(2) Being at any time guilty of immorality, regardless of the	35997
jurisdiction in which the act was committed;	35998
(3) Being guilty of dishonesty or unprofessional conduct in	35999
the practice of optometry <u>or optical dispensing</u> ;	36000
(4) Being at any time guilty of a felony, regardless of the	36001
jurisdiction in which the act was committed;	36002
(5) Being at any time guilty of a misdemeanor committed in	36003
the course of practice, regardless of the jurisdiction in which	36004

the act was committed; 36005

(6) Violating the conditions of any limitation or other 36006
restriction placed by the board on any certificate issued by the 36007
board; 36008

(7) Engaging in the practice of optometry ~~as provided in~~ 36009
~~division (A)(1), (2), or (3) of section 4725.01 of the Revised~~ 36010
~~Code~~ or optical dispensing when the certificate authorizing that 36011
practice is under suspension, in which case the board shall 36012
permanently revoke the certificate; 36013

(8) Being denied a license to practice optometry in another 36014
state or country or being subject to any other sanction by the 36015
optometric licensing authority of another state or country, other 36016
than sanctions imposed for the nonpayment of fees; 36017

(9) Departing from or failing to conform to acceptable and 36018
prevailing standards of care in the practice of optometry or 36019
optical dispensing as followed by similar practitioners under the 36020
same or similar circumstances, regardless of whether actual injury 36021
to a patient is established; 36022

(10) Failing to maintain comprehensive patient records; 36023

(11) Advertising a price of optical accessories, eye 36024
examinations, or other products or services by any means that 36025
would deceive or mislead the public; 36026

(12) Being addicted to the use of alcohol, stimulants, 36027
narcotics, or any other substance which impairs the intellect and 36028
judgment to such an extent as to hinder or diminish the 36029
performance of the duties included in the person's practice of 36030
optometry or optical dispensing; 36031

(13) Engaging in the practice of optometry as provided in 36032
division (A)(2) or (3) of section 4725.01 of the Revised Code 36033
without authority to do so or, if authorized, in a manner 36034

inconsistent with the authority granted; 36035

(14) Failing to make a report to the board as required by 36036
division (A) of section 4725.21 or section 4725.31 of the Revised 36037
Code; 36038

(15) Soliciting patients from door to door or establishing 36039
temporary offices, in which case the board shall suspend all 36040
certificates held by the optometrist or licensed dispensing 36041
optician; 36042

(16) Except as provided in division (D) of this section: 36043

(a) Waiving the payment of all or any part of a deductible or 36044
copayment that a patient, pursuant to a health insurance or health 36045
care policy, contract, or plan that covers optometric services or 36046
the services of a licensed dispensing optician, would otherwise be 36047
required to pay if the waiver is used as an enticement to a 36048
patient or group of patients to receive health care services from 36049
that optometrist or dispensing optician. 36050

(b) Advertising that the optometrist or dispensing optician 36051
will waive the payment of all or any part of a deductible or 36052
copayment that a patient, pursuant to a health insurance or health 36053
care policy, contract, or plan that covers ~~optometric~~ their 36054
services, would otherwise be required to pay. 36055

(17) Optical dispensing without the prescription of a 36056
licensed physician or licensed optometrist, but this shall not 36057
prohibit a dispensing optician from the duplication or replacement 36058
of previously prepared optical aids, except that contact lenses 36059
shall not be duplicated or replaced without a written 36060
prescription; 36061

(18) Paying or offering to pay a rebate or commission of any 36062
nature, directly or indirectly, as a licensed dispensing optician, 36063
or offering any other thing of value to a physician or licensed 36064
optometrist, for a referral of patients. 36065

(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. 36096

(B) Any person may report to the board in a signed writing 36097
any information that the person may have that appears to show a 36098
violation of any provision of sections 4725.01 to 4725.34 of the 36099
Revised Code or the rules adopted under those sections. 36100

(C) Each complaint or allegation of a violation received by 36101
the board shall be assigned a case number and shall be recorded by 36102
the board. 36103

(D) In the absence of fraud or bad faith, no person who 36104
reports to the board under this section or testifies in any 36105
adjudication conducted under Chapter 119. of the Revised Code 36106
shall be liable to any person for damages in a civil action as a 36107
result of the report or testimony. 36108

Sec. 4725.22. (A) Each insurer providing professional 36109
liability insurance to an optometrist licensed under this chapter, 36110
or any other entity that seeks to indemnify the professional 36111
liability of an optometrist licensed under this chapter, shall 36112
notify the state vision board ~~of optometry~~ within thirty days 36113
after the final disposition of a claim for damages. The notice 36114
shall contain the following information: 36115

(1) The name and address of the person submitting the 36116
notification; 36117

(2) The name and address of the insured who is the subject of 36118
the claim; 36119

(3) The name of the person filing the written claim; 36120

(4) The date of final disposition; 36121

(5) If applicable, the identity of the court in which the 36122
final disposition of the claim took place. 36123

(B) Each optometrist licensed under this chapter shall notify 36124

the board within thirty days of receipt of the final disposition 36125
of a claim for damages or any action involving malpractice. The 36126
optometrist shall notify the board by registered mail and shall 36127
provide all reports and other information required by the board. 36128

(C) Information received under this section is not a public 36129
record for purposes of section 149.43 of the Revised Code and 36130
shall not be released except as otherwise required by law or a 36131
court of competent jurisdiction. 36132

Sec. 4725.23. (A) The state vision board of ~~optometry~~ shall 36133
investigate evidence that appears to show that a person has 36134
violated any provision of sections 4725.01 to 4725.34 of the 36135
Revised Code or any rule adopted under those sections. 36136
Investigations of alleged violations shall be supervised by the 36137
member of the board appointed by the board to act as the 36138
supervising member of investigations. The supervising member shall 36139
not participate in the final vote that occurs in an adjudication 36140
of the case. 36141

(B) In investigating a possible violation, the board may 36142
administer oaths, order the taking of depositions, issue 36143
subpoenas, and compel the attendance of witnesses and production 36144
of books, accounts, papers, records, documents, and testimony. A 36145
subpoena for patient record information shall not be issued 36146
without consultation with the attorney general's office and 36147
approval of the secretary of the board and the board's supervising 36148
member of investigations. Before issuance of a subpoena for 36149
patient record information, the secretary and supervising member 36150
shall determine whether there is probable cause to believe that 36151
the complaint filed alleges a violation of sections 4725.01 to 36152
4725.34 of the Revised Code or any rule adopted under those 36153
sections and that the records sought are relevant to the alleged 36154
violation and material to the investigation. The subpoena may 36155

apply only to records that cover a reasonable period of time 36156
surrounding the alleged violation. 36157

On failure to comply with any subpoena issued by the board 36158
and after reasonable notice to the person being subpoenaed, the 36159
board may move for an order compelling the production of persons 36160
or records pursuant to the Rules of Civil Procedure. 36161

A subpoena issued by the board may be served by a sheriff, 36162
the sheriff's deputy, or a board employee designated by the board. 36163
Service of a subpoena issued by the board may be made by 36164
delivering a copy of the subpoena to the person named therein, 36165
reading it to the person, or leaving it at the person's usual 36166
place of residence. When the person being served is an optometrist 36167
or dispensing optician licensed under ~~by~~ this chapter, service of 36168
the subpoena may be made by certified mail, restricted delivery, 36169
return receipt requested, and the subpoena shall be deemed served 36170
on the date delivery is made or the date the optometrist or 36171
dispensing optician refuses to accept delivery. 36172

Each witness who appears before the board in obedience to a 36173
subpoena shall receive the fees and mileage provided for witnesses 36174
in civil cases in the courts of common pleas. 36175

(C) Information received by the board pursuant to an 36176
investigation is confidential and not subject to discovery in any 36177
civil action. 36178

The board shall conduct all investigations and proceedings in 36179
a manner that protects the confidentiality of patients and persons 36180
who file complaints with the board. The board shall not make 36181
public the names or any other identifying information about 36182
patients or complainants unless proper consent is given. 36183

Sec. 4725.24. If the secretary of the state vision board ~~of~~ 36184
~~optometry~~ and the board's supervising member of investigations 36185

determine that there is clear and convincing evidence that an 36186
optometrist or licensed dispensing optician has violated division 36187
(B) of section 4725.19 of the Revised Code and that the 36188
optometrist's or dispensing optician's continued practice presents 36189
a danger of immediate and serious harm to the public, they may 36190
recommend that the board suspend without a prior hearing the 36191
optometrist's or dispensing optician's certificate of licensure 36192
and any other certificates held by the optometrist or dispensing 36193
optician. Written allegations shall be prepared for consideration 36194
by the full board. 36195

The board, upon review of those allegations and by an 36196
affirmative vote of three members other than the secretary and 36197
supervising member may order the suspension without a prior 36198
hearing. A telephone conference call may be utilized for reviewing 36199
the allegations and taking the vote on the summary suspension. 36200

The board shall issue a written order of suspension by 36201
certified mail or in person in accordance with section 119.07 of 36202
the Revised Code. The order shall not be subject to suspension by 36203
the court during pendency of any appeal filed under section 119.12 36204
of the Revised Code. If the individual subject to the summary 36205
suspension requests an adjudicatory hearing by the board, the date 36206
set for the hearing shall be within fifteen days, but not earlier 36207
than seven days, after the individual requests the hearing, unless 36208
otherwise agreed to by both the board and the individual. 36209

Any summary suspension imposed under this division shall 36210
remain in effect, unless reversed on appeal, until a final 36211
adjudicative order issued by the board pursuant to section 4725.19 36212
of the Revised Code and Chapter 119. of the Revised Code becomes 36213
effective. The board shall issue its final adjudicative order 36214
within sixty days after completion of its hearing. A failure to 36215
issue the order within sixty days shall result in dissolution of 36216
the summary suspension order but shall not invalidate any 36217

subsequent, final adjudicative order. 36218

Sec. 4725.26. (A) Division (A) of section 4725.02 of the 36219
Revised Code does not apply to the following: 36220

~~(A)~~(1) Physicians authorized to practice medicine and surgery 36221
or osteopathic medicine and surgery under Chapter 4731. of the 36222
Revised Code; 36223

~~(B)~~(2) Persons who sell optical accessories but do not assume 36224
to adapt them to the eye, and neither practice nor profess to 36225
practice optometry; 36226

~~(C)~~(3) An instructor in a school of optometry that is located 36227
in this state and approved by the state vision board ~~of optometry~~ 36228
under section 4725.10 of the Revised Code who holds a valid 36229
current license to practice optometry from a licensing body in 36230
another jurisdiction and limits the practice of optometry to the 36231
instruction of students enrolled in the school. 36232

~~(D)~~(4) A student at a school of optometry located in this 36233
state and approved by the board under section 4725.10 of the 36234
Revised Code while enrolled in an optometry training program and 36235
acting under the direct, personal supervision and control of an 36236
optometrist licensed by the board or authorized to practice 36237
pursuant to division ~~(C)~~(A)(3) of this section. 36238

~~(E)~~(5) An individual who is licensed or otherwise 36239
specifically authorized by the Revised Code to engage in an 36240
activity that is included in the practice of optometry. 36241

~~(F)~~(6) An individual who is not licensed or otherwise 36242
specifically authorized by the Revised Code to engage in an 36243
activity that is included in the practice of optometry, but is 36244
acting pursuant to the rules for delegation of optometric tasks 36245
adopted under section 4725.09 of the Revised Code. 36246

(B) Division (E)(1) of section 4725.02 of the Revised Code 36247

<u>does not apply to:</u>	36248
<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>	36249
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<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>	36253
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<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>	36256
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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.	36260
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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.	36275
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(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 36308
to advertise as permitted by division (D) of this section is 36309
superseded by division (D) of this section and is invalid. A 36310
municipal corporation code, ordinance, or regulation or a township 36311
resolution conflicts with division (D) of this section if it 36312
restricts a supplier's right to advertise as permitted by division 36313
(D) of this section. 36314

Sec. 4725.29. (A) As used in this section: 36315

(1) "Regional advertisement" means an advertisement published 36316
in more than one metropolitan statistical area in this state or 36317
broadcast by radio or television stations in more than one 36318
metropolitan statistical area in this state. 36319

(2) "National advertisement" means an advertisement published 36320
in one or more periodicals or broadcast by one or more radio or 36321
television stations in this state and also published in one or 36322
more periodicals or broadcast by one or more radio or television 36323
stations in another state. 36324

(B) The state vision board ~~of optometry~~ shall not require any 36325
person who sells optical accessories at more than one location to 36326
list in any regional or national advertisement the name of the 36327
licensed optometrist practicing at a particular location, provided 36328
that in addition to the requirement in division (B) of section 36329
4725.13 of the Revised Code, the name of the optometrist is 36330
prominently displayed at the location. 36331

Sec. 4725.31. An optometrist licensed by the state vision 36332
board ~~of optometry~~ shall promptly report to the board any instance 36333
of a clinically significant drug-induced side effect in a patient 36334
due to the optometrist's administering, employing, applying, or 36335
prescribing a topical ocular or therapeutic pharmaceutical agent 36336
to or for the patient. The board, by rule adopted in accordance 36337

with Chapter 119. of the Revised Code, shall establish reporting 36338
procedures and specify the types of side effects to be reported. 36339
The information provided to the board shall not include the name 36340
of or any identifying information about the patient. 36341

Sec. 4725.33. (A) An individual whom the state vision board 36342
~~of optometry~~ licenses to engage in the practice of optometry may 36343
render the professional services of an optometrist within this 36344
state through a corporation formed under division (B) of section 36345
1701.03 of the Revised Code, a limited liability company formed 36346
under Chapter 1705. of the Revised Code, a partnership, or a 36347
professional association formed under Chapter 1785. of the Revised 36348
Code. This division does not preclude an optometrist from 36349
rendering professional services as an optometrist through another 36350
form of business entity, including, but not limited to, a 36351
nonprofit corporation or foundation, or in another manner that is 36352
authorized by or in accordance with this chapter, another chapter 36353
of the Revised Code, or rules of the state vision board ~~of~~ 36354
~~optometry~~ adopted pursuant to this chapter. 36355

(B) A corporation, limited liability company, partnership, or 36356
professional association described in division (A) of this section 36357
may be formed for the purpose of providing a combination of the 36358
professional services of the following individuals who are 36359
licensed, certificated, or otherwise legally authorized to 36360
practice their respective professions: 36361

(1) Optometrists who are authorized to practice optometry 36362
under Chapter 4725. of the Revised Code; 36363

(2) Chiropractors who are authorized to practice chiropractic 36364
under Chapter 4734. of the Revised Code; 36365

(3) Psychologists who are authorized to practice psychology 36366
under Chapter 4732. of the Revised Code; 36367

(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;	36368 36369 36370
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	36371 36372
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	36373 36374 36375
(7) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	36376 36377
(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.	36378 36379 36380 36381
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.	36382 36383 36384 36385 36386 36387 36388 36389 36390 36391
Sec. 4725.34. (A) The state <u>vision</u> board of optometry shall charge the following nonrefundable fees:	36392 36393
(1) One hundred ten dollars for application for a certificate of licensure;	36394 36395
(2) Twenty-five dollars for application for a therapeutic pharmaceutical agents certificate, except when the certificate is	36396 36397

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;

(3) One hundred ten dollars for renewal of a certificate of licensure;

(4) Twenty-five dollars for renewal of a topical ocular pharmaceutical agents certificate;

(5) Twenty-five dollars for renewal of a therapeutic pharmaceutical agents certificate;

(6) Seventy-five dollars for late completion of continuing optometric education;

(7) Seventy-five dollars for late renewal of one or more certificates that have expired;

(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;

(9) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code;

(10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;

(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.

(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in

division (A) of this section if the fees do not exceed the amounts 36428
specified by more than fifty per cent. 36429

(C) All receipts of the board, from any source, shall be 36430
deposited in the state treasury to the credit of the occupational 36431
licensing and regulatory fund. 36432

Sec. 4725.99. (A) Whoever violates section 4725.02 of the 36433
Revised Code shall be fined not more than five hundred dollars for 36434
a first offense; for each subsequent offense such person shall be 36435
fined not less than five hundred nor more than one thousand 36436
dollars, or imprisoned not less than six months nor more than one 36437
year. 36438

~~(B) Whoever violates section 4725.41 of the Revised Code is 36439
guilty of a misdemeanor of the second degree for a first offense, 36440
and a misdemeanor of the first degree for each subsequent offense. 36441~~

~~(C) Whoever violates section 4725.55 or 4725.56 of the 36442
Revised Code is guilty of a misdemeanor of the second degree. 36443~~

~~(D)~~ Whoever violates division (A) of section 4725.21 of the 36444
Revised Code is guilty of a minor misdemeanor for a first offense; 36445
for each subsequent offense, such person is guilty of a 36446
misdemeanor of the second degree. Any violation constitutes a 36447
separate offense on each successive day continued. 36448

~~(E)~~(C) Whoever violates section 4725.32 of the Revised Code 36449
is guilty of a misdemeanor of the third degree. 36450

~~(F)~~(D) Whoever violates section 4725.22 of the Revised Code 36451
is guilty of a minor misdemeanor for a first offense; for each 36452
subsequent offense, such person shall be fined up to one thousand 36453
dollars. 36454

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 36455
Revised Code: 36456

(A)(1) "Clinical laboratory services" means either of the following: 36457
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(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; 36459
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(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body. 36463
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(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens. 36466
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(B) "Designated health services" means any of the following: 36468

(1) Clinical laboratory services; 36469

(2) Home health care services; 36470

(3) Outpatient prescription drugs. 36471

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and: 36472
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(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use; 36474
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(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. 36477
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(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, 36481
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as amended, health care coverage for public employees, health care 36486
benefits administered by the bureau of workers' compensation, the 36487
medical assistance program established under Chapter 5111. of the 36488
Revised Code, and the disability ~~assistance~~ medical assistance 36489
program established under Chapter 5115. of the Revised Code. 36490

(E)(1) "Group practice" means a group of two or more holders 36491
of certificates under this chapter legally organized as a 36492
partnership, professional corporation or association, limited 36493
liability company, foundation, nonprofit corporation, faculty 36494
practice plan, or similar group practice entity, including an 36495
organization comprised of a nonprofit medical clinic that 36496
contracts with a professional corporation or association of 36497
physicians to provide medical services exclusively to patients of 36498
the clinic in order to comply with section 1701.03 of the Revised 36499
Code and including a corporation, limited liability company, 36500
partnership, or professional association described in division (B) 36501
of section 4731.226 of the Revised Code formed for the purpose of 36502
providing a combination of the professional services of 36503
optometrists who are licensed, certificated, or otherwise legally 36504
authorized to practice optometry under Chapter 4725. of the 36505
Revised Code, chiropractors who are licensed, certificated, or 36506
otherwise legally authorized to practice chiropractic under 36507
Chapter 4734. of the Revised Code, psychologists who are licensed, 36508
certificated, or otherwise legally authorized to practice 36509
psychology under Chapter 4732. of the Revised Code, registered or 36510
licensed practical nurses who are licensed, certificated, or 36511
otherwise legally authorized to practice nursing under Chapter 36512
4723. of the Revised Code, pharmacists who are licensed, 36513
certificated, or otherwise legally authorized to practice pharmacy 36514
under Chapter 4729. of the Revised Code, physical therapists who 36515
are licensed, certificated, or otherwise legally authorized to 36516
practice physical therapy under sections 4755.40 to 4755.53 of the 36517
Revised Code, mechanotherapists who are licensed, certificated, or 36518

otherwise legally authorized to practice mechanotherapy under 36519
section 4731.151 of the Revised Code, and doctors of medicine and 36520
surgery, osteopathic medicine and surgery, or podiatric medicine 36521
and surgery who are licensed, certificated, or otherwise legally 36522
authorized for their respective practices under this chapter, to 36523
which all of the following apply: 36524

(a) Each physician who is a member of the group practice 36525
provides substantially the full range of services that the 36526
physician routinely provides, including medical care, 36527
consultation, diagnosis, or treatment, through the joint use of 36528
shared office space, facilities, equipment, and personnel. 36529

(b) Substantially all of the services of the members of the 36530
group are provided through the group and are billed in the name of 36531
the group and amounts so received are treated as receipts of the 36532
group. 36533

(c) The overhead expenses of and the income from the practice 36534
are distributed in accordance with methods previously determined 36535
by members of the group. 36536

(d) The group practice meets any other requirements that the 36537
state medical board applies in rules adopted under section 4731.70 36538
of the Revised Code. 36539

(2) In the case of a faculty practice plan associated with a 36540
hospital with a medical residency training program in which 36541
physician members may provide a variety of specialty services and 36542
provide professional services both within and outside the group, 36543
as well as perform other tasks such as research, the criteria in 36544
division (E)(1) of this section apply only with respect to 36545
services rendered within the faculty practice plan. 36546

(F) "Home health care services" and "immediate family" have 36547
the same meanings as in the rules adopted under section 4731.70 of 36548
the Revised Code. 36549

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 36550
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(H) A "referral" includes both of the following: 36552

(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; 36553
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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. 36557
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(I) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 36560
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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. 36562
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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. 36576
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Sec. 4734.15. (A) The license provided for in this chapter 36579
shall entitle the holder thereof to practice chiropractic in this 36580
state. All of the following apply to the practice of chiropractic 36581
in this state: 36582

(1) A chiropractor is authorized to examine, diagnose, and 36583
assume responsibility for the care of patients, any or all of 36584
which is included in the practice of chiropractic. 36585

(2) The practice of chiropractic does not permit the 36586
chiropractor to treat infectious, contagious, or venereal disease, 36587
to perform surgery or acupuncture, or to prescribe or administer 36588
drugs for treatment. 36589

(3) A chiropractor may use roentgen rays only for diagnostic 36590
purposes. 36591

(4) The practice of chiropractic does not include the 36592
performance of abortions. 36593

(B) An individual holding a valid, current license to 36594
practice chiropractic is entitled to use the title "doctor," 36595
"doctor of chiropractic," "chiropractic physician," or 36596
"chiropractic" and is a "physician" for the purposes of Chapter 36597
4123. of the Revised Code ~~and the medicaid program operated~~ 36598
~~pursuant to Chapter 5111. of the Revised Code.~~ 36599

Sec. 4734.99. (A) Whoever violates section 4734.14 of the 36600
Revised Code is guilty of a felony of the fifth degree on a first 36601
offense, unless the offender previously has been convicted of or 36602
has pleaded guilty to a violation of section 2911.01, 2911.02, 36603
2911.11, 2911.12, 2911.13, 2913.02, 2913.40, 2913.47, 2913.48, 36604
2913.51, 2921.13, 4715.09, 4723.03, 4725.02, ~~4725.41~~, 4729.27, 36605
4729.28, 4729.36, 4729.51, 4729.61, 4730.02, 4731.41, 4731.43, 36606
4731.46, 4731.47, 4731.60, 4732.21, 4741.18, 4741.19, 4755.48, 36607
4757.02, 4759.02, 4761.10, or 4773.02 of the Revised Code or an 36608

offense under an existing or former law of this state, another 36609
state, or the United States that is or was substantially 36610
equivalent to a violation of any of those sections, in which case 36611
the offender is guilty of a felony of the fourth degree. For each 36612
subsequent offense, the offender is guilty of a felony of the 36613
fourth degree. 36614

(B) Whoever violates section 4734.161 of the Revised Code is 36615
guilty of a misdemeanor of the first degree. 36616

(C) Whoever violates division (A), (B), (C), or (D) of 36617
section 4734.32 of the Revised Code is guilty of a minor 36618
misdemeanor on a first offense; on each subsequent offense, the 36619
person is guilty of a misdemeanor of the fourth degree, except 36620
that an individual guilty of a subsequent offense shall not be 36621
subject to imprisonment, but to a fine alone of up to one thousand 36622
dollars for each offense. 36623

Sec. 4736.12. (A) The state board of sanitarian registration 36624
shall charge the following fees: 36625

(1) To apply as a sanitarian-in-training, ~~fifty-seven~~ 36626
seventy-five dollars; 36627

(2) For sanitarians-in-training to apply for registration as 36628
sanitarians, ~~fifty-seven~~ seventy-five dollars. The applicant shall 36629
pay this fee only once regardless of the number of times the 36630
applicant takes an examination required under section 4736.08 of 36631
the Revised Code. 36632

(3) For persons other than sanitarians-in-training to apply 36633
for registration as sanitarians, including persons meeting the 36634
requirements of section 4736.16 of the Revised Code, one hundred 36635
~~fourteen~~ fifty dollars. The applicant shall pay this fee only once 36636
regardless of the number of times the applicant takes an 36637
examination required under section 4736.08 of the Revised Code. 36638

(4) The renewal fee for registered sanitarians shall be ~~fixed~~ 36639
~~by the board and shall not exceed sixty-one~~ sixty-nine dollars. 36640

(5) The renewal fee for sanitarians-in-training shall be 36641
~~fixed by the board and shall not exceed sixty-one~~ sixty-nine 36642
dollars. 36643

(6) For late application for renewal, twenty-five dollars. 36644

The board of sanitarian registration, with the approval of 36645
the controlling board, may establish fees in excess of the amounts 36646
provided in this section, provided that such fees do not exceed 36647
the amounts permitted by this section by more than fifty per cent. 36648

(B) The board of sanitarian registration shall charge 36649
separate fees for examinations as required by section 4736.08 of 36650
the Revised Code, provided that the fees are not in excess of the 36651
actual cost to the board of conducting the examinations. 36652

(C) The board of sanitarian registration may adopt rules 36653
establishing fees for all of the following: 36654

(1) Application for the registration of a training agency 36655
approved under rules adopted by the board pursuant to section 36656
4736.11 of the Revised Code and for the annual registration 36657
renewal of an approved training agency. 36658

(2) Application for the review of continuing education hours 36659
submitted for the board's approval by approved training agencies 36660
or by registered sanitarians or sanitarians-in-training. 36661

Sec. 4743.05. Except as otherwise provided in sections 36662
4701.20, ~~4723.062, 4723.082,~~ and 4729.65 of the Revised Code, all 36663
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 36664
4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 36665
4741., 4753., 4755., 4757., 4758., 4759., ~~and 4761., 4771., and~~ 36666
~~4779.~~ of the Revised Code, ~~and until December 31, 2004, money~~ 36667
~~collected under Chapter 4779. of the Revised Code,~~ shall be paid 36668

into the state treasury to the credit of the occupational 36669
licensing and regulatory fund, which is hereby created for use in 36670
administering such chapters. 36671

At the end of each quarter, the director of budget and 36672
management shall transfer from the occupational licensing and 36673
regulatory fund to the nurse education assistance fund created in 36674
section 3333.28 of the Revised Code the amount certified to the 36675
director under division (B) of section 4723.08 of the Revised 36676
Code. 36677

At the end of each quarter, the director shall transfer from 36678
the occupational licensing and regulatory fund to the certified 36679
public accountant education assistance fund created in section 36680
4701.26 of the Revised Code the amount certified to the director 36681
under division (H)(2) of section 4701.10 of the Revised Code. 36682

Sec. 4747.05. (A) The hearing aid dealers and fitters 36683
licensing board shall issue to each applicant, within sixty days 36684
of receipt of a properly completed application and payment of two 36685
hundred ~~fifty~~ sixty-two dollars, a hearing aid dealer's or 36686
fitter's license if the applicant, if an individual: 36687

(1) Is at least eighteen years of age; 36688

(2) Is a person of good moral character; 36689

(3) Is free of contagious or infectious disease; 36690

(4) Has successfully passed a qualifying examination 36691
specified and administered by the board. 36692

(B) If the applicant is a firm, partnership, association, or 36693
corporation, the application, in addition to such information as 36694
the board requires, shall be accompanied by an application for a 36695
license for each person, whether owner or employee, of the firm, 36696
partnership, association, or corporation, who engages in dealing 36697
in or fitting of hearing aids, or shall contain a statement that 36698

such applications are submitted separately. No firm, partnership, 36699
association, or corporation licensed pursuant to this chapter 36700
shall permit any unlicensed person to sell or fit hearing aids. 36701

(C) Each license issued expires on the thirtieth day of 36702
January of the year following that in which it was issued. 36703

Sec. 4747.06. (A) Each person engaged in the practice of 36704
dealing in or fitting of hearing aids who holds a valid hearing 36705
aid dealer's or fitter's license shall apply annually to the 36706
hearing aid dealers and fitters licensing board for renewal of 36707
such license under the standard renewal procedure specified in 36708
Chapter 4745. of the Revised Code. The board shall issue to each 36709
applicant, on proof of completion of the continuing education 36710
required by division (B) of this section and payment of one 36711
hundred ~~fifty~~ fifty-seven dollars on or before the first day of 36712
February, one hundred ~~seventy-five~~ eighty-three dollars on or 36713
before the first day of March, or two hundred ten dollars 36714
thereafter, a renewed hearing aid dealer's or fitter's license. No 36715
person who applies for renewal of a hearing aid dealer's or 36716
fitter's license that has expired shall be required to take any 36717
examination as a condition of renewal provided application for 36718
renewal is made within two years of the date such license expired. 36719

(B) Each person engaged in the practice of dealing in or 36720
fitting of hearing aids who holds a valid hearing aid dealer's or 36721
fitter's license shall complete each year not less than ten hours 36722
of continuing professional education approved by the board. On a 36723
form provided by the board, the person shall certify to the board, 36724
at the time of license renewal pursuant to division (A) of this 36725
section, that in the preceding year the person has completed 36726
continuing education in compliance with this division and shall 36727
submit any additional information required by rule of the board 36728
regarding the continuing education. The board shall adopt rules in 36729

accordance with Chapter 119. of the Revised Code establishing the 36730
standards continuing education programs must meet to obtain board 36731
approval and continuing education reporting requirements. 36732

Continuing education may be applied to meet the requirement 36733
of this division if it is provided or certified by any of the 36734
following: 36735

(1) The national institute of hearing instruments studies 36736
committee of the international hearing society; 36737

(2) The American speech-language hearing association; 36738

(3) The American academy of audiology. 36739

The board may excuse persons licensed under this chapter, as 36740
a group or as individuals, from all or any part of the 36741
requirements of this division because of an unusual circumstance, 36742
emergency, or special hardship. 36743

Sec. 4747.07. Each person who holds a hearing aid dealer's or 36744
fitter's license and engages in the practice of dealing in and 36745
fitting of hearing aids shall display such license in a 36746
conspicuous place in the person's office or place of business at 36747
all times. Each person who maintains more than one office or place 36748
of business shall post a duplicate copy of the license at each 36749
location. The hearing aid dealers and fitters licensing board 36750
shall issue duplicate copies of a license upon receipt of a 36751
properly completed application and payment of ~~fifteen~~ sixteen 36752
dollars for each copy requested. 36753

Sec. 4747.10. Each person currently engaged in training to 36754
become a licensed hearing aid dealer or fitter shall apply to the 36755
hearing aid dealers and fitters licensing board for a hearing aid 36756
dealer's and fitter's trainee permit. The board shall issue to 36757
each applicant within thirty days of receipt of a properly 36758
completed application and payment of one hundred fifty dollars, a 36759

trainee permit if such applicant is: 36760

(A) At least eighteen years of age; 36761

(B) The holder of a diploma from an accredited high school,
or possesses an equivalent education; 36762
36763

(C) A person of good moral character; 36764

(D) Free of contagious or infectious disease. 36765

Each trainee permit issued by the board expires one year from 36766
the date it was first issued, and may be renewed once if the 36767
trainee has not successfully completed the qualifying requirements 36768
for licensing as a hearing aid dealer or fitter before the 36769
expiration date of such permit. The board shall issue a renewed 36770
permit to each applicant upon receipt of a properly completed 36771
application and payment of one hundred five dollars. No person 36772
holding a trainee permit shall engage in the practice of dealing 36773
in or fitting of hearing aids except while under supervision by a 36774
licensed hearing aid dealer or fitter. 36775

Sec. 4751.06. (A) An applicant for licensure as a nursing 36776
home administrator who has successfully completed the requirements 36777
of section 4751.05 of the Revised Code, passed the examination 36778
administered by the board of examiners of nursing home 36779
administrators or a government or private entity under contract 36780
with the board, and paid to the board an original license fee of 36781
two hundred ~~ten~~ fifty dollars shall be issued a license on a form 36782
provided by the board. Such license shall certify that the 36783
applicant has met the licensure requirements of Chapter 4751. of 36784
the Revised Code and is entitled to practice as a licensed nursing 36785
home administrator. 36786

(B) A temporary license for a period not to exceed one 36787
hundred eighty days may be issued to an individual temporarily 36788
filling the position of a nursing home administrator vacated by 36789

reason of death, illness, or other unexpected cause, pursuant to 36790
regulations adopted by the board. 36791

(C) The fee for a temporary license is one hundred dollars. 36792
Said fee must accompany the application for the temporary license. 36793

(D) Any license or temporary license issued by the board 36794
pursuant to this section shall be under the hand of the 36795
chairperson and the secretary of the board. 36796

(E) A duplicate of the original certificate of registration 36797
or license may be secured to replace one that has been lost or 36798
destroyed by submitting to the board a notarized statement 36799
explaining the conditions of the loss, mutilation, or destruction 36800
of the certificate or license and by paying a fee of twenty-five 36801
dollars. 36802

(F) A duplicate certificate of registration and license may 36803
be issued in the event of a legal change of name by submitting to 36804
the board a certified copy of the court order or marriage license 36805
establishing the change of name, by returning at the same time the 36806
original license and certificate of registration, and by paying a 36807
fee of twenty-five dollars. 36808

Sec. 4751.07. (A) Every individual who holds a valid license 36809
as a nursing home administrator issued under division (A) of 36810
section 4751.06 of the Revised Code, shall immediately upon 36811
issuance thereof be registered with the board of examiners of 36812
nursing home administrators and be issued a certificate of 36813
registration. Such individual shall annually apply to the board 36814
for a new certificate of registration on forms provided for such 36815
purpose prior to the expiration of the certificate of registration 36816
and shall at the same time submit satisfactory evidence to the 36817
board of having attended such continuing education programs or 36818
courses of study as may be prescribed in rules adopted by the 36819
board. 36820

(B) Upon making an application for a new certificate of registration such individual shall pay the annual registration fee of two hundred ~~ten~~ seventy-five dollars.

(C) Upon receipt of such application for registration and the registration fee required by divisions (A) and (B) of this section, the board shall issue a certificate of registration to such nursing home administrator.

(D) The license of a nursing home administrator who fails to comply with this section shall automatically lapse.

(E) A nursing home administrator who has been licensed and registered in this state who determines to temporarily abandon the practice of nursing home administration shall notify the board in writing immediately; provided, that such individual may thereafter register to resume the practice of nursing home administration within the state upon complying with the requirements of this section regarding annual registration.

(F) Only an individual who has qualified as a licensed and registered nursing home administrator under Chapter 4751. of the Revised Code and the rules adopted thereunder, and who holds a valid current registration certificate pursuant to this section, may use the title "nursing home administrator," or the abbreviation "N.H.A." after the individual's name. No other person shall use such title or such abbreviation or any other words, letters, sign, card, or device tending to indicate or to imply that the person is a licensed and registered nursing home administrator.

(G) Every person holding a valid license entitling the person to practice nursing home administration in this state shall display said license in the nursing home which is the person's principal place of employment, and while engaged in the practice of nursing home administration shall have at hand the current

registration certificate. 36852

(H) Every person holding a valid temporary license shall have 36853
such license at hand while engaged in the practice of nursing home 36854
administration. 36855

Sec. 4759.08. (A) The Ohio board of dietetics shall charge 36856
and collect fees as described in this section for issuing the 36857
following: 36858

(1) An application for an initial dietitian license, or an 36859
application for ~~reinstatement~~ reactivation of an inactive license, 36860
one hundred ~~ten~~ twenty-five dollars, and for reinstatement of a 36861
lapsed, revoked, or suspended license, one hundred ~~sixty-five~~ 36862
eighty dollars; 36863

(2) License renewal, ~~eighty~~ ninety-five dollars; 36864

(3) A limited permit, and renewal of the permit, ~~fifty-five~~ 36865
sixty-five dollars; 36866

(4) A duplicate license or permit, twenty dollars; 36867

(5) For processing a late application for renewal of any 36868
license or permit, an additional fee equal to fifty per cent of 36869
the fee for the renewal. 36870

(B) The board shall not require a licensed dietitian holding 36871
an inactive license to pay the renewal fee. 36872

(C) Subject to the approval of the controlling board, the 36873
Ohio board of dietetics may establish fees in excess of the 36874
amounts provided in division (A) of this section, provided that 36875
the fees do not exceed the amounts by greater than fifty per cent. 36876

(D) The board may adopt rules pursuant to Chapter 119. of the 36877
Revised Code to waive all or part of the fee for an initial 36878
license if the license is issued within one hundred days of the 36879
date of expiration of the license. 36880

(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.

Sec. 4771.22. The Ohio athletic commission shall deposit all money it receives under this chapter to the credit of the ~~athletes agents registration~~ occupational licensing and regulatory fund, ~~which is hereby created in the state treasury. The commission shall use the fund to administer and enforce this chapter under section 4743.05 of the Revised Code.~~

Sec. 4779.08. (A) The state medical 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 chapter, including rules prescribing all of the following:

(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal;

(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;

(3) The form, scoring, and scheduling of licensing examinations;

(4) Fees for examinations and applications for licensure and license renewal;

(5) Fees for approval of continuing education courses;

(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;

(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;

(8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;	36910 36911
(9) Fines for violations of this chapter;	36912
(10) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	36913 36914 36915
(11) Standards for continuing education programs required for license renewal;	36916 36917
(12) Provisions for making available the information described in section 4779.22 of the Revised Code.	36918 36919
(B) The board may adopt any other rules necessary for the administration of this chapter.	36920 36921
(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.	36922 36923 36924 36925 36926
Sec. 4779.09. An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics shall apply to the state <u>medical</u> board of orthotics, prosthetics, and pedorthics in accordance with rules adopted under section 4779.08 of the Revised Code and pay the application fee specified in the rules. The board shall issue a license to an applicant who is eighteen years of age or older, of good moral character, and meets either the requirements of divisions (A) and (B) of this section or the requirements of section 4779.16 or 4779.17 of the Revised Code.	36927 36928 36929 36930 36931 36932 36933 36934 36935 36936
(A) The applicant must pass an examination conducted pursuant to section 4779.15 of the Revised Code;	36937 36938

(B) The applicant must meet the requirements of one of the following:	36939 36940
(1) In the case of an applicant for a license to practice orthotics, the requirements of section 4779.10 of the Revised Code;	36941 36942 36943
(2) In the case of an applicant for a license to practice prosthetics, the requirements of section 4779.11 of the Revised Code;	36944 36945 36946
(3) In the case of an applicant for a license to practice orthotics and prosthetics, the requirements of section 4779.12 of the Revised Code;	36947 36948 36949
(4) In the case of an applicant for a license to practice pedorthics, the requirements of section 4779.13 of the Revised Code.	36950 36951 36952
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:	36953 36954 36955 36956 36957
(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.	36958 36959 36960
(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;	36961 36962 36963
(2) The applicant has completed an orthotics residency program approved by the board under section 4779.27 of the Revised Code;	36964 36965 36966
(3) One of the following is the case:	36967

(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:

(1) If application is made on or before January 1, 2006, the applicant meets all of the following requirements:

(a) Holds an associate's degree or higher from an accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;

(b) Has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code;

(c) Has three years of documented, full-time experience practicing or teaching orthotics.

(2) If the application is made on or before January 1, 2008, the applicant meets the requirements of division (B)(2)(a) or (b) of this section:

(a)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent

credential from a foreign educational institution recognized by 36998
the board; 36999

(ii) The applicant holds a valid certificate in orthotics 37000
issued by the American board for certification in orthotics and 37001
prosthetics, the board for orthotist/prosthetist certification, or 37002
an equivalent successor organization recognized by the board; 37003

(iii) The applicant has completed three years of documented, 37004
full-time experience practicing or teaching orthotics. 37005

(b)(i) The applicant holds a bachelor's degree or higher from 37006
a nationally accredited college or university or an equivalent 37007
credential from a foreign educational institution recognized by 37008
the board; 37009

(ii) The applicant has completed a certificate program in 37010
orthotics recognized by the board under section 4779.26 of the 37011
Revised Code; 37012

(iii) The applicant has completed a residency program in 37013
orthotics recognized by the board under section 4779.27 of the 37014
Revised Code or has three years of documented, full-time 37015
experience practicing or teaching orthotics. 37016

Sec. 4779.11. To be eligible for a license to practice 37017
prosthetics, an applicant must meet the requirements of division 37018
(A) of this section, or, if the application is made on or before 37019
January 1, 2008, the requirements of either division (A) or (B) of 37020
this section: 37021

(A) The requirements of this division are met if the 37022
applicant is in compliance with divisions (A)(1), (2), and (3) of 37023
this section. 37024

(1) On the date of application, the applicant has practiced 37025
prosthetics for not less than eight months under the supervision 37026
of an individual licensed under this chapter to practice 37027

prosthetics; 37028

(2) The applicant has completed a prosthetics residency 37029
program approved by the board under section 4779.27 of the Revised 37030
Code; 37031

(3) One of the following is the case: 37032

(a) The applicant holds a bachelor's degree in orthotics and 37033
prosthetics from an accredited college or university whose 37034
orthotics and prosthetics program is recognized by the state 37035
medical board ~~of orthotics, prosthetics, and pedorthics~~ under 37036
section 4779.25 of the Revised Code or an equivalent educational 37037
credential from a foreign educational institution recognized by 37038
the board; 37039

(b) The applicant holds a bachelor's degree in a subject 37040
other than orthotics and prosthetics or an equivalent educational 37041
credential from a foreign educational institution recognized by 37042
the board and has completed a certificate program in prosthetics 37043
recognized by the board under section 4779.26 of the Revised Code. 37044

(B) This division applies to applications made on or before 37045
January 1, 2008. The requirements of this division are met if the 37046
applicant is in compliance with division (B)(1) or (B)(2)(a) or 37047
(b) of this section: 37048

(1) If application is made on or before January 1, 2006, the 37049
applicant meets all of the following requirements: 37050

(a) Holds an associate's degree or higher from an accredited 37051
college or university or an equivalent credential from a foreign 37052
educational institution recognized by the board; 37053

(b) Has completed a certificate program in prosthetics 37054
recognized by the board under section 4779.26 of the Revised Code; 37055

(c) Has three years of documented, full-time experience 37056
practicing or teaching prosthetics. 37057

(2) If the application is made on or before January 1, 2008, 37058
the applicant meets the requirements of division (B)(2)(a) or (b) 37059
of this section: 37060

(a)(i) The applicant holds a bachelor's degree or higher from 37061
a nationally accredited college or university or an equivalent 37062
credential from a foreign educational institution recognized by 37063
the board; 37064

(ii) The applicant holds a valid certificate in prosthetics 37065
issued by the American board for certification in orthotics and 37066
prosthetics, the board for orthotist/prosthetist certification, or 37067
an equivalent successor organization recognized by the board; 37068

(iii) The applicant has completed three years of documented, 37069
full-time experience practicing or teaching prosthetics. 37070

(b)(i) The applicant holds a bachelor's degree or higher from 37071
a nationally accredited college or university or an equivalent 37072
credential from a foreign educational institution recognized by 37073
the board; 37074

(ii) The applicant has completed a certificate program in 37075
prosthetics recognized by the board under section 4779.26 of the 37076
Revised Code; 37077

(iii) The applicant has completed a residency program in 37078
prosthetics recognized by the board under section 4779.27 of the 37079
Revised Code or has three years of documented, full-time 37080
experience practicing or teaching prosthetics. 37081

Sec. 4779.12. To be eligible for a license to practice 37082
orthotics and prosthetics, an applicant must meet the requirements 37083
of division (A) of this section, or, if the application is made on 37084
or before January 1, 2008, the requirements of either division (A) 37085
or (B) of this section: 37086

(A) The requirements of this division are met if the 37087

applicant is in compliance with divisions (A)(1), (2), and (3) of 37088
this section. 37089

(1) On the date of application, the applicant has practiced 37090
orthotics and prosthetics for not less than eight months under the 37091
supervision of an individual licensed under this chapter to 37092
practice orthotics and prosthetics; 37093

(2) The applicant has completed an orthotics and prosthetics 37094
residency program approved by the board under section 4779.27 of 37095
the Revised Code; 37096

(3) One of the following is the case: 37097

(a) The applicant holds a bachelor's degree in orthotics and 37098
prosthetics from an accredited college or university whose 37099
orthotics and prosthetics program is recognized by the state 37100
medical board ~~of orthotics, prosthetics, and pedorthics~~ under 37101
section 4779.25 of the Revised Code or an equivalent educational 37102
credential from a foreign educational institution recognized by 37103
the board; 37104

(b) The applicant holds a bachelor's degree in a subject 37105
other than orthotics and prosthetics or an equivalent educational 37106
credential from a foreign educational institution recognized by 37107
the board and has completed a certificate program in orthotics and 37108
prosthetics recognized by the board under section 4779.26 of the 37109
Revised Code. 37110

(B) This division applies to applications made on or before 37111
January 1, 2008. The requirements of this division are met if the 37112
applicant is in compliance with division (B)(1) or (B)(2)(a) or 37113
(b) of this section: 37114

(1) If application is made on or before January 1, 2006, the 37115
applicant meets all of the following requirements: 37116

(a) Holds an associate's degree or higher from an accredited 37117

college or university or an equivalent credential from a foreign	37118
educational institution recognized by the board;	37119
(b) Has completed a certificate program in orthotics and	37120
prosthetics recognized by the board under section 4779.26 of the	37121
Revised Code;	37122
(c) Has six years of documented, full-time experience	37123
practicing or teaching orthotics or prosthetics.	37124
(2) If the application is made on or before January 1, 2008,	37125
the applicant meets the requirements of division (B)(2)(a) or (b)	37126
of this section:	37127
(a)(i) The applicant holds a bachelor's degree or higher from	37128
a nationally accredited college or university or an equivalent	37129
credential from a foreign educational institution recognized by	37130
the board;	37131
(ii) The applicant holds a valid certificate in orthotics and	37132
prosthetics issued by the American board for certification in	37133
orthotics and prosthetics, the board for orthotist/prosthetist	37134
certification, or an equivalent successor organization recognized	37135
by the board;	37136
(iii) The applicant has completed six years of documented,	37137
full-time experience practicing or teaching orthotics or	37138
prosthetics.	37139
(b)(i) The applicant holds a bachelor's degree or higher from	37140
a nationally accredited college or university or an equivalent	37141
credential from a foreign educational institution recognized by	37142
the board;	37143
(ii) The applicant has completed a certificate program in	37144
orthotics and prosthetics recognized by the board under section	37145
4779.26 of the Revised Code;	37146
(iii) The applicant has completed a residency program in	37147

orthotics and prosthetics recognized by the board under section 37148
4779.27 of the Revised Code or has six years of documented, 37149
full-time experience practicing or teaching orthotics or 37150
prosthetics. 37151

Sec. 4779.15. Except as provided in sections 4779.16 and 37152
4779.17 of the Revised Code, the state medical board ~~of orthotics,~~ 37153
~~prosthetics, and pedorthics~~ shall examine or cause to be examined 37154
each individual who seeks to practice orthotics, prosthetics, 37155
orthotics and prosthetics, or pedorthics in this state. 37156

To be eligible to take an examination conducted by the board 37157
or an entity recognized by the board for the purpose of this 37158
section, an individual must file an application and pay an 37159
examination fee as specified in rules adopted by the board under 37160
section 4779.08 of the Revised Code and meet all the requirements 37161
of section 4779.09 of the Revised Code other than the requirement 37162
of having passed the examination. 37163

Examinations shall be conducted at least once a year in 37164
accordance with rules adopted by the board under section 4779.08 37165
of the Revised Code. Each applicant shall be examined in such 37166
subjects as the board requires. 37167

The board may use as its examination all or part of a 37168
standard orthotics, prosthetics, orthotics and prosthetics, or 37169
pedorthics licensing examination established for the purpose of 37170
determining the competence of individuals to practice orthotics, 37171
prosthetics, or pedorthics in the United States. In lieu of 37172
conducting examinations, the board may accept the results of 37173
examinations conducted by entities recognized by the board. 37174

Sec. 4779.16. The state medical board ~~of orthotics,~~ 37175
~~prosthetics, and pedorthics~~ shall issue a license under section 37176
4779.09 of the Revised Code to practice orthotics, prosthetics, 37177

orthotics and prosthetics, or pedorthics without examination to an 37178
applicant who meets the requirements of divisions (A) and (B) of 37179
this section: 37180

(A) Not later than July 27, 2001, applies to the board in 37181
accordance with section 4779.09 of the Revised Code; 37182

(B)(1) In the case of an applicant for a license to practice 37183
orthotics, is actively practicing or teaching orthotics on October 37184
27, 2000, and complies with division (B)(1)(a) or (b) of this 37185
section: 37186

(a) The applicant meets all of the following requirements: 37187

(i) Holds a bachelor's degree or higher from a nationally 37188
accredited college or university in the United States; 37189

(ii) Has completed a certificate program in orthotics 37190
approved by the board under section 4779.26 of the Revised Code; 37191

(iii) Is certified in orthotics by the American board for 37192
certification in orthotics and prosthetics, the board of 37193
orthotist/prosthetist certification, or an equivalent successor 37194
organization recognized by the board; 37195

(iv) Has completed a residency program approved by the board 37196
under section 4779.27 of the Revised Code. 37197

(b) The individual meets both of the following requirements: 37198

(i) Has a minimum of three years of documented, full-time 37199
experience practicing or teaching orthotics; 37200

(ii) Has passed the certification examination in orthotics 37201
developed by the American board of certification in orthotics and 37202
prosthetics, the board of orthotist/prosthetist certification, or 37203
an equivalent organization recognized by the board. 37204

(2) In the case of an applicant for a license to practice 37205
prosthetics, is actively practicing or teaching prosthetics on 37206
October 27, 2000, and complies with division (B)(2)(a) or (b) of 37207

this section:	37208
(a) The applicant meets all of the following requirements:	37209
(i) Holds a bachelor's degree or higher from a nationally accredited college or university in the United States;	37210 37211
(ii) Has completed a certificate program in prosthetics approved by the board under section 4779.26 of the Revised Code;	37212 37213
(iii) Is certified in prosthetics by the American board for certification in orthotics and prosthetics, the board of orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;	37214 37215 37216 37217
(iv) Has completed a residency program approved by the board under section 4779.27 of the Revised Code.	37218 37219
(b) The applicant meets both of the following requirements:	37220
(i) Has a minimum of three years of documented, full-time experience practicing or teaching prosthetics;	37221 37222
(ii) Has passed the certification examination in prosthetics of the American board of certification in orthotics and prosthetics, the board of orthotist/prosthetist certification, or an equivalent organization recognized by the board.	37223 37224 37225 37226
(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant complies with division (B)(3)(a) or (b) of this section:	37227 37228 37229
(a) The applicant meets all of the following requirements:	37230
(i) Holds a bachelor's degree or higher from an accredited college or university in the United States;	37231 37232
(ii) Has completed a certificate program in orthotics and prosthetics approved by the board under section 4779.26 of the Revised Code;	37233 37234 37235
(iii) Has completed a residency program in orthotics and	37236

prosthetics approved under section 4779.27 of the Revised Code;	37237
(iv) Is certified in orthotics and prosthetics by the	37238
American board for certification in orthotics and prosthetics, the	37239
board of orthotist/prosthetist certification, or an equivalent	37240
successor organization recognized by the board;	37241
(b) The applicant meets both of the following requirements:	37242
(i) Has a minimum of six years of documented, full-time	37243
experience practicing or teaching orthotics and prosthetics;	37244
(ii) Has passed the orthotics and prosthetics certification	37245
examination requirements of the American board for certification	37246
in orthotics and prosthetics, the board of orthotist/prosthetist	37247
certification, or an equivalent organization recognized by the	37248
board.	37249
(4) In the case of an applicant for a license to practice	37250
pedorthics, is actively practicing or teaching pedorthics on	37251
October 27, 2000, and is certified in pedorthics by the board for	37252
certification in pedorthics.	37253
Sec. 4779.17. The state <u>medical</u> board of orthotics,	37254
prosthetics, and pedorthics shall issue a license under section	37255
4779.09 of the Revised Code to practice orthotics, prosthetics,	37256
orthotics and prosthetics, or pedorthics without examination to an	37257
applicant who meets all of the following requirements:	37258
(A) Applies to the board in accordance with section 4779.09	37259
of the Revised Code;	37260
(B) Holds a license to practice orthotics, prosthetics,	37261
orthotics and prosthetics, or pedorthics issued by the appropriate	37262
authority of another state;	37263
(C) One of the following applies:	37264
(1) In the case of an applicant for a license to practice	37265

orthotics, the applicant meets the requirements in divisions	37266
(A)(2) and (3) of section 4779.10 of the Revised Code.	37267
(2) In the case of an applicant for a license to practice	37268
prosthetics, the applicant meets the requirements in divisions	37269
(A)(2) and (3) of section 4779.11 of the Revised Code.	37270
(3) In the case of an applicant for a license to practice	37271
orthotics and prosthetics, the applicant meets the requirements in	37272
divisions (A)(2) and (3) of section 4779.12 of the Revised Code.	37273
(4) In the case of an applicant for a license to practice	37274
pedorthics, the applicant meets the requirements in divisions (B)	37275
and (C) of section 4779.13 of the Revised Code.	37276
(D) The fees prescribed by this section shall be paid to the	37277
treasurer of state, who shall from the effective date of this	37278
section until December 31, 2004, deposit the fees in the	37279
occupational licensing and regulatory fund established in section	37280
4743.05 of the Revised Code.	37281
Sec. 4779.18. (A) The state <u>medical</u> board of orthotics,	37282
prosthetics, and pedorthics shall issue a temporary license to an	37283
individual who meets all of the following requirements:	37284
(1) Applies to the board in accordance with rules adopted	37285
under section 4779.08 of the Revised Code and pays the application	37286
fee specified in the rules;	37287
(2) Is eighteen years of age or older;	37288
(3) Is of good moral character;	37289
(4) One of the following applies:	37290
(a) In the case of an applicant for a license to practice	37291
orthotics, the applicant meets the requirements in divisions	37292
(A)(2) and (3) of section 4779.10 of the Revised Code.	37293
(b) In the case of an applicant for a license to practice	37294

prosthetics, the applicant meets the requirements in divisions 37295
(A)(2) and (3) of section 4779.11 of the Revised Code. 37296

(c) In the case of an applicant for a license to practice 37297
orthotics and prosthetics, the applicant meets the requirements in 37298
divisions (A)(2) and (3) of section 4779.12 of the Revised Code. 37299

(d) In the case of an applicant for a license to practice 37300
pedorthics, the applicant meets the requirements in divisions (B) 37301
and (C) of section 4779.13 of the Revised Code. 37302

(B) A temporary license issued under this section is valid 37303
for one year and may be renewed once in accordance with rules 37304
adopted by the board under section 4779.08 of the Revised Code. 37305

An individual who holds a temporary license may practice 37306
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 37307
only under the supervision of an individual who holds a license 37308
issued under section 4779.09 of the Revised Code in the same area 37309
of practice. 37310

(C) The fees prescribed by this section shall be paid to the 37311
treasurer of state, who shall from the effective date of this 37312
section until December 31, 2004, deposit the fees in the 37313
occupational licensing and regulatory fund established in section 37314
4743.05 of the Revised Code. 37315

Sec. 4779.20. (A) An individual seeking to renew a license 37316
issued under section 4779.09 of the Revised Code shall, on or 37317
before the day the license expires pursuant to section 4779.19 of 37318
the Revised Code, apply for renewal. The state medical board ~~of~~ 37319
~~orthotics, prosthetics, and pedorthics~~ shall send renewal notices 37320
at least one month prior to the expiration date. 37321

Applications shall be submitted to the board on forms the 37322
board prescribes and furnishes. Each application shall be 37323
accompanied by a renewal fee specified in rules adopted by the 37324

board under section 4779.08 of the Revised Code, except that the 37325
board may waive part of the renewal fee for the first renewal of 37326
an initial license that expires one hundred days or less after it 37327
is issued. 37328

(B) Beginning with the fourth renewal and every third renewal 37329
thereafter, a license holder must certify to the board one of the 37330
following: 37331

(1) In the case of an individual licensed as an orthotist or 37332
prosthetist, the individual has completed within the preceding 37333
three years forty-five continuing education units granted by the 37334
board under section 4779.24 of the Revised Code; 37335

(2) In the case of an individual licensed as a prosthetist 37336
and orthotist, the individual has completed within the preceding 37337
three years seventy-five continuing education units granted by the 37338
board under section 4779.24 of the Revised Code; 37339

(3) In the case of an individual licensed as a pedorthist, 37340
the individual has completed within the previous three years the 37341
continuing education courses required by the board for 37342
certification in pedorthics or an equivalent organization 37343
recognized by the board. 37344

Sec. 4779.21. The state medical board ~~of orthotics,~~ 37345
~~prosthetics, and pedorthics~~ shall maintain board records, 37346
including records of the board's proceedings, a registry of all 37347
applicants for licensure that indicates whether the applicant was 37348
granted a license, and any other records necessary to carry out 37349
the provisions of this chapter. 37350

Sec. 4779.22. (A) The state medical board ~~of orthotics,~~ 37351
~~prosthetics, and pedorthics~~ shall publish and make available to 37352
the public written information regarding both of the following: 37353

(1) The board's regulatory functions pursuant to this chapter 37354

and the provisions of this chapter;	37355
(2) The procedures by which complaints are filed with the board, which shall include a description of the complaint procedures and the name, mailing address, and telephone number of the board.	37356 37357 37358 37359
(B) The board shall make the information described in division (A) of this section available to all of the following:	37360 37361
(1) Consumers of orthotic, prosthetic, and pedorthic goods and services;	37362 37363
(2) Individuals licensed by the board;	37364
(3) Nationally recognized orthotic, prosthetic, and pedorthic certifying and accrediting organizations;	37365 37366
(4) Nationally recognized orthotic, prosthetic, and pedorthic educational organizations;	37367 37368
(5) Any other entity that may reasonably require the information.	37369 37370
(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:	37371 37372 37373 37374
(1) On each registration form or application prepared by the board;	37375 37376
(2) On a sign prominently displayed in the place of business of each individual licensed under this chapter;	37377 37378
(3) In each bill or written contract for services provided by an individual licensed under this chapter.	37379 37380
Sec. 4779.23. (A) To be eligible for approval by the state medical board of orthotics, prosthetics, and pedorthics , a continuing education course must satisfy all of the following	37381 37382 37383

requirements:	37384
(1) Include significant intellectual or practical content and be designed to improve the professional competence of participants;	37385 37386 37387
(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;	37388 37389 37390 37391 37392
(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;	37393 37394 37395
(4) Be presented in a setting that is physically suited to the course;	37396 37397
(5) Include thorough, high-quality written material;	37398
(6) Meet any other requirements the board considers appropriate.	37399 37400
(B) The board shall, in accordance with the standards in division (A) of this section, review and approve continuing education courses. If the board does not approve a course, it shall provide a written explanation of the reason for the denial to the person that requested approval. The board may approve continuing education courses approved by boards of other states that regulate orthotics, prosthetics, and pedorthics if the other board's standards for approving continuing education courses are equivalent to the standards established pursuant to division (A) of this section.	37401 37402 37403 37404 37405 37406 37407 37408 37409 37410
Sec. 4779.24. The state <u>medical</u> board of orthotics, prosthetics, and pedorthics shall grant continuing education units to individuals licensed under this chapter on the following basis:	37411 37412 37413

(A) For completing a continuing education course approved by the board under section 4779.23 of the Revised Code, one unit for each hour of instruction received;

(B) For teaching as a faculty member a course in orthotics, prosthetics, or pedorthics that is part of the curriculum of an institution of higher education, one-half unit for each semester hour of the course, or an equivalent unit for each quarter or trimester hour of the course;

(C) For teaching other than as a faculty member a course that is part of an institution of higher education's orthotics, prosthetics, or pedorthics curriculum, one unit for each hour teaching the course;

(D) For teaching a continuing education course that is approved by the board under section 4779.23 of the Revised Code that is not part of an institution of higher education's orthotics, prosthetics, or pedorthics curriculum, three units for each hour teaching the course for the first time and one-half unit for each hour teaching the course each time thereafter.

Sec. 4779.25. The state medical board ~~of orthotics, prosthetics, and pedorthics~~ shall recognize an institution of higher education's bachelor's degree program in orthotics and prosthetics if the program satisfies all of the following requirements:

(A) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;

(B) Requires as a condition of entry a high school diploma or certificate of high school equivalence issued by the state board of education;

(C) Includes a written description of the program that

includes learning goals, course objectives, and competencies for graduation; 37444
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(D) Requires frequent, documented evaluation of students to assess their acquisition of knowledge, problem identification and solving skills, and psychomotor, behavioral, and clinical competencies; 37446
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(E) Requires as a condition of entry successful completion of courses in biology, chemistry, physics, psychology, computer science, algebra or higher math, human anatomy with a laboratory section, and physiology with a laboratory section; 37450
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(F) Requires formal instruction in biomechanics, gait analysis and pathometrics, kinesiology, pathology, materials science, research methods, and diagnostic imaging techniques; 37454
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(G) Requires students as a condition of graduation to demonstrate orthotics skills, including measurement, impression-taking, model rectification, and fitting and alignment of orthoses for the lower limbs, upper limbs, and spines; 37457
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(H) Requires students as a condition of graduation to complete training in orthotic systems, including foot orthosis, ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis, hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis, cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO, standing frames, and seating; 37461
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(I) Requires students as a condition of graduation to demonstrate prosthetic skills that include measurement, impression taking, model rectification, diagnostic fitting, definitive fitting, postoperative management, external power, and static and dynamic alignment of sockets related to various amputation levels, including partial foot, Syme's below knee, above knee, below elbow, above elbow, and the various joint disarticulations; 37468
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(J) Requires as a condition of graduation students to complete not less than five hundred hours of supervised clinical experience that focus on patient-related activities, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;	37475 37476 37477 37478 37479 37480
(K) Provides for the evaluation of the program's compliance with the requirements of this section through regular, on-site visits conducted by a team of qualified individuals from a nationally recognized orthotic, prosthetic, or orthotic and prosthetic certifying body;	37481 37482 37483 37484 37485
(L) Meets any other standards adopted by the board under section 4779.08 of the Revised Code.	37486 37487
Sec. 4779.26. The state <u>medical</u> board of orthotics, prosthetics, and pedorthics shall recognize a certificate program in orthotics, prosthetics, or orthotics and prosthetics if the program satisfies all of the following requirements:	37488 37489 37490 37491
(A) Meets the requirements in divisions (B), (C), (D), (E), (F), (K), and (L) of section 4779.25 of the Revised Code;	37492 37493
(B) In the case of a certificate program in orthotics, the program does all of the following:	37494 37495
(1) Provides not less than two semesters or three quarters of instruction in orthotics;	37496 37497
(2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics;	37498 37499 37500 37501 37502
(3) Meets the requirements in divisions (G) and (H) of section 4779.25 of the Revised Code.	37503 37504

(C) In the case of a certificate program in prosthetics, the program does all of the following:	37505 37506
(1) Provides not less than two semesters or three quarters of instruction in prosthetics;	37507 37508
(2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of prosthetics;	37509 37510 37511 37512 37513
(3) Meets the requirements in divisions (F) and (I) of section 4779.25 of the Revised Code.	37514 37515
(D) In the case of a certificate program in orthotics and prosthetics, the program does both of the following:	37516 37517
(1) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;	37518 37519 37520
(2) Meets the requirements in divisions (H) and (I) of section 4779.25 of the Revised Code.	37521 37522
Sec. 4779.27. The state <u>medical</u> board of orthotics, prosthetics, and pedorthics shall approve a residency program in orthotics, prosthetics, or orthotics and prosthetics if the program does all of the following:	37523 37524 37525 37526
(A) Requires a bachelor's degree as a condition of entry;	37527
(B) Does one of the following:	37528
(1) In the case of a residency program in orthotics, provides two semesters or three quarters of instruction in orthotics;	37529 37530
(2) In the case of a residency program in prosthetics, provides two semesters or three quarters of instruction in prosthetics;	37531 37532 37533

(3) In the case of a residency program in orthotics and 37534
prosthetics, provides two semesters or three quarters of 37535
instruction in orthotics and two semesters or three quarters of 37536
instruction in prosthetics. 37537

(C) Meets the requirements in divisions (K) and (L) of 37538
section 4779.25 of the Revised Code; 37539

(D) Provides residents with a sufficient variety and volume 37540
of clinical experiences to give them adequate educational 37541
experience in the acute, rehabilitative, and chronic aspects of 37542
orthotics and prosthetics, including recommendation, measurement, 37543
impression-taking, model rectification, fabrication, fitting, and 37544
evaluating patients in the use and function of orthotics and 37545
prosthetics; 37546

(E) Provides residents with sufficient training in clinical 37547
assessment, patient management, technical implementation, practice 37548
management, and professional responsibility. 37549

Sec. 4779.30. If the state medical board ~~of orthotics,~~ 37550
~~prosthetics, and pedorthics~~ has reason to believe that a person 37551
who holds a license issued under this chapter is mentally ill or 37552
mentally incompetent, it may file in the probate court of the 37553
county in which the person has a legal residence an affidavit in 37554
the form prescribed in section 5122.11 of the Revised Code and 37555
signed by the secretary of the board, whereupon the same 37556
proceeding shall be had as provided in Chapter 5122. of the 37557
Revised Code. The attorney general may represent the board in any 37558
proceeding commenced under this section. 37559

If an individual who has been granted a license under this 37560
chapter is adjudicated by a probate court to be mentally ill or 37561
mentally incompetent, the individual's license shall be 37562
automatically suspended until the individual has filed with the 37563

board a certified copy of an adjudication by a probate court of 37564
the individual's subsequent restoration to competency or has 37565
submitted to the board proof, satisfactory to the board, of having 37566
been restored to competency in the manner and form provided in 37567
section 5122.38 of the Revised Code. The judge of the court shall 37568
immediately notify the board of an adjudication of incompetence 37569
and note any suspension of a license in the margin of the court's 37570
record of the certificate. In the absence of fraud or bad faith, 37571
neither the board nor any agent, representative, or employee of 37572
the board shall be held liable in damages by any person by reason 37573
of the filing of the affidavit referred to in this section. 37574

Sec. 4779.32. If any person makes an allegation against an 37575
individual who holds a license issued under this chapter, the 37576
allegation shall be reduced to writing and verified by a person 37577
who is familiar with the facts underlying the allegation. The 37578
person making the allegation shall file three copies of the 37579
allegation with the state medical board ~~of orthotics, prosthetics,~~ 37580
~~and pedorthics~~. If a person alleges that a license holder is 37581
engaging or has engaged in conduct described in division (A) of 37582
section 4779.28 of the Revised Code, the board may proceed with an 37583
adjudication hearing under Chapter 119. of the Revised Code. The 37584
board shall retain the information filed under this section in 37585
accordance with rules adopted by the board under section 4779.08 37586
of the Revised Code. 37587

Sec. 4779.33. The secretary of the state medical board ~~of~~ 37588
~~orthotics, prosthetics, and pedorthics~~ shall enforce the laws 37589
relating to the practice of orthotics, prosthetics, and 37590
pedorthics. If the secretary has knowledge of a violation, the 37591
secretary shall investigate the violation and notify the 37592
prosecuting attorney of the proper county. 37593

Sec. 4903.24. If the public utilities commission finds after 37594
investigating that any rate, joint rate, fare, charge, toll, 37595
rental, schedule, or classification of service is unjust, 37596
unreasonable, insufficient, unjustly discriminatory, unjustly 37597
preferential, or in violation of law, or that any service is 37598
inadequate or cannot be obtained, the public utility found to be 37599
at fault shall pay the expenses incurred by the commission upon 37600
such investigation. 37601

All fees, expenses, and costs of, or in connection with, any 37602
hearing or investigation may be imposed by the commission upon any 37603
party to the record or may be divided among any parties to the 37604
record in such proportion as the commission determines. 37605

All fees, expenses, and costs authorized and collected under 37606
this section shall be deposited to the credit of the special 37607
assessment fund, which is hereby created in the state treasury. 37608
Money in the fund shall be used by the commission for the purpose 37609
of covering the costs of any investigations or hearings it orders 37610
regarding any public utility. 37611

Sec. 4905.79. Any telephone company, as defined in ~~division~~ 37612
~~(D)(2)~~ of section 5727.01 of the Revised Code, that is required to 37613
provide any telephone service program implemented after March 27, 37614
1991, to aid the communicatively impaired in accessing the 37615
telephone network shall be allowed a tax credit for the costs of 37616
any such program under section ~~5727.44~~ 5733.56 of the Revised 37617
Code. Relative to any such program, the public utilities 37618
commission, in accordance with its rules, shall allow interested 37619
parties to intervene and participate in any proceeding or part of 37620
a proceeding brought before the commission pursuant to this 37621
section. The commission shall adopt rules it considers necessary 37622
to carry out this section. 37623

Sec. 4905.91. For the purpose of protecting the public safety	37624
with respect to intrastate pipe-line transportation by any	37625
operator:	37626
(A) The public utilities commission shall:	37627
(1) Adopt, and may amend or rescind, rules to carry out	37628
sections 4905.90 to 4905.96 of the Revised Code, including rules	37629
concerning pipe-line safety, drug testing, and enforcement	37630
procedures. The commission shall adopt these rules only after	37631
notice and opportunity for public comment. The rules adopted under	37632
this division and any orders issued under sections 4905.90 to	37633
4905.96 of the Revised Code constitute the pipe-line safety code.	37634
The commission shall administer and enforce that code.	37635
(2) Make certifications and reports to the United States	37636
department of transportation as required under the Natural Gas	37637
Pipeline Safety Act.	37638
(B) The commission may:	37639
(1) Investigate any service, act, practice, policy, or	37640
omission by any operator to determine its compliance with sections	37641
4905.90 to 4905.96 of the Revised Code and the pipe-line safety	37642
code;	37643
(2) Investigate any intrastate pipe-line transportation	37644
facility to determine if it is hazardous to life or property, as	37645
provided in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1679b(b)(2) and	37646
(3);	37647
(3) Investigate the existence or report of any safety-related	37648
condition that involves any intrastate pipe-line transportation	37649
facility;	37650
(4) Enter into and perform contracts or agreements with the	37651
United States department of transportation to inspect interstate	37652
transmission facilities pursuant to the Natural Gas Pipeline	37653

Safety Act; 37654

(5) Accept grants-in-aid, ~~funds~~ cash, and reimbursements 37655
provided for or made available to this state by the federal 37656
government to carry out the Natural Gas Pipeline Safety Act or to 37657
enforce sections 4905.90 to 4905.96 of the Revised Code and the 37658
pipe-line safety code. All such grants-in-aid, cash, and 37659
reimbursements shall be deposited to the credit of the gas 37660
pipe-line safety fund, which is hereby created in the state 37661
treasury, to be used by the commission for the purpose of carrying 37662
out this section. 37663

(C) The commission's regulation of gathering lines shall 37664
conform to the regulation of gathering lines in 49 C.F.R. ~~parts~~ 37665
192 and 199, as amended, and the commission's annual certification 37666
agreements with the United States department of transportation, 37667
except that rule 4901:1-16-03, paragraph (D) of rule 4901:1-16-05, 37668
and rule 4901:1-16-06 of the Ohio Administrative Code shall also 37669
apply to gathering lines. The procedural rules under chapter 37670
4901:1-16 of the Ohio Administrative Code shall also apply to 37671
operators of gathering lines. 37672

Sec. 4919.79. (A) The public utilities commission may adopt 37673
safety rules applicable to the highway transportation and offering 37674
for transportation of hazardous materials in interstate commerce, 37675
which highway transportation takes place into or through this 37676
state. 37677

(B) The commission may adopt safety rules applicable to the 37678
highway transportation of persons or property in interstate 37679
commerce, which transportation takes place into or through this 37680
state. 37681

(C) Rules adopted under divisions (A) and (B) of this section 37682
shall be consistent with, and equivalent in scope, coverage, and 37683
content to, the "Hazardous Materials Transportation Act," 88 Stat. 37684

2156 (1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 37685
under it, and the "Motor Carrier Safety Act of 1984," 98 Stat. 37686
2832, 49 U.S.C.A. 2501, and regulations adopted under it, 37687
respectively. No person shall violate a rule adopted under 37688
division (A) or (B) of this section or any order of the commission 37689
issued to secure compliance with any such rule. 37690

(D) The commission shall cooperate with, and permit the use 37691
of, the services, records, and facilities of the commission as 37692
fully as practicable by appropriate officers of the interstate 37693
commerce commission, the United States department of 37694
transportation, and other federal agencies or commissions and 37695
appropriate commissions of other states in the enforcement and 37696
administration of state and federal laws relating to highway 37697
transportation by motor vehicles. The commission may enter into 37698
cooperative agreements with the interstate commerce commission, 37699
the United States department of transportation, and any other 37700
federal agency or commission to enforce the economic and safety 37701
laws and rules of this state and of the United States concerning 37702
highway transportation by motor vehicles. All grants-in-aid, cash, 37703
and reimbursements received by the commission pursuant to those 37704
cooperative agreements shall be deposited to the credit of the 37705
motor carrier safety fund, which is hereby created in the state 37706
treasury, to be used by the commission for the purpose of carrying 37707
out this section. 37708

(E) To achieve the purposes of this section, the commission 37709
may, through its inspectors or other authorized employees, inspect 37710
any vehicles of carriers of persons or property in interstate 37711
commerce subject to the safety rules prescribed by this section 37712
and may enter upon the premises and vehicles of such carriers to 37713
examine any of the carriers' records or documents that relate to 37714
the safety of operation of such carriers. In order to assist the 37715
commission in the performance of its duties under this section, 37716

authorized employees of the commercial motor vehicle safety 37717
enforcement unit, division of state highway patrol, of the 37718
department of public safety may enter in or upon, for purposes of 37719
inspection, any vehicle of any such carrier. 37720

In order to inspect motor vehicles owned or operated by 37721
private motor carriers of persons, authorized employees of the 37722
commercial motor vehicle safety enforcement unit, division of 37723
state highway patrol, of the department of public safety may enter 37724
in or upon the premises of any private carrier of persons in 37725
interstate commerce, subject to the safety rules prescribed by 37726
this section. 37727

Sec. 4931.45. (A) A final plan may be amended to expand the 37728
territory included in the countywide 9-1-1 system, to upgrade any 37729
part or all of a system from basic 9-1-1 to enhanced 9-1-1 37730
service, to adjust the territory served by a public safety 37731
answering point, to represcribe the funding of public safety 37732
answering points as between the alternatives set forth in division 37733
(B)(5) of section 4931.43 of the Revised Code, or to make any 37734
other necessary adjustments to the plan only by convening a new 37735
9-1-1 planning committee, and adopting an amended final plan. The 37736
convening of a new 9-1-1 planning committee and the proposal and 37737
adoption of an amended final plan shall be made in the same manner 37738
required for the convening of an initial committee and adoption of 37739
an original proposed and final plan under sections 4931.42 to 37740
4931.44 of the Revised Code. Adoption of any resolution under 37741
section 4931.51 of the Revised Code pursuant to a final plan that 37742
both has been adopted and provides for funding through charges 37743
imposed under that section is not an amendment of a final plan for 37744
the purpose of this division. 37745

(B) When a final plan is amended to expand the territory that 37746
receives 9-1-1 service or to upgrade a 9-1-1 system from basic to 37747

enhanced 9-1-1 service, ~~the provisions of~~ sections 4931.47 and 37748
~~5727.39~~ 5733.55 of the Revised Code apply with respect to the 37749
telephone company's recovery of the nonrecurring and recurring 37750
rates and charges for the telephone network portion of the system. 37751

Sec. 4931.47. (A) In accordance with Chapters 4901., 4903., 37752
4905., 4909., and 4931. of the Revised Code, the public utilities 37753
commission shall determine the just, reasonable, and compensatory 37754
rates, tolls, classifications, charges, or rentals to be observed 37755
and charged for the telephone network portion of a basic and 37756
enhanced 9-1-1 system, and each telephone company participating in 37757
the system shall be subject to such chapters, to the extent they 37758
apply, as to the service provided by its portion of the telephone 37759
network system as described in the final plan or to be installed 37760
pursuant to agreements under section 4931.48 of the Revised Code, 37761
and as to the rates, tolls, classifications, charges, or rentals 37762
to be observed and charged for that service. 37763

(B) Only the customers of a participating telephone company 37764
that are served within the area covered by a 9-1-1 system shall 37765
pay the recurring rates for the maintenance and operation of the 37766
telephone network in providing 9-1-1 service. Such rates shall be 37767
computed by dividing the total monthly recurring rates set forth 37768
in a telephone company's schedule as filed in accordance with 37769
section 4905.30 of the Revised Code, by the total number of 37770
residential and business customer access lines, or their 37771
equivalent, within the area served. Each residential and business 37772
customer within the area served shall pay the recurring rates 37773
based on the number of its residential and business customer 37774
access lines or their equivalent. No company may include such 37775
amount on any customer's bill until the company has completed its 37776
portion of the telephone network in accordance with the terms, 37777
conditions, requirements, and specifications of the final plan or 37778
an agreement made under section 4931.48 of the Revised Code. 37779

(C)(1) Except as otherwise provided in division (C)(2) of 37780
this section, the total nonrecurring charges for the telephone 37781
network used in providing 9-1-1 service, as set forth in the 37782
schedule filed by a telephone company in accordance with section 37783
4905.30 of the Revised Code, on completion of the installation of 37784
the network in accordance with the terms, conditions, 37785
requirements, and specifications of the final plan or pursuant to 37786
section 4931.48 of the Revised Code shall be recovered by the 37787
company through the credit authorized by section ~~5727.39~~ 5733.55 37788
of the Revised Code. 37789

(2) The credit shall not be allowed for upgrading of a system 37790
from basic to enhanced 9-1-1 service when: 37791

(a) The telephone company received the credit for the 37792
telephone network portion of the basic 9-1-1 system now proposed 37793
to be upgraded; and 37794

(b) At the time the final plan or agreement pursuant to 37795
section 4931.48 of the Revised Code calling for the basic 9-1-1 37796
system was agreed to, the telephone company was capable of 37797
reasonably meeting the technical and economic requirements of 37798
providing the telephone network portion of an enhanced 9-1-1 37799
system within the territory proposed to be upgraded, as determined 37800
by the public utilities commission under division (A) or (H) of 37801
section 4931.41 or division (C) of section 4931.48 of the Revised 37802
Code. 37803

(3) When the credit is not allowed under division (C)(2) of 37804
this section, the total nonrecurring charges for the telephone 37805
network used in providing 9-1-1 service, as set forth in the 37806
schedule filed by a telephone company in accordance with section 37807
4905.30 of the Revised Code, on completion of the installation of 37808
the network in accordance with the terms, conditions, 37809
requirements, and specifications of the final plan or pursuant to 37810

section 4931.48 of the Revised Code, shall be paid by the 37811
municipal corporations and townships with any territory in the 37812
area in which such upgrade from basic to enhanced 9-1-1 service is 37813
made. 37814

(D) Where customer premises equipment for a public safety 37815
answering point is supplied by a telephone company that is 37816
required to file a schedule under section 4905.30 of the Revised 37817
Code pertaining to customer premises equipment, the recurring and 37818
nonrecurring rates and charges for the installation and 37819
maintenance of the equipment specified in the schedule shall 37820
apply. 37821

Sec. 4931.48. (A) If a final plan is disapproved under 37822
division (B) of section 4931.44 of the Revised Code, by 37823
resolution, the legislative authority of a municipal corporation 37824
or township that contains at least thirty per cent of the county's 37825
population may establish within its boundaries, or the legislative 37826
authorities of a group of municipal corporations or townships each 37827
of which is contiguous with at least one other such municipal 37828
corporation or township in the group, together containing at least 37829
thirty per cent of the county's population, may jointly establish 37830
within their boundaries a 9-1-1 system. For this purpose, the 37831
municipal corporation or township may enter into an agreement, and 37832
the contiguous municipal corporations or townships may jointly 37833
enter into an agreement with a telephone company providing service 37834
in the municipal corporations or townships to provide for the 37835
telephone network portion of the system. 37836

(B) If no resolution has been adopted to convene a 9-1-1 37837
planning committee under section 4931.42 of the Revised Code, but 37838
not sooner than eighteen months after the effective date of such 37839
section, by resolution, the legislative authority of any municipal 37840
corporation in the county may establish within its boundaries, or 37841

the legislative authorities of a group of municipal corporations 37842
and townships each of which is contiguous to at least one of the 37843
other such municipal corporations or townships in the group may 37844
jointly establish within their boundaries, a 9-1-1 system. The 37845
municipal corporation or contiguous municipal corporations and 37846
townships, may enter into an agreement with a telephone company 37847
serving ~~customers~~ customers within the boundaries of the municipal 37848
corporation or contiguous municipal corporations and townships, to 37849
provide for the telephone network portion of a 9-1-1 system. 37850

(C) Whenever a telephone company and one or more municipal 37851
corporations and townships enter into an agreement under this 37852
section to provide for the telephone network portion of a basic 37853
9-1-1 system, the telephone company shall so notify the public 37854
utilities commission, which shall determine whether the telephone 37855
company is capable of reasonably meeting the technical and 37856
economic requirements of providing the telephone network for an 37857
enhanced system within the territory served by the company and 37858
covered by the agreement. The determination shall be made solely 37859
for the purposes of division (C)(2) of section 4931.47 of the 37860
Revised Code. 37861

(D) Within three years from the date of entering into an 37862
agreement under division (A) or (B) of this section, the telephone 37863
company shall have installed the telephone network portion of the 37864
9-1-1 system according to the terms, conditions, requirements, and 37865
specifications set forth in the agreement. 37866

(E) The telephone company shall recover the cost of 37867
installing the telephone network system pursuant to agreements 37868
made under this section as provided in ~~sections~~ section 4931.47 37869
~~and 5727.39~~ of the Revised Code, as authorized under section 37870
5733.55 of the Revised Code. 37871

Sec. 4973.17. (A) Upon the application of any bank, building 37872

and loan association, or association of banks or building and loan 37873
associations in this state, the governor may appoint and 37874
commission any persons that the bank, building and loan 37875
association, or association of banks or building and loan 37876
associations designates, or as many of those persons as the 37877
governor considers proper, to act as police officers for and on 37878
the premises of that bank, building and loan association, or 37879
association of banks or building and loan associations, or 37880
elsewhere, when directly in the discharge of their duties. Police 37881
officers so appointed shall be citizens of this state and of good 37882
character. They shall hold office for three years, unless, for 37883
good cause shown, their commission is revoked by the governor, or 37884
by the bank, building and loan association, or association of 37885
banks or building and loan associations, as provided by law. 37886

(B) Upon the application of a company owning or using a 37887
railroad in this state and subject to section 4973.171 of the 37888
Revised Code, the governor may appoint and commission any persons 37889
that the railroad company designates, or as many of those persons 37890
as the governor considers proper, to act as police officers for 37891
and on the premises of the railroad company, its affiliates or 37892
subsidiaries, or elsewhere, when directly in the discharge of 37893
their duties. Police officers so appointed, within the time set by 37894
the Ohio peace officer training commission, shall successfully 37895
complete a commission approved training program and be certified 37896
by the commission. They shall hold office for three years, unless, 37897
for good cause shown, their commission is revoked by the governor, 37898
or railroad company, as provided by law. 37899

Any person holding a similar commission in another state may 37900
be commissioned and may hold office in this state without 37901
completing the approved training program required by this division 37902
provided that ~~that~~ the person has completed a substantially 37903
equivalent training program in the other state. The Ohio peace 37904

officer training commission shall determine whether a training 37905
program in another state meets the requirements of this division. 37906

(C) Upon the application of any company under contract with 37907
the United States atomic energy commission for the construction or 37908
operation of a plant at a site owned by ~~such~~ the commission, the 37909
governor may appoint and commission ~~such~~ persons ~~as~~ the company 37910
designates, not to exceed one hundred fifty, to act as police 37911
officers for the company at the plant or site owned by ~~such~~ the 37912
commission. Police officers so appointed shall be citizens of this 37913
state and of good character. They shall hold office for three 37914
years, unless, for good cause shown, their commission is revoked 37915
by the governor or by the company, as provided by law. 37916

(D)(1) Upon the application of any hospital that is operated 37917
by a public hospital agency or a nonprofit hospital agency and 37918
that employs and maintains its own proprietary police department 37919
or security department and subject to section 4973.171 of the 37920
Revised Code, the governor may appoint and commission any persons 37921
that the hospital designates, or as many of those persons as the 37922
governor considers proper, to act as police officers for the 37923
hospital. No person who is appointed as a police officer under 37924
this division shall engage in any duties or activities as a police 37925
officer for the hospital or any affiliate or subsidiary of the 37926
hospital unless all of the following apply: 37927

(a) The chief of police of the municipal corporation in which 37928
the hospital is located, or, if the hospital is located in the 37929
unincorporated area of a county, the sheriff of that county, has 37930
granted approval to the hospital to permit persons appointed as 37931
police officers under this division to engage in those duties and 37932
activities. The approval required by this division is general in 37933
nature and is intended to cover in the aggregate all persons 37934
appointed as police officers for the hospital under this division; 37935
a separate approval is not required for each appointee on an 37936

individual basis. 37937

(b) Subsequent to the grant of approval described in division 37938
(D)(1)(a) of this section, the hospital has entered into a written 37939
agreement with the chief of police of the municipal corporation in 37940
which the hospital is located, or, if the hospital is located in 37941
the unincorporated area of a county, with the sheriff of that 37942
county, that sets forth the standards and criteria to govern the 37943
interaction and cooperation between persons appointed as police 37944
officers for the hospital under this division and law enforcement 37945
officers serving the agency represented by the chief of police or 37946
sheriff who signed the agreement in areas of their concurrent 37947
jurisdiction. The written agreement shall be signed by the 37948
appointing authority of the hospital and by the chief of police or 37949
sheriff. The standards and criteria may include, but are not 37950
limited to, provisions governing the reporting of offenses 37951
discovered by hospital police officers to the agency represented 37952
by the chief of police or sheriff, provisions governing 37953
investigatory responsibilities relative to offenses committed on 37954
hospital property, and provisions governing the processing and 37955
confinement of persons arrested for offenses committed on hospital 37956
property. The agreement required by this division is intended to 37957
apply in the aggregate to all persons appointed as police officers 37958
for the hospital under this division; a separate agreement is not 37959
required for each appointee on an individual basis. 37960

(c) The person has successfully completed a training program 37961
approved by the Ohio peace officer training commission and has 37962
been certified by the commission. A person appointed as a police 37963
officer under this division may attend a training program approved 37964
by the commission and be certified by the commission regardless of 37965
whether the appropriate chief of police or sheriff has granted the 37966
approval described in division (D)(1)(a) of this section and 37967
regardless of whether the hospital has entered into the written 37968

agreement described in division (D)(1)(b) of this section with the 37969
appropriate chief of police or sheriff. 37970

(2)(a) A person who is appointed as a police officer under 37971
division (D)(1) of this section is entitled, upon the grant of 37972
approval described in division (D)(1)(a) of this section and upon 37973
~~that~~ the person's and the hospital's compliance with the 37974
requirements of divisions (D)(1)(b) and (c) of this section, to 37975
act as a police officer for the hospital on the premises of the 37976
hospital and of its affiliates and subsidiaries that are within 37977
the territory of the municipal corporation served by the chief of 37978
police or the unincorporated area of the county served by the 37979
sheriff who signed the written agreement described in division 37980
(D)(1)(b) of this section, whichever is applicable, and anywhere 37981
else within the territory of that municipal corporation or within 37982
the unincorporated area of that county. The authority to act as a 37983
police officer as described in this division is granted only if 37984
the person, when engaging in that activity, is directly in the 37985
discharge of ~~that~~ the person's duties as a police officer for the 37986
hospital. The authority to act as a police officer as described in 37987
this division shall be exercised in accordance with the standards 37988
and criteria set forth in the written agreement described in 37989
division (D)(1)(b) of this section. 37990

(b) Additionally, a person appointed as a police officer 37991
under division (D)(1) of this section is entitled, upon the grant 37992
of approval described in division (D)(1)(a) of this section and 37993
upon ~~that~~ the person's and the hospital's compliance with the 37994
requirements of divisions (D)(1)(b) and (c) of this section, to 37995
act as a police officer elsewhere, within the territory of a 37996
municipal corporation or within the unincorporated area of a 37997
county, if the chief of police of that municipal corporation or 37998
the sheriff of that county, respectively, has granted approval for 37999
that activity to the hospital, police department, or security 38000

department served by the person as a police officer and if the 38001
person, when engaging in that activity, is directly in the 38002
discharge of ~~that~~ the person's duties as a police officer for the 38003
hospital. The approval described in this division may be general 38004
in nature or may be limited in scope, duration, or applicability, 38005
as determined by the chief of police or sheriff granting the 38006
approval. 38007

(3) Police officers appointed under division (D)(1) of this 38008
section shall hold office for three years, unless, for good cause 38009
shown, their commission is revoked by the governor or by the 38010
hospital, as provided by law. As used in divisions (D)(1) to (3) 38011
of this section, "public hospital agency" and "nonprofit hospital 38012
agency" have the same ~~meaning~~ meanings as in section 140.01 of the 38013
Revised Code. 38014

(E) A fee of ~~five~~ fifteen dollars for each commission applied 38015
for under this section shall be paid at the time the application 38016
is made, and this amount shall be returned if for any reason a 38017
commission is not issued. 38018

Sec. 5101.11. This section does not apply to contracts 38019
entered into under section ~~5111.022~~, 5111.90~~7~~, or 5111.91 of the 38020
Revised Code. 38021

(A) As used in this section: 38022

(1) "Entity" includes an agency, board, commission, or 38023
department of the state or a political subdivision of the state; a 38024
private, nonprofit entity; a school district; a private school; or 38025
a public or private institution of higher education. 38026

(2) "Federal financial participation" means the federal 38027
government's share of expenditures made by an entity in 38028
implementing a program administered by the department of job and 38029
family services. 38030

(B) At the request of any public entity having authority to 38031
implement a program administered by the department of job and 38032
family services or any private entity under contract with a public 38033
entity to implement a program administered by the department, the 38034
department may seek to obtain federal financial participation for 38035
costs incurred by the entity. Federal financial participation may 38036
be sought from programs operated pursuant to Title IV-A, Title 38037
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 38038
(1935), 42 U.S.C. 301, as amended; the "Food Stamp Act of 1964," 38039
78 Stat. 703, 7 U.S.C. 2011, as amended; and any other statute or 38040
regulation under which federal financial participation may be 38041
available, except that federal financial participation may be 38042
sought only for expenditures made with funds for which federal 38043
financial participation is available under federal law. 38044

(C) All funds collected by the department of job and family 38045
services pursuant to division (B) of this section shall be 38046
distributed to the entities that incurred the costs, except for 38047
any amounts retained by the department pursuant to division (D)(3) 38048
of this section. 38049

(D) In distributing federal financial participation pursuant 38050
to this section, the department may either enter into an agreement 38051
with the entity that is to receive the funds or distribute the 38052
funds in accordance with rules adopted under division (F) of this 38053
section. If the department decides to enter into an agreement to 38054
distribute the funds, the agreement may include terms that do any 38055
of the following: 38056

(1) Provide for the whole or partial reimbursement of any 38057
cost incurred by the entity in implementing the program; 38058

(2) In the event that federal financial participation is 38059
disallowed or otherwise unavailable for any expenditure, require 38060
the department of job and family services or the entity, whichever 38061

party caused the disallowance or unavailability of federal 38062
financial participation, to assume responsibility for the 38063
expenditures; 38064

(3) Permit the department to retain not more than five per 38065
cent of the amount of the federal financial participation to be 38066
distributed to the entity; 38067

(4) Require the public entity to certify the availability of 38068
sufficient unencumbered funds to match the federal financial 38069
participation it receives under this section; 38070

(5) Establish the length of the agreement, which may be for a 38071
fixed or a continuing period of time; 38072

(6) Establish any other requirements determined by the 38073
department to be necessary for the efficient administration of the 38074
agreement. 38075

(E) An entity that receives federal financial participation 38076
pursuant to this section for a program aiding children and their 38077
families shall establish a process for collaborative planning with 38078
the department of job and family services for the use of the funds 38079
to improve and expand the program. 38080

(F) The director of job and family services shall adopt rules 38081
as necessary to implement this section, including rules for the 38082
distribution of federal financial participation pursuant to this 38083
section. The rules shall be adopted in accordance with Chapter 38084
119. of the Revised Code. The director may adopt or amend any 38085
statewide plan required by the federal government for a program 38086
administered by the department, as necessary to implement this 38087
section. 38088

(G) Federal financial participation received pursuant to this 38089
section shall not be included in any calculation made under 38090
section 5101.16 or 5101.161 of the Revised Code. 38091

Sec. 5101.12. The department of job and family services shall 38092
maximize its receipt of federal revenue. In fulfilling this duty, 38093
the department may enter into contracts to maximize federal 38094
revenue without the expenditure of state money. In selecting 38095
entities with which to contract, the department shall engage in a 38096
request for proposals process. 38097

Each year in January and July, the department shall submit a 38098
report to the office of budget and management outlining the 38099
department's success in maximizing federal revenue. The office of 38100
budget and management shall establish procedures and requirements 38101
for preparing and submitting the reports and shall compile data 38102
concerning the amount of federal revenue received by the 38103
department. The department shall submit a copy of each of its 38104
reports to the speaker and minority leader of the house of 38105
representatives, the president and minority leader of the senate, 38106
and the legislative service commission. 38107

Sec. 5101.14. (A) As used in this section and section 38108
5101.144 of the Revised Code, "children services" means services 38109
provided to children pursuant to Chapter 5153. of the Revised 38110
Code. 38111

(B) Within available funds, the department of job and family 38112
services shall ~~make payments~~ distribute funds to the counties 38113
within thirty days after the beginning of each calendar quarter 38114
for a part of ~~their~~ the counties' costs for children services ~~to~~ 38115
~~children performed pursuant to Chapter 5153. of the Revised Code.~~ 38116

Funds provided to the county under this section shall be 38117
deposited into the children services fund created pursuant to 38118
section 5101.144 of the Revised Code. 38119

~~(B)(1) The funds distributed under this section shall be used~~ 38120
~~for the following:~~ 38121

(a) Home based services to children and families;	38122
(b) Protective services to children;	38123
(c) To find, develop, and approve adoptive homes;	38124
(d) Short term, out of home care and treatment for children;	38125
(e) Costs for the care of a child who resides with a	38126
caretaker relative, other than the child's parent, and is in the	38127
legal custody of a public children services agency pursuant to a	38128
voluntary temporary custody agreement entered into under division	38129
(A) of section 5103.15 of the Revised Code or in the legal custody	38130
of a public children services agency or the caretaker relative	38131
pursuant to an allegation or adjudication of abuse, neglect, or	38132
dependency made under Chapter 2151. of the Revised Code;	38133
(f) Other services a public children services agency	38134
considers necessary to protect children from abuse, neglect, or	38135
dependency.	38136
(2) No funds distributed under this section shall be used for	38137
the costs of maintaining a child in a children's home owned and	38138
operated by the county.	38139
(C) In each fiscal year, the amount of funds available for	38140
distribution under this section shall be allocated to counties as	38141
follows:	38142
(1) If the amount is less than the amount initially	38143
appropriated for the immediately preceding fiscal year, each	38144
county shall receive an amount equal to the percentage of the	38145
funding it received in the immediately preceding fiscal year,	38146
exclusive of any releases from or additions to the allocation or	38147
any sanctions imposed under this section;	38148
(2) If the amount is equal to the amount initially	38149
appropriated for the immediately preceding fiscal year, each	38150
county shall receive an amount equal to the amount it received in	38151

the preceding fiscal year, exclusive of any releases from or 38152
additions to the allocation or any sanctions imposed under this 38153
section; 38154

(3) If the amount is greater than the amount initially 38155
appropriated for the immediately preceding fiscal year, each 38156
county shall receive the amount determined under division (C)(2) 38157
of this section as a base allocation, plus a percentage of the 38158
amount that exceeds the amount initially appropriated for the 38159
immediately preceding fiscal year. The amount exceeding the amount 38160
initially appropriated in the immediately preceding fiscal year 38161
shall be allocated to the counties as follows: 38162

(a) Twelve per cent divided equally among all counties; 38163

(b) Forty-eight per cent in the ratio that the number of 38164
residents of the county under the age of eighteen bears to the 38165
total number of such persons residing in this state; 38166

(c) Forty per cent in the ratio that the number of residents 38167
of the county with incomes under the federal poverty guideline 38168
bears to the total number of such persons in this state. 38169

As used in division (C)(3)(c) of this section, "federal 38170
poverty guideline" means the poverty guideline as defined by the 38171
United States office of management and budget and revised by the 38172
United States secretary of health and human services in accordance 38173
with section 673 of the "Community Services Block Grant Act," 95 38174
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 38175

~~(D) The director of job and family services may adopt rules 38176
as necessary for the allocation of funds under this section. The 38177
rules shall be adopted in accordance with section 111.15 of the 38178
Revised Code. 38179~~

~~(E)(1) As used in this division, "services to children" means 38180
children's protective services, home based services to children 38181
and families, foster home services, residential treatment 38182~~

~~services, adoptive services, and independent living services. 38183~~

~~(2) Except as otherwise provided in this section, the 38184~~
~~allocation of funds for a fiscal year to a county under this 38185~~
~~section shall be reduced by the department if in the preceding 38186~~
~~calendar year the total amount expended for services to children 38187~~
~~from local funds was less than the total expended from that source 38188~~
~~in the second preceding calendar year. The reduction shall be 38189~~
~~equal to the difference between the total expended in the 38190~~
~~preceding calendar year and the total expended in the second 38191~~
~~preceding calendar year. 38192~~

~~The determination of whether the amount expended for services 38193~~
~~to children was less in the preceding calendar year than in the 38194~~
~~second preceding calendar year shall not include a difference due 38195~~
~~to any of the following factors to the extent that the difference 38196~~
~~does not exceed the amount attributable to that factor: 38197~~

~~(a) An across the board reduction in the county budget as a 38198~~
~~whole; 38199~~

~~(b) A reduced or failed levy specifically earmarked for 38200~~
~~children services; 38201~~

~~(c) The closure of, or a reduction in the operating capacity 38202~~
~~of, a children's home owned and operated by the county. 38203~~

~~(3) Funds withheld under this division may be reallocated by 38204~~
~~the department to other counties. The department may grant whole 38205~~
~~or partial waivers of the provisions of this division. 38206~~

~~(F) Children who are in the temporary or permanent custody of 38207~~
~~a certified public or private nonprofit agency or institution, or 38208~~
~~who are in adoptions subsidized under division (B) of section 38209~~
~~5153.163 of the Revised Code are eligible for medical assistance 38210~~
~~through the medical assistance program established under section 38211~~
~~5111.01 of the Revised Code. 38212~~

~~(G)~~ Within ninety days after the end of each state fiscal year biennium, each county shall return any unspent funds to the department. 38213
38214
38215

~~(H) In accordance with Chapter 119. of the Revised Code, the~~ 38216
~~(E) The~~ director shall of job and family services may adopt, and 38217
~~may amend and rescind, the following~~ rules in accordance with 38218
section 111.15 of the Revised Code: 38219

(1) Rules that are necessary for the allocation of funds 38220
under this section; 38221

(2) Rules prescribing reports on expenditures to be submitted 38222
by the counties as necessary for the implementation of this 38223
section. 38224

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1410 38225
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 38226
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 38227

(B) The department of job and family services shall act as 38228
the single state agency to administer federal payments for foster 38229
care and adoption assistance made pursuant to Title IV-E ~~of the~~ 38230
~~"Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as~~ 38231
~~amended.~~ The director of job and family services shall adopt rules 38232
to implement this authority. Internal management rules governing 38233
financial and administrative requirements applicable to public 38234
children services agencies, ~~private child placing agencies,~~ and 38235
~~private noncustodial agencies~~ government entities that provide 38236
Title IV-E reimbursable placement services to children shall be 38237
adopted in accordance with section 111.15 of the Revised Code. 38238
Rules governing requirements applicable to private child placing 38239
agencies and private noncustodial agencies and rules establishing 38240
eligibility, program participation, and other requirements 38241
concerning Title IV-E shall be adopted in accordance with Chapter 38242

119. of the Revised Code. A public children services agency to 38243
which the department distributes Title IV-E funds shall administer 38244
the funds in accordance with those rules. 38245

~~(B)~~(C)(1) The county, on behalf of each child eligible for 38246
foster care maintenance payments under Title IV-E ~~of the "Social~~ 38247
~~Security Act,"~~ shall make payments to cover the cost of providing 38248
all of the following: 38249

(a) The child's food, clothing, shelter, daily supervision, 38250
and school supplies; 38251

(b) The child's personal incidentals; 38252

(c) Reasonable travel to the child's home for visitation. 38253

(2) In addition to payments made under division ~~(B)~~(C)(1) of 38254
this section, the county may, on behalf of each child eligible for 38255
foster care maintenance payments under Title IV-E ~~of the "Social~~ 38256
~~Security Act,"~~ make payments to cover the cost of providing the 38257
following: 38258

(a) Liability insurance with respect to the child; 38259

(b) If the county is participating in the demonstration 38260
project established under division (A) of section 5101.142 of the 38261
Revised Code, services provided under the project. 38262

(3) With respect to a child who is in a child-care 38263
institution, including any type of group home designed for the 38264
care of children or any privately operated program consisting of 38265
two or more certified foster homes operated by a common 38266
administrative unit, the foster care maintenance payments made by 38267
the county on behalf of the child shall include the reasonable 38268
cost of the administration and operation of the institution, group 38269
home, or program, as necessary to provide the items described in 38270
divisions ~~(B)~~(C)(1) and (2) of this section. 38271

~~(C)~~(D) To the extent that either foster care maintenance 38272

payments under division ~~(B)~~ (C) of this section or Title IV-E 38273
adoption assistance payments for maintenance costs require the 38274
expenditure of county funds, the board of county commissioners 38275
shall report the nature and amount of each expenditure of county 38276
funds to the department. 38277

~~(D)~~(E) The department shall distribute to public children 38278
services agencies that incur and report such expenditures federal 38279
financial participation received for administrative and training 38280
costs incurred in the operation of foster care maintenance and 38281
adoption assistance programs. The department may withhold not more 38282
than three per cent of the federal financial participation 38283
received. The funds withheld may be used only to fund the Ohio 38284
child welfare training program established under section 5153.60 38285
of the Revised Code and the university partnership program for 38286
college and university students majoring in social work who have 38287
committed to work for a public children services agency upon 38288
graduation. The funds withheld shall be in addition to any 38289
administration and training cost for which the department is 38290
reimbursed through its own cost allocation plan. 38291

~~(E)~~(F) All federal financial participation funds received by 38292
a county pursuant to this section shall be deposited into the 38293
county's children services fund created pursuant to section 38294
5101.144 of the Revised Code. 38295

~~(F)~~(G) The department shall periodically publish and 38296
distribute the maximum amounts that the department will reimburse 38297
public children services agencies for making payments on behalf of 38298
children eligible for foster care maintenance payments. 38299

~~(G)~~(H) The department, by and through its director, is hereby 38300
authorized to develop, participate in the development of, 38301
negotiate, and enter into one or more interstate compacts on 38302
behalf of this state with agencies of any other states, for the 38303
provision of medical assistance and other social services to 38304

children in relation to whom all of the following apply:	38305
(1) They have special needs.	38306
(2) This state or another state that is a party to the interstate compact is providing adoption assistance on their behalf.	38307 38308 38309
(3) They move into this state from another state or move out of this state to another state.	38310 38311
Sec. 5101.142. (A) The department of job and family services may apply to the United States secretary of health and human services for a waiver of requirements established under Title IV-E of the " Social Security Act, " 94 Stat. 501, 42 U.S.C.A. 670 (1980) , or regulations adopted thereunder, to conduct a demonstration project expanding eligibility for and services provided under Title IV-E. The department may enter into agreements with the secretary necessary to implement the demonstration project, including agreements establishing the terms and conditions of the waiver authorizing the project. If a demonstration project is to be established, the department shall do all of the following:	38312 38313 38314 38315 38316 38317 38318 38319 38320 38321 38322 38323
(1) Have the director of job and family services adopt rules in accordance with Chapter 119. of the Revised Code governing the project. The rules shall be consistent with the agreements the department enters into with the secretary.	38324 38325 38326 38327
(2) Enter into agreements with public children services agencies that the department selects for participation in the project. The department shall not select an agency that objects to participation or refuses to be bound by the terms and conditions of the project.	38328 38329 38330 38331 38332
(3) Contract with persons or governmental agencies providing services under the project;	38333 38334

(4) Amend the state plan required by section 471 of the "Social Security Act," 42 U.S.C.A. 671, as amended, as needed to implement the project;	38335 38336 38337
(5) Conduct ongoing evaluations of the project;	38338
(6) Perform other administrative and operational activities required by the agreement with the secretary.	38339 38340
(B) The department may apply to the United States secretary of health and human services for a waiver of the requirements established under Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder and established under any other federal law or regulations that affect the children services functions prescribed by Chapter 5153. of the Revised Code, to conduct demonstration projects or otherwise improve the effectiveness and efficiency of the children services function.	38341 38342 38343 38344 38345 38346 38347 38348 38349
Sec. 5101.144. As used in this section, "children services" means services provided to children pursuant to Chapter 5153. of the Revised Code.	38350 38351 38352
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.	38353 38354 38355 38356 38357 38358 38359
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).	38360 38361 38362
(B) In adopting rules under section 5101.141 of the Revised	38363

Code regarding financial requirements applicable to public 38364
children services agencies, private child placing agencies, ~~and~~ 38365
private noncustodial agencies, and government entities that 38366
provide Title IV-E reimbursable placement services to children, 38367
the department of job and family services shall establish both of 38368
the following: 38369

(1) A single form for the agencies or entities to report 38370
costs reimbursable under Title IV-E and costs reimbursable under 38371
medicaid; 38372

(2) Procedures to monitor cost reports submitted by the 38373
agencies or entities. 38374

~~(C)~~(B) The procedures established under division ~~(B)~~(A)(2) of 38375
this section shall be implemented not later than October 1, 2003. 38376
The procedures shall be used to do both of the following: 38377

(1) Determine which of the costs are reimbursable under Title 38378
IV-E; 38379

(2) Ensure that costs reimbursable under medicaid are 38380
excluded from determinations made under division ~~(C)~~(B)(1) of this 38381
section. 38382

Sec. 5101.146. The department of job and family services 38383
shall establish the following penalties, which shall be enforced 38384
at the discretion of the department, for the failure of a public 38385
children services agency, private child placing agency, ~~or~~ private 38386
noncustodial agency, or government entity that provides Title IV-E 38387
reimbursable placement services to children to comply with 38388
procedures the department establishes to ensure fiscal 38389
accountability: 38390

(A) For initial failure, the department and the agency or 38391
entity involved shall jointly develop and implement a corrective 38392
action plan according to a specific schedule. If requested by the 38393

agency or entity involved, the department shall provide technical 38394
assistance to the agency or entity to ensure the fiscal 38395
accountability procedures and goals of the plan are met. 38396

(B) For subsequent failures or failure to achieve the goals 38397
of the plan described in division (A) of this section, ~~either~~ one 38398
of the following: 38399

(1) For public children services agencies, the department may 38400
take any action permitted under division (B)(3), (4), or (5) of 38401
section 5101.24 of the Revised Code. 38402

(2) For private child placing agencies or private 38403
noncustodial agencies, cancellation of any Title IV-E allowability 38404
rates for the agency involved pursuant to section 5101.141 of the 38405
Revised Code or revocation pursuant to Chapter 119. of the Revised 38406
Code of that agency's certificate issued under section 5103.03 of 38407
the Revised Code; 38408

(3) For government entities, other than public children 38409
services agencies, that provide Title IV-E reimbursable placement 38410
services to children, cancellation of any Title IV-E allowability 38411
rates for the entity involved pursuant to section 5101.141 of the 38412
Revised Code. 38413

Sec. 5101.1410. In addition to the remedies available under 38414
sections 5101.146 and 5101.24 of the Revised Code, the department 38415
of job and family services may certify a claim to the attorney 38416
general under section 131.02 of the Revised Code for the attorney 38417
general to take action under that section against a public 38418
children services agency, private child placing agency, private 38419
noncustodial agency, or government entity that provides Title IV-E 38420
reimbursable placement services to children if all of the 38421
following are the case: 38422

(A) The agency or entity files a cost report with the 38423

<u>department pursuant to rules adopted under division (B) of section</u>	38424
<u>5101.141 of the Revised Code.</u>	38425
<u>(B) The department receives and distributes federal Title</u>	38426
<u>IV-E reimbursement funds based on the cost report.</u>	38427
<u>(C) The agency's or entity's misstatement, misclassification,</u>	38428
<u>overstatement, understatement, or other inclusion or omission of</u>	38429
<u>any cost included in the cost report causes the United States</u>	38430
<u>department of health and human services to disallow all or part of</u>	38431
<u>the federal Title IV-E reimbursement funds the department received</u>	38432
<u>and distributed.</u>	38433
Sec. 5101.16. (A) As used in this section and sections	38434
5101.161 and 5101.162 of the Revised Code:	38435
(1) "Disability <u>financial</u> assistance" means <u>the financial and</u>	38436
<u>medical</u> assistance <u>provided program established</u> under Chapter	38437
5115. of the Revised Code.	38438
(2) " <u>Disability medical assistance</u> " means the medical	38439
<u>assistance program established under Chapter 5115. of the Revised</u>	38440
<u>Code.</u>	38441
(3) "Food stamps" means the program administered by the	38442
department of job and family services pursuant to section 5101.54	38443
of the Revised Code.	38444
(3) (4) "Medicaid" means the medical assistance program	38445
established by Chapter 5111. of the Revised Code, excluding	38446
transportation services provided under that chapter.	38447
(4) (5) "Ohio works first" means the program established by	38448
Chapter 5107. of the Revised Code.	38449
(5) (6) "Prevention, retention, and contingency" means the	38450
program established by Chapter 5108. of the Revised Code.	38451
(6) (7) "Public assistance expenditures" means expenditures	38452

for all of the following:	38453
(a) Ohio works first;	38454
(b) County administration of Ohio works first;	38455
(c) Prevention, retention, and contingency;	38456
(d) County administration of prevention, retention, and contingency;	38457 38458
(e) Disability <u>financial</u> assistance;	38459
(f) <u>Disability medical</u> assistance;	38460
(g) County administration of disability <u>financial</u> assistance;	38461
(g) (h) <u>County administration of disability medical</u> <u>assistance;</u>	38462 38463
(i) County administration of food stamps;	38464
(h) (j) County administration of medicaid.	38465
(7) <u>"Title IV-A program" has the same meaning as in section</u> <u>5101.80 of the Revised Code.</u>	38466 38467
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:	38468 38469 38470 38471 38472 38473
(1) The amount that is twenty-five per cent of the county's total expenditures for disability <u>financial assistance and</u> <u>disability medical</u> assistance and county administration of disability assistance <u>those programs</u> during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.	38474 38475 38476 38477 38478 38479
(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's	38480 38481

total expenditures for county administration of food stamps and 38482
medicaid during the state fiscal year ending in the previous 38483
calendar year that the department determines are allowable, less 38484
the amount of federal reimbursement credited to the county under 38485
division (E) of this section for the state fiscal year ending in 38486
the previous calendar year; 38487

~~(3)(a) Except as provided in division (B)(3)(b) of this 38488~~
~~section, A percentage of the actual amount, as determined by the 38489~~
~~department of job and family services from expenditure reports 38490~~
~~submitted to the United States department of health and human 38491~~
~~services, of the county share of program and administrative 38492~~
~~expenditures during federal fiscal year 1994 for assistance and 38493~~
~~services, other than child day-care, provided under Titles IV-A 38494~~
~~and IV-F of the "Social Security Act," 49 Stat. 620 (1935), 42 38495~~
~~U.S.C. 301, as those titles existed prior to the enactment of the 38496~~
~~"Personal Responsibility and Work Opportunity Reconciliation Act 38497~~
~~of 1996," 110 Stat. 2105. The department of job and family 38498~~
~~services shall determine the actual amount of the county share 38499~~
~~from expenditure reports submitted to the United States department 38500~~
~~of health and human services. The percentage shall be the 38501~~
~~percentage established in rules adopted under division (F) of this 38502~~
~~section. 38503~~

~~(b) For state fiscal years 2000 and 2001, seventy seven per 38504~~
~~cent of the amount determined under division (B)(3)(a) of this 38505~~
~~section. 38506~~

(C)(1) If a county's share of public assistance expenditures 38507
determined under division (B) of this section for a state fiscal 38508
year exceeds one hundred ten per cent of the county's share for 38509
those expenditures for the immediately preceding state fiscal 38510
year, the department of job and family services shall reduce the 38511
county's share for expenditures under divisions (B)(1) and (2) of 38512
this section so that the total of the county's share for 38513

expenditures under division (B) of this section equals one hundred 38514
ten per cent of the county's share of those expenditures for the 38515
immediately preceding state fiscal year. 38516

(2) A county's share of public assistance expenditures 38517
determined under division (B) of this section may be increased 38518
pursuant to a sanction under section 5101.24 of the Revised Code. 38519

(D)(1) If the per capita tax duplicate of a county is less 38520
than the per capita tax duplicate of the state as a whole and 38521
division (D)(2) of this section does not apply to the county, the 38522
percentage to be used for the purpose of division (B)(2) of this 38523
section is the product of ten multiplied by a fraction of which 38524
the numerator is the per capita tax duplicate of the county and 38525
the denominator is the per capita tax duplicate of the state as a 38526
whole. The department of job and family services shall compute the 38527
per capita tax duplicate for the state and for each county by 38528
dividing the tax duplicate for the most recent available year by 38529
the current estimate of population prepared by the department of 38530
development. 38531

(2) If the percentage of families in a county with an annual 38532
income of less than three thousand dollars is greater than the 38533
percentage of such families in the state and division (D)(1) of 38534
this section does not apply to the county, the percentage to be 38535
used for the purpose of division (B)(2) of this section is the 38536
product of ten multiplied by a fraction of which the numerator is 38537
the percentage of families in the state with an annual income of 38538
less than three thousand dollars a year and the denominator is the 38539
percentage of such families in the county. The department of job 38540
and family services shall compute the percentage of families with 38541
an annual income of less than three thousand dollars for the state 38542
and for each county by multiplying the most recent estimate of 38543
such families published by the department of development, by a 38544
fraction, the numerator of which is the estimate of average annual 38545

personal income published by the bureau of economic analysis of 38546
the United States department of commerce for the year on which the 38547
census estimate is based and the denominator of which is the most 38548
recent such estimate published by the bureau. 38549

(3) If the per capita tax duplicate of a county is less than 38550
the per capita tax duplicate of the state as a whole and the 38551
percentage of families in the county with an annual income of less 38552
than three thousand dollars is greater than the percentage of such 38553
families in the state, the percentage to be used for the purpose 38554
of division (B)(2) of this section shall be determined as follows: 38555

(a) Multiply ten by the fraction determined under division 38556
(D)(1) of this section; 38557

(b) Multiply the product determined under division (D)(3)(a) 38558
of this section by the fraction determined under division (D)(2) 38559
of this section. 38560

(4) The department of job and family services shall 38561
determine, for each county, the percentage to be used for the 38562
purpose of division (B)(2) of this section not later than the 38563
first day of July of the year preceding the state fiscal year for 38564
which the percentage is used. 38565

(E) The department of job and family services shall credit to 38566
a county the amount of federal reimbursement the department 38567
receives from the United States departments of agriculture and 38568
health and human services for the county's expenditures for 38569
administration of food stamps and medicaid that the department 38570
determines are allowable administrative expenditures. 38571

(F)(1) The director of job and family services shall adopt 38572
rules in accordance with section 111.15 of the Revised Code to 38573
establish all of the following: 38574

~~(1)~~(a) The method the department is to use to change a 38575
county's share of public assistance expenditures determined under 38576

division (B) of this section as provided in division (C) of this section; 38577
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~~(2)(b)~~ The allocation methodology and formula the department will use to determine the amount of funds to credit to a county under this section; 38579
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~~(3)(c)~~ The method the department will use to change the payment of the county share of public assistance expenditures from a calendar-year basis to a state fiscal year basis; 38582
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~~(4)(d)~~ The percentage to be used for the purpose of division (B)(3) of this section, which shall meet both of the following requirements: 38585
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(i) The percentage shall not be less than seventy-five per cent nor more than eighty-two per cent; 38588
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(ii) The percentage shall not exceed the percentage that the state's qualified state expenditures is of the state's historic state expenditures as those terms are defined in 42 U.S.C. 609(a)(7). 38590
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(e) Other procedures and requirements necessary to implement this section. 38594
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(2) The director of job and family services may amend the rule adopted under division (F)(1)(d) of this section to modify the percentage on determination that the amount the general assembly appropriates for Title IV-A programs makes the modification necessary. The rule shall be adopted and amended as if an internal management rule and in consultation with the director of budget and management. 38596
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Sec. 5101.18. (A) When the director of job and family services adopts rules under section 5107.05 regarding income requirements for the Ohio works first program and under section ~~5115.05~~ 5115.03 of the Revised Code regarding income and resource 38603
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requirements for the disability financial assistance program, the 38607
director shall determine what payments shall be regarded or 38608
disregarded. In making this determination, the director shall 38609
consider: 38610

(1) The source of the payment; 38611

(2) The amount of the payment; 38612

(3) The purpose for which the payment was made; 38613

(4) Whether regarding the payment as income would be in the 38614
public interest; 38615

(5) Whether treating the payment as income would be 38616
detrimental to any of the programs administered in whole or in 38617
part by the department of job and family services and whether such 38618
determination would jeopardize the receipt of any federal grant or 38619
payment by the state or any receipt of aid under Chapter 5107. of 38620
the Revised Code. 38621

(B) Any recipient of aid under Title XVI of the "Social 38622
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, 38623
whose money payment is discontinued as the result of a general 38624
increase in old-age, survivors, and disability insurance benefits 38625
under such act, shall remain a recipient for the purpose of 38626
receiving medical assistance through the medical assistance 38627
program established under section 5111.01 of the Revised Code. 38628

Sec. 5101.181. (A) As used in this section and section 38629
5101.182 of the Revised Code, "public assistance" includes, in 38630
addition to Ohio works first; ~~prevention~~, all of the following: 38631

(1) Prevention retention, and contingency; ~~medicaid~~ 38632

(2) Medicaid; ~~and disability~~ 38633

(3) Disability financial assistance; ~~general;~~ 38634

(4) Disability medical assistance; 38635

(5) General assistance provided prior to July 17, 1995, under 38636
former Chapter 5113. of the Revised Code. 38637

(B) As part of the procedure for the determination of 38638
overpayment to a recipient of public assistance under Chapter 38639
5107., 5108., 5111., or 5115. of the Revised Code, the director of 38640
job and family services shall furnish quarterly the name and 38641
social security number of each individual who receives public 38642
assistance to the director of administrative services, the 38643
administrator of the bureau of workers' compensation, and each of 38644
the state's retirement boards. Within fourteen days after 38645
receiving the name and social security number of an individual who 38646
receives public assistance, the director of administrative 38647
services, administrator, or board shall inform the auditor of 38648
state as to whether such individual is receiving wages or 38649
benefits, the amount of any wages or benefits being received, the 38650
social security number, and the address of the individual. The 38651
director of administrative services, administrator, boards, and 38652
any agent or employee of those officials and boards shall comply 38653
with the rules of the director of job and family services 38654
restricting the disclosure of information regarding recipients of 38655
public assistance. Any person who violates this provision shall 38656
thereafter be disqualified from acting as an agent or employee or 38657
in any other capacity under appointment or employment of any state 38658
board, commission, or agency. 38659

(C) The auditor of state may enter into a reciprocal 38660
agreement with the director of job and family services or 38661
comparable officer of any other state for the exchange of names, 38662
current or most recent addresses, or social security numbers of 38663
persons receiving public assistance under Title IV-A or under 38664
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 38665
U.S.C. 301, as amended. 38666

(D)(1) The auditor of state shall retain, for not less than 38667

two years, at least one copy of all information received under 38668
this section and sections 145.27, 742.41, 3307.20, 3309.22, 38669
4123.27, 5101.182, and 5505.04 of the Revised Code. The auditor 38670
shall review the information to determine whether overpayments 38671
were made to recipients of public assistance under Chapters 5107., 38672
5108., 5111., and 5115. of the Revised Code. The auditor of state 38673
shall initiate action leading to prosecution, where warranted, of 38674
recipients who received overpayments by forwarding the name of 38675
each recipient who received overpayment, together with other 38676
pertinent information, to the director of job and family services 38677
and the attorney general, to the district director of job and 38678
family services of the district through which public assistance 38679
was received, and to the county director of job and family 38680
services and county prosecutor of the county through which public 38681
assistance was received. 38682

(2) The auditor of state and the attorney general or their 38683
designees may examine any records, whether in computer or printed 38684
format, in the possession of the director of job and family 38685
services or any county director of job and family services. They 38686
shall provide safeguards which restrict access to such records to 38687
purposes directly connected with an audit or investigation, 38688
prosecution, or criminal or civil proceeding conducted in 38689
connection with the administration of the programs and shall 38690
comply with the rules of the director of job and family services 38691
restricting the disclosure of information regarding recipients of 38692
public assistance. Any person who violates this provision shall 38693
thereafter be disqualified from acting as an agent or employee or 38694
in any other capacity under appointment or employment of any state 38695
board, commission, or agency. 38696

(3) Costs incurred by the auditor of state in carrying out 38697
the auditor of state's duties under this division shall be borne 38698
by the auditor of state. 38699

Sec. 5101.214. The director of job and family services may 38700
enter into agreements with one-stop operators and one-stop 38701
partners for the purpose of implementing the requirements of 38702
section 121 of the "Workforce Investment Act of 1998," 112 Stat. 38703
936, 29 U.S.C. 2801. 38704

Sec. 5101.36. Any application for public assistance gives a 38705
right of subrogation to the department of job and family services 38706
for any workers' compensation benefits payable to a person who is 38707
subject to a support order, as defined in section 3119.01 of the 38708
Revised Code, on behalf of the applicant, to the extent of any 38709
public assistance payments made on the applicant's behalf. If the 38710
director of job and family services, in consultation with a child 38711
support enforcement agency and the administrator of the bureau of 38712
workers' compensation, determines that a person responsible for 38713
support payments to a recipient of public assistance is receiving 38714
workers' compensation, the director shall notify the administrator 38715
of the amount of the benefit to be paid to the department of job 38716
and family services. 38717

For purposes of this section, "public assistance" means 38718
medical assistance provided through the medical assistance program 38719
established under section 5111.01 of the Revised Code; Ohio works 38720
first provided under Chapter 5107. of the Revised Code; 38721
prevention, retention, and contingency benefits and services 38722
provided under Chapter 5108. of the Revised Code; ~~or~~ disability 38723
financial assistance provided under Chapter 5115. of the Revised 38724
Code; or disability medical assistance provided under Chapter 38725
5115. of the Revised Code. 38726

Sec. 5101.58. As used in this section and section 5101.59 of 38727
the Revised Code, "public assistance" means aid provided under 38728
Chapter 5111. or 5115. of the Revised Code and participation in 38729

the Ohio works first program established under Chapter 5107. of 38730
the Revised Code. 38731

The acceptance of public assistance gives a right of recovery 38732
to the department of job and family services and a county 38733
department of job and family services against the liability of a 38734
third party for the cost of medical services and care arising out 38735
of injury, disease, or disability of the public assistance 38736
recipient or participant. When an action or claim is brought 38737
against a third party by a public assistance recipient or 38738
participant, the entire amount of any settlement or compromise of 38739
the action or claim, or any court award or judgment, is subject to 38740
the recovery right of the department of job and family services or 38741
county department of job and family services. Except in the case 38742
of a recipient or participant who receives medical services or 38743
care through a managed care organization, the department's or 38744
county department's claim shall not exceed the amount of medical 38745
expenses paid by the departments on behalf of the recipient or 38746
participant. In the case of a recipient or participant who 38747
receives medical services or care through a managed care 38748
organization, the amount of the department's or county 38749
department's claim shall be the amount the managed care 38750
organization pays for medical services or care rendered to the 38751
recipient or participant, even if that amount is more than the 38752
amount the departments pay to the managed care organization for 38753
the recipient's or participant's medical services or care. Any 38754
settlement, compromise, judgment, or award that excludes the cost 38755
of medical services or care shall not preclude the departments 38756
from enforcing their rights under this section. 38757

Prior to initiating any recovery action, the recipient or 38758
participant, or the recipient's or participant's representative, 38759
shall disclose the identity of any third party against whom the 38760
recipient or participant has or may have a right of recovery. 38761

Disclosure shall be made to the department of job and family 38762
services when medical expenses have been paid pursuant to Chapter 38763
5111. or 5115. of the Revised Code. Disclosure shall be made to 38764
both the department of job and family services and the appropriate 38765
county department of job and family services when medical expenses 38766
have been paid pursuant to Chapter 5115. of the Revised Code. No 38767
settlement, compromise, judgment, or award or any recovery in any 38768
action or claim by a recipient or participant where the 38769
departments have a right of recovery shall be made final without 38770
first giving the appropriate departments notice and a reasonable 38771
opportunity to perfect their rights of recovery. If the 38772
departments are not given appropriate notice, the recipient or 38773
participant is liable to reimburse the departments for the 38774
recovery received to the extent of medical payments made by the 38775
departments. The departments shall be permitted to enforce their 38776
recovery rights against the third party even though they accepted 38777
prior payments in discharge of their rights under this section if, 38778
at the time the departments received such payments, they were not 38779
aware that additional medical expenses had been incurred but had 38780
not yet been paid by the departments. The third party becomes 38781
liable to the department of job and family services or county 38782
department of job and family services as soon as the third party 38783
is notified in writing of the valid claims for recovery under this 38784
section. 38785

The right of recovery does not apply to that portion of any 38786
judgment, award, settlement, or compromise of a claim, to the 38787
extent of attorneys' fees, costs, or other expenses incurred by a 38788
recipient or participant in securing the judgment, award, 38789
settlement, or compromise, or to the extent of medical, surgical, 38790
and hospital expenses paid by such recipient or participant from 38791
the recipient's or participant's own resources. Attorney fees and 38792
costs or other expenses in securing any recovery shall not be 38793
assessed against any claims of the departments. 38794

To enforce their recovery rights, the departments may do any 38795
of the following: 38796

(A) Intervene or join in any action or proceeding brought by 38797
the recipient or participant or on the recipient's or 38798
participant's behalf against any third party who may be liable for 38799
the cost of medical services and care arising out of the 38800
recipient's or participant's injury, disease, or disability; 38801

(B) Institute and pursue legal proceedings against any third 38802
party who may be liable for the cost of medical services and care 38803
arising out of the recipient's or participant's injury, disease, 38804
or disability; 38805

(C) Initiate legal proceedings in conjunction with the 38806
injured, diseased, or disabled recipient or participant or the 38807
recipient's or participant's legal representative. 38808

Recovery rights created by this section may be enforced 38809
separately or jointly by the department of job and family services 38810
and the county department of job and family services. 38811

The right of recovery given to the department under this 38812
section does not include rights to support from any other person 38813
assigned to the state under sections 5107.20 and ~~5115.13~~ 5115.07 38814
of the Revised Code, but includes payments made by a third party 38815
under contract with a person having a duty to support. 38816

The director of job and family services may adopt rules in 38817
accordance with Chapter 119. of the Revised Code the department 38818
considers necessary to implement this section. 38819

Sec. 5101.59. (A) The application for or acceptance of public 38820
assistance constitutes an automatic assignment of certain rights 38821
to the department of job and family services. This assignment 38822
includes the rights of the applicant, recipient, or participant 38823
and also the rights of any other member of the assistance group 38824

for whom the applicant, recipient, or participant can legally make an assignment. 38825
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Pursuant to this section, the applicant, recipient, or participant assigns to the department any rights to medical support available to the applicant, recipient, or participant or for other members of the assistance group under an order of a court or administrative agency, and any rights to payments from any third party liable to pay for the cost of medical care and services arising out of injury, disease, or disability of the applicant, recipient, participant, or other members of the assistance group. 38827
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Medicare benefits shall not be assigned pursuant to this section. Benefits assigned to the department by operation of this section are directly reimbursable to the department by liable third parties. 38836
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(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. 38840
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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. 38850
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The rights of assignment given to the department under this 38855

section do not include rights to support assigned under section 38856
5107.20 or ~~5115.13~~ 5115.07 of the Revised Code. 38857

(C) The director of job and family services may adopt rules 38858
in accordance with Chapter 119. of the Revised Code to implement 38859
this section, including rules that specify what constitutes 38860
cooperating with efforts to obtain medical support and payments 38861
and when the cooperation requirement may be waived. 38862

Sec. 5101.75. (A) As used in sections 5101.75, 5101.751, 38863
5101.752, 5101.753, and 5101.754 of the Revised Code: 38864

(1) "Alternative source of long-term care" includes a 38865
residential care facility licensed under Chapter 3721. of the 38866
Revised Code, an adult care facility licensed under Chapter 3722. 38867
of the Revised Code, home and community-based services, and a 38868
nursing home licensed under Chapter 3721. of the Revised Code that 38869
is not a nursing facility. 38870

(2) "Medicaid" means the medical assistance program 38871
established under Chapter 5111. of the Revised Code. 38872

(3) "Nursing facility" has the same meaning as in section 38873
5111.20 of the Revised Code. 38874

(4) "Representative" means a person acting on behalf of an 38875
applicant for admission to a nursing facility. A representative 38876
may be a family member, attorney, hospital social worker, or any 38877
other person chosen to act on behalf of an applicant. 38878

(5) "Third-party payment source" means a third-party payer as 38879
defined in section 3901.38 of the Revised Code or medicaid. 38880

(B) Effective July 1, 1994, the department of job and family 38881
services may assess a person applying or intending to apply for 38882
admission to a nursing facility who is not an applicant for or 38883
recipient of medicaid to determine whether the person is in need 38884
of nursing facility services and whether an alternative source of 38885

long-term care is more appropriate for the person in meeting the 38886
person's physical, mental, and psychosocial needs than admission 38887
to the facility to which the person has applied. 38888

Each assessment shall be performed by the department or an 38889
agency designated by the department under section 5101.751 of the 38890
Revised Code and shall be based on information provided by the 38891
person or the person's representative. It shall consider the 38892
person's physical, mental, and psychosocial needs and the 38893
availability and effectiveness of informal support and care. The 38894
department or designated agency shall determine the person's 38895
physical, mental, and psychosocial needs by using, to the maximum 38896
extent appropriate, information from the resident assessment 38897
instrument specified in rules adopted by the department under 38898
division (A) of section 5111.231 of the Revised Code. The 38899
department or designated agency shall also use the criteria and 38900
procedures established in rules adopted by the department under 38901
division (I) of this section. Assessments may be performed only by 38902
persons certified by the department under section 5101.752 of the 38903
Revised Code. The department or designated agency shall make a 38904
recommendation on the basis of the assessment and, not later than 38905
the time the assessment is required to be performed under division 38906
(D) of this section, give the person assessed written notice of 38907
the recommendation, which shall explain the basis for the 38908
recommendation. If the department or designated agency determines 38909
pursuant to an assessment that an alternative source of long-term 38910
care is more appropriate for the person than admission to the 38911
facility to which the person has applied, the department or 38912
designated agency shall include in the notice possible sources of 38913
financial assistance for the alternative source of long-term care. 38914
If the department or designated agency has been informed that the 38915
person has a representative, it shall give the notice to the 38916
representative. 38917

(C) A person is not required to be assessed under division	38918
(B) of this section if any of the following apply:	38919
(1) The circumstances specified by rules adopted under	38920
division (I) of this section exist.	38921
(2) The person is to receive care in a nursing facility under	38922
a contract for continuing care as defined in section 173.13 of the	38923
Revised Code.	38924
(3) The person has a contractual right to admission to a	38925
nursing facility operated as part of a system of continuing care	38926
in conjunction with one or more facilities that provide a less	38927
intensive level of services, including a residential care facility	38928
licensed under Chapter 3721. of the Revised Code, an adult-care	38929
facility licensed under Chapter 3722. of the Revised Code, or an	38930
independent living arrangement;	38931
(4) The person is to receive continual care in a home for the	38932
aged exempt from taxation under section 5701.13 of the Revised	38933
Code;	38934
(5) The person is to receive care in the nursing facility for	38935
not more than fourteen days in order to provide temporary relief	38936
to the person's primary caregiver and the nursing facility	38937
notifies the department of the person's admittance not later than	38938
twenty-four hours after admitting the person;	38939
(6) The person is to be transferred from another nursing	38940
facility, unless the nursing facility from which or to which the	38941
person is to be transferred determines that the person's medical	38942
condition has changed substantially since the person's admission	38943
to the nursing facility from which the person is to be transferred	38944
or a review is required by a third-party payment source;	38945
(7) The person is to be readmitted to a nursing facility	38946
following a period of hospitalization, unless the hospital or	38947

nursing facility determines that the person's medical condition 38948
has changed substantially since the person's admission to the 38949
hospital, or a review is required by a third-party payment source; 38950

(8) The department or designated agency fails to complete an 38951
assessment within the time required by division (D) or (E) of this 38952
section or determines after a partial assessment that the person 38953
should be exempt from the assessment. 38954

(D) The department or designated agency shall perform a 38955
complete assessment, or, if circumstances provided by rules 38956
adopted under division (I) of this section exist, a partial 38957
assessment, as follows: 38958

(1) In the case of a hospitalized person applying or 38959
intending to apply to a nursing facility, not later than two 38960
working days after the person or the person's representative is 38961
notified that a bed is available in a nursing facility; 38962

(2) In the case of an emergency as determined in accordance 38963
with rules adopted under division (I) of this section, not later 38964
than one working day after the person or the person's 38965
representative is notified that a bed is available in a nursing 38966
facility; 38967

(3) In all other cases, not later than five calendar days 38968
after the person or the person's representative who submits the 38969
application is notified that a bed is available in a nursing 38970
facility. 38971

(E) If the department or designated agency conducts a partial 38972
assessment under division (D) of this section, it shall complete 38973
the rest of the assessment not later than one hundred eighty days 38974
after the date the person is admitted to the nursing facility 38975
unless the assessment entity determines the person should be 38976
exempt from the assessment. 38977

(F) A person assessed under this section or the person's 38978

representative may file a complaint with the department about the 38979
assessment process. The department shall work to resolve the 38980
complaint in accordance with rules adopted under division (I) of 38981
this section. 38982

(G) A person is not required to seek an alternative source of 38983
long-term care and may be admitted to or continue to reside in a 38984
nursing facility even though an alternative source of long-term 38985
care is available or the person is determined pursuant to an 38986
assessment under this section not to need nursing facility 38987
services. 38988

(H) No nursing facility ~~with~~ for which an operator has a 38989
provider agreement with the department under section 5111.22 of 38990
the Revised Code shall admit or retain any person, other than a 38991
person exempt from the assessment requirement as provided by 38992
division (C) of this section, as a resident unless the nursing 38993
facility has received evidence that a complete or partial 38994
assessment has been completed. 38995

(I) The director of job and family services shall adopt rules 38996
in accordance with Chapter 119. of the Revised Code to implement 38997
and administer this section. The rules shall include all of the 38998
following: 38999

(1) The information a person being assessed or the person's 39000
representative must provide to enable the department or designated 39001
agency to do the assessment; 39002

(2) Criteria to be used to determine whether a person is in 39003
need of nursing facility services; 39004

(3) Criteria to be used to determine whether an alternative 39005
source of long-term care is appropriate for the person being 39006
assessed; 39007

(4) Criteria and procedures to be used to determine a 39008
person's physical, mental, and psychosocial needs; 39009

(5) Criteria to be used to determine the effectiveness and continued availability of a person's current source of informal support and care;	39010 39011 39012
(6) Circumstances, in addition to those specified in division (C) of this section, under which a person is not required to be assessed;	39013 39014 39015
(7) Circumstances under which the department or designated agency may perform a partial assessment under division (D) of this section;	39016 39017 39018
(8) The method by which a situation will be determined to be an emergency for the purpose of division (D)(2) of this section;	39019 39020
(9) The method by which the department will attempt to resolve complaints filed under division (F) of this section.	39021 39022
(J) The director of job and family services may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code in either of the following circumstances:	39023 39024 39025 39026
(1) The nursing facility fails to notify the department within the required time about an admission described in division (C)(5) of this section;	39027 39028 39029
(2) The nursing facility admits, without evidence that a complete or partial assessment has been conducted, a person other than a person exempt from the assessment requirement as provided by division (C) of this section.	39030 39031 39032 39033
The director shall deposit all fines collected under this division into the residents protection fund established by section 5111.62 of the Revised Code.	39034 39035 39036
Sec. 5101.80. (A) As used in this section and in section 5101.801 of the Revised Code:	39037 39038

(1) "County family services agency" has the same meaning as 39039
in section 307.981 of the Revised Code. 39040

(2) "State agency" has the same meaning as in section 9.82 of 39041
the Revised Code. 39042

(3) "Title IV-A program" means all of the following that are 39043
funded in part with funds provided under the temporary assistance 39044
for needy families block grant established by Title IV-A of the 39045
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 39046
amended: 39047

(a) The Ohio works first program established under Chapter 39048
5107. of the Revised Code; 39049

(b) The prevention, retention, and contingency program 39050
established under Chapter 5108. of the Revised Code; 39051

(c) A program established by the general assembly or an 39052
executive order issued by the governor that is administered or 39053
supervised by the department of job and family services pursuant 39054
to section 5101.801 of the Revised Code; 39055

(d) A component of a Title IV-A program identified under 39056
divisions (A)(3)(a) to (c) of this section that the Title IV-A 39057
state plan prepared under division (C)(1) of this section 39058
identifies as a component. 39059

(B) The department of job and family services shall act as 39060
the single state agency to administer and supervise the 39061
administration of Title IV-A programs. The Title IV-A state plan 39062
and amendments to the plan prepared under division (C) of this 39063
section are binding on county family services agencies and state 39064
agencies that administer a Title IV-A program. No county family 39065
services agency or state agency administering a Title IV-A program 39066
may establish, by rule or otherwise, a policy governing the Title 39067
IV-A program that is inconsistent with a Title IV-A program policy 39068

established, in rule or otherwise, by the director of job and family services. 39069
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(C) The department of job and family services shall do all of the following: 39071
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(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A programs; 39073
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(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in division (A)(3)(c) and (d) of this section; 39076
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(3) Prescribe forms for applications, certificates, reports, records, and accounts of county family services agencies and state agencies administering a Title IV-A program, and other matters related to Title IV-A programs; 39081
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(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; 39085
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(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; 39089
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(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; 39093
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(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and section 5101.801 of the Revised 39097
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Code, any sums appropriated by the general assembly for the 39099
purpose of those chapters and section and all sums paid to the 39100
state by the secretary of the treasury of the United States as 39101
authorized by Title IV-A of the "Social Security Act," 110 Stat. 39102
2113 (1996), 42 U.S.C. 601, as amended; 39103

(8) Conduct investigations and audits as are necessary 39104
regarding Title IV-A programs; 39105

(9) Enter into reciprocal agreements with other states 39106
relative to the provision of Ohio works first and prevention, 39107
retention, and contingency to residents and nonresidents; 39108

(10) Contract with a private entity to conduct an independent 39109
on-going evaluation of the Ohio works first program and the 39110
prevention, retention, and contingency program. The contract must 39111
require the private entity to do all of the following: 39112

(a) Examine issues of process, practice, impact, and 39113
outcomes; 39114

(b) Study former participants of Ohio works first who have 39115
not participated in Ohio works first for at least one year to 39116
determine whether they are employed, the type of employment in 39117
which they are engaged, the amount of compensation they are 39118
receiving, whether their employer provides health insurance, 39119
whether and how often they have received benefits or services 39120
under the prevention, retention, and contingency program, and 39121
whether they are successfully self sufficient; 39122

(c) Provide the department with reports at times the 39123
department specifies. 39124

(11) Not later than January 1, 2001, and the first day of 39125
each January and July thereafter, prepare a report containing 39126
information on the following: 39127

(a) Individuals exhausting the time limits for participation 39128

in Ohio works first set forth in section 5107.18 of the Revised Code. 39129
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(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. 39131
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(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. 39134
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(13) To the extent authorized by section 5101.801 of the Revised Code, enter into interagency agreements with state agencies for the administration of Title IV-A programs identified under division (A)(3)(c) and (d) of this section. 39144
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(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under divisions (C)(11) and (12) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request. 39148
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(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. 39155
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Sec. 5101.83. (A) As used in this section: 39160

(1) "Assistance group" has the same meaning as in ~~sections~~ 39161
section 5107.02 ~~and 5108.01~~ of the Revised Code, except that it 39162
also means a group provided benefits and services under the 39163
prevention, retention, and contingency program ~~because the members~~ 39164
~~of the group share a common need for benefits and services.~~ 39165

(2) "Fraudulent assistance" means assistance and service, 39166
including cash assistance, provided under the Ohio works first 39167
program established under Chapter 5107., or benefits and services 39168
provided under the prevention, retention, and contingency program 39169
established under Chapter 5108. of the Revised Code, to or on 39170
behalf of an assistance group that is provided as a result of 39171
fraud by a member of the assistance group, including an 39172
intentional violation of the program's requirements. "Fraudulent 39173
assistance" does not include assistance or services to or on 39174
behalf of an assistance group that is provided as a result of an 39175
error that is the fault of a county department of job and family 39176
services or the state department of job and family services. 39177

(B) If a county director of job and family services 39178
determines that an assistance group has received fraudulent 39179
assistance, the assistance group is ineligible to participate in 39180
the Ohio works first program or the prevention, retention, and 39181
contingency program until a member of the assistance group repays 39182
the cost of the fraudulent assistance. If a member repays the cost 39183
of the fraudulent assistance and the assistance group otherwise 39184
meets the eligibility requirements for the Ohio works first 39185
program or the prevention, retention, and contingency program, the 39186
assistance group shall not be denied the opportunity to 39187
participate in the program. 39188

This section does not limit the ability of a county 39189
department of job and family services to recover erroneous 39190

payments under section 5107.76 of the Revised Code. 39191

The state department of job and family services shall adopt 39192
rules in accordance with Chapter 119. of the Revised Code to 39193
implement this section. 39194

Sec. 5101.97. (A)(1) Not later than the ~~first~~ last day of 39195
each July and January, the department of job and family services 39196
shall complete a report on the characteristics of the individuals 39197
who participate in or receive services through the programs 39198
operated by the department and the outcomes of the individuals' 39199
participation in or receipt of services through the programs. The 39200
~~report reports shall be for the six-month periods ending on the~~ 39201
last days of June and December and shall include information on 39202
the following: 39203

(a) Work activities, developmental activities, and 39204
alternative work activities established under sections 5107.40 to 39205
5107.69 of the Revised Code; 39206

(b) Programs of publicly funded child day-care, as defined in 39207
section 5104.01 of the Revised Code; 39208

(c) Child support enforcement programs; 39209

(d) Births to recipients of the medical assistance program 39210
established under Chapter 5111. of the Revised Code. 39211

(2) Not later than the ~~first~~ last day of each July, the 39212
department shall complete a progress report on the partnership 39213
agreements between the director of job and family services and 39214
boards of county commissioners under section 5101.21 of the 39215
Revised Code. The report shall be for the twelve-month period 39216
ending on the last day of June and shall include a review of 39217
whether the county family services agencies and workforce 39218
development agencies satisfied performance standards included in 39219
the agreements and whether the department provided assistance, 39220

services, and technical support specified in the agreements to aid 39221
the agencies in meeting the performance standards. 39222

(3) The department shall submit the reports required under 39223
divisions (A)(1) and (2) of this section to the speaker and 39224
minority leader of the house of representatives, the president and 39225
minority leader of the senate, the legislative budget officer, the 39226
director of budget and management, and each board of county 39227
commissioners. The department shall provide copies of each report 39228
to any person or government entity on request. 39229

In designing the format for each report, the department shall 39230
consult with individuals, organizations, and government entities 39231
interested in the programs operated by the department, so that the 39232
reports are designed to enable the general assembly and the public 39233
to evaluate the effectiveness of the programs and identify any 39234
needs that the programs are not meeting. 39235

(B) Whenever the federal government requires that the 39236
department submit a report on a program that is operated by the 39237
department or is otherwise under the department's jurisdiction, 39238
the department shall prepare and submit the report in accordance 39239
with the federal requirements applicable to that report. To the 39240
extent possible, the department may coordinate the preparation and 39241
submission of a particular report with any other report, plan, or 39242
other document required to be submitted to the federal government, 39243
as well as with any report required to be submitted to the general 39244
assembly. The reports required by the Personal Responsibility and 39245
Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may be 39246
submitted as an annual summary. 39247

Sec. 5103.031. (A) Except as provided in section 5103.033 of 39248
the Revised Code, the department of job and family services may 39249
not issue a certificate under section 5103.03 of the Revised Code 39250
to a foster home unless the foster caregiver successfully 39251

completes the following amount of preplacement training through 39252
~~the Ohio child welfare training program~~ or a preplacement training 39253
program operated under section 5103.034 or 5153.60 of the Revised 39254
Code: 39255

(1) If the foster home is a family foster home, at least 39256
twelve hours; 39257

(2) If the foster home is a specialized foster home, at least 39258
thirty-six hours. 39259

(B) No child may be placed in a family foster home unless the 39260
foster caregiver completes at least twelve additional hours of 39261
preplacement training through ~~the Ohio child welfare training~~ 39262
~~program~~ or a preplacement training program operated under section 39263
5103.034 or 5153.60 of the Revised Code. 39264

Sec. 5103.033. The department of job and family services may 39265
issue or renew a certificate under section 5103.03 of the Revised 39266
Code to a foster home for the care of a child who is in the 39267
custody of a public children services agency or private child 39268
placing agency pursuant to an agreement entered into under section 39269
5103.15 of the Revised Code regarding a child who was less than 39270
six months of age on the date the agreement was executed if the 39271
foster caregiver successfully completes the following amount of 39272
training: 39273

(A) For an initial certificate, at least twelve hours of 39274
preplacement training through ~~the Ohio child welfare training~~ 39275
~~program~~ or a preplacement training program operated under section 39276
5103.034 or 5153.60 of the Revised Code; 39277

(B) For renewal of a certificate, at least twelve hours each 39278
year of continuing training in accordance with the foster 39279
caregiver's needs assessment and continuing training plan 39280
developed and implemented under section 5103.035 of the Revised 39281

Code. 39282

Sec. 5103.034. ~~(A) A public children services agency, private~~ 39283
~~child placing agency, or private noncustodial agency operating a~~ 39284
~~preplacement training program or continuing training program~~ 39285
~~approved by the department of job and family services under~~ 39286
~~section 5103.038 of the Revised Code or the Ohio child welfare~~ 39287
~~training program operating a preplacement training program or~~ 39288
~~continuing training program pursuant to section 5153.60 of the~~ 39289
~~Revised Code shall make the program available to foster~~ 39290
~~caregivers. The agency or program shall make the programs~~ 39291
~~available without regard to the type of recommending agency from~~ 39292
~~which a foster caregiver seeks a recommendation and without charge~~ 39293
~~to the foster caregiver.~~ 39294

(B) A private child placing agency or private noncustodial 39295
agency operating a preplacement training program or continuing 39296
training program approved by the department of job and family 39297
services under section 5103.038 of the Revised Code may condition 39298
the enrollment of a foster caregiver in a program on either or 39299
both of the following: 39300

(1) Availability of space in the training program; 39301

(2) If applicable, payment of an instruction or registration 39302
fee, if any, by the foster caregiver's recommending agency. 39303

(C) The Ohio child welfare training program operating a 39304
preplacement training program or continuing training program 39305
pursuant to section 5153.60 of the Revised Code may condition the 39306
enrollment in a preplacement training program or continuing 39307
training program of a foster caregiver whose recommending agency 39308
is a private child placing agency or private noncustodial agency 39309
on either or both of the following: 39310

(1) Availability of space in the training program; 39311

(2) Assignment to the program by the foster caregiver's recommending agency of the allowance payable under section 5103.0313 of the Revised Code. 39312
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(D) A private child placing agency or private noncustodial agency may contract with an individual or a public or private entity to administer a preplacement training program or continuing training program operated by the agency and approved by the department of job and family services under section 5103.038 of the Revised Code. 39315
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Sec. 5103.036. For the purpose of determining whether a foster caregiver has satisfied the requirement of section 5103.031 or 5103.032 of the Revised Code, a recommending agency shall accept training obtained from ~~the Ohio child welfare training program or pursuant to~~ a preplacement training program or continuing training program operated under section 5103.034 or 5153.60 of the Revised Code regardless of whether the program is operated by the recommending agency ~~operated the preplacement training program or continuing training program~~. The agency may require that the foster caregiver successfully complete additional training as a condition of the agency recommending that the department of job and family services certify or recertify the foster caregiver's foster home under section 5103.03 of the Revised Code. 39321
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Sec. 5103.037. The department of job and family services, in consultation with the departments of youth services, mental health, education, mental retardation and developmental disabilities, and alcohol and drug addiction services, shall develop a model design of a preplacement training program for foster caregivers seeking an initial certificate under section 5103.03 of the Revised Code and a model design of a continuing 39335
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training program for foster caregivers seeking renewal of a 39342
certificate under that section. The model design of a preplacement 39343
training program shall comply with section 5103.039 of the Revised 39344
Code. The model design of a continuing training program shall 39345
comply with section 5103.0310 of the Revised Code. The department 39346
of job and family services shall make the model designs available 39347
to ~~public children services agencies~~ the Ohio child welfare 39348
training program, private child placing agencies, and private 39349
noncustodial agencies. 39350

Sec. 5103.038. (A) Every other year by a date specified in 39351
rules adopted under section 5103.0316 of the Revised Code, each 39352
~~public children services agency,~~ private child placing agency, and 39353
private noncustodial agency that seeks to operate a preplacement 39354
training program or continuing training program under section 39355
5103.034 of the Revised Code shall submit to the department of job 39356
and family services a proposal outlining the program. The proposal 39357
may be the same as, a modification of, or different from, a model 39358
design developed under section 5103.037 of the Revised Code. ~~The~~ 39359
~~proposal shall include a budget for the program regarding the cost~~ 39360
~~associated with trainers, obtaining sites at which the training is~~ 39361
~~provided, and the administration of the training. The budget shall~~ 39362
~~be consistent with rules adopted under section 5103.0316 of the~~ 39363
~~Revised Code governing the department of job and family services'~~ 39364
~~reimbursement of public children services agencies, private child~~ 39365
~~placing agencies, and private noncustodial agencies under section~~ 39366
~~5103.0313 of the Revised Code.~~ 39367

(B) Not later than thirty days after receiving a proposal 39368
under division (A) of this section, the department shall either 39369
approve or disapprove the proposed program. The department shall 39370
approve a proposed preplacement training program if it complies 39371
with section 5103.039 or 5103.0310 of the Revised Code, as 39372
appropriate, and, in the case of a proposal submitted by an agency 39373

operating a preplacement training program at the time the proposal 39374
is submitted, the department is satisfied with the agency's 39375
operation of the program. The department shall approve a proposed 39376
continuing training program if it complies with section 5103.0310 39377
or 5103.0311 of the Revised Code, as appropriate, and, in the case 39378
of a proposal submitted by an agency operating a continuing 39379
training program at the time the proposal is submitted, the 39380
department is satisfied with the agency's operation of the 39381
program. ~~The department shall disapprove a proposed program if the 39382
program's budget is not consistent with rules adopted under 39383
section 5103.0316 of the Revised Code governing the department's 39384
reimbursement of public children services agencies, private child 39385
placing agencies, and private noncustodial agencies under section 39386
5103.0313 of the Revised Code.~~ If the department disapproves a 39387
proposal, it shall provide the reason for disapproval to the 39388
agency that submitted the proposal and advise the agency of how to 39389
revise the proposal so that the department can approve it. 39390

(C) The department's approval under division (B) of this 39391
section of a proposed preplacement training program or continuing 39392
training program is valid only for two years following the year 39393
the proposal for the program is submitted to the department under 39394
division (A) of this section. 39395

Sec. 5103.0312. A public children services agency, private 39396
child placing agency, or private noncustodial agency acting as a 39397
recommending agency for foster caregivers who hold certificates 39398
issued under section 5103.03 of the Revised Code shall pay those 39399
foster caregivers ~~who have had at least one foster child placed in 39400
their home~~ a stipend to reimburse them for attending ~~training 39401
courses provided by the Ohio child welfare training program or 39402
pursuant to~~ a preplacement training program or continuing training 39403
program operated under section 5103.034 or 5153.60 of the Revised 39404
Code. The payment shall be based on a stipend rate established by 39405

the department of job and family services. The stipend rate shall 39406
be the same regardless of the type of recommending agency from 39407
which a foster caregiver seeks a recommendation. The department 39408
shall, pursuant to rules adopted under section 5103.0316 of the 39409
Revised Code, reimburse the recommending agency for stipend 39410
payments it makes in accordance with this section. 39411

Sec. 5103.0313. The department of job and family services 39412
shall ~~reimburse the following~~ compensate a private child placing 39413
agency or private noncustodial agency for the cost of ~~providing~~ 39414
procuring or operating preplacement and continuing training ~~to~~ 39415
~~foster caregivers.~~ 39416

(A) ~~The Ohio child welfare training program;~~ 39417

(B) ~~A public children services agency, private child placing~~ 39418
~~agency, or private noncustodial agency through a preplacement~~ 39419
~~training program or continuing training program operated~~ programs 39420
under section 5103.034 of the Revised Code for foster caregivers 39421
who are recommended for initial certification or recertification 39422
by the agency. 39423

The ~~reimbursement~~ compensation shall be ~~on a per diem basis~~ 39424
and limited to the ~~cost associated with the trainer, obtaining a~~ 39425
~~site at which the training is provided, and the administration of~~ 39426
~~the training~~ paid to the agency in the form of an allowance for 39427
each hour of preplacement and continuing training provided or 39428
received. A ~~reimbursement rate shall be the same regardless of~~ 39429
~~whether the training program is operated by the Ohio child welfare~~ 39430
~~training program or a public children services agency, private~~ 39431
~~child placing agency, or private noncustodial agency.~~ 39432

Sec. 5103.0314. The department of job and family services 39433
shall not ~~reimburse~~ compensate a recommending agency for ~~the cost~~ 39434
~~of~~ any training the agency requires a foster caregiver to undergo 39435

as a condition of the agency recommending the department certify 39436
or recertify the foster caregiver's foster home under section 39437
5103.03 of the Revised Code if the training is in addition to the 39438
minimum training required by section 5103.031 or 5103.032 of the 39439
Revised Code. 39440

Sec. 5103.0315. The department of job and family services 39441
shall seek federal financial participation for the cost of making 39442
payments under section 5103.0312 of the Revised Code and 39443
~~reimbursements~~ allowances under section 5103.0313 of the Revised 39444
Code. The department shall notify the governor, president of the 39445
senate, minority leader of the senate, speaker of the house of 39446
representatives, and minority leader of the house of 39447
representatives of any proposed federal legislation that endangers 39448
the federal financial participation. 39449

Sec. 5103.0316. ~~Not later than ninety days after January 1,~~ 39450
~~2001, the~~ The department of job and family services shall adopt 39451
rules in accordance with Chapter 119. of the Revised Code as 39452
necessary for the efficient administration of sections 5103.031 to 39453
5103.0316 of the Revised Code. The rules shall provide for all of 39454
the following: 39455

(A) For the purpose of section 5103.038 of the Revised Code, 39456
the date by which a ~~public children services agency,~~ private child 39457
placing agency, or private noncustodial agency that seeks to 39458
operate a preplacement training program or continuing training 39459
program under section 5103.034 of the Revised Code must submit to 39460
the department a proposal outlining the program; 39461

(B) Requirements governing the department's ~~reimbursement~~ 39462
compensation of the ~~Ohio child welfare training program and public~~ 39463
~~children services agencies,~~ private child placing agencies, and 39464
private noncustodial agencies under sections 5103.0312 and 39465

5103.0313 of the Revised Code;	39466
(C) Any other matter the department considers appropriate.	39467
Sec. 5103.154. (A) Information concerning all children who	39468
are, pursuant to section 2151.353 or 5103.15 of the Revised Code,	39469
in the permanent custody of an institution or association	39470
certified by the department of job and family services under	39471
section 5103.03 of the Revised Code shall be listed with the	39472
department within ninety days after permanent custody is	39473
effective, unless the child has been placed for adoption or unless	39474
an application for placement was initiated under section 5103.16	39475
of the Revised Code.	39476
(B) All persons who wish to adopt children, and are approved	39477
by an agency so empowered under this chapter, shall be listed with	39478
the department within ninety days of approval, unless a person	39479
requests in writing that that person's name not be so listed, or	39480
has had a child placed in that person's home in preparation for	39481
adoption, or has filed a petition for adoption.	39482
(C) All persons who wish to adopt a child with special needs	39483
as defined in rules adopted under section 5153.163 of the Revised	39484
Code, and who are approved by an agency so empowered under this	39485
chapter, shall be listed separately by the department within	39486
ninety days of approval, unless a person requests in writing that	39487
that person's name not be so listed, or has had a child with	39488
special needs placed in that person's home in preparation for	39489
adoption, or has filed a petition for adoption.	39490
(D) The department shall forward information on such children	39491
and listed persons at least quarterly, to all public children	39492
services agencies and all certified agencies.	39493
(E) The appropriate listed names shall be removed when a	39494
child is placed in an adoptive home or when a person withdraws an	39495

application for adoption. 39496

(F) No later than six months after the end of each fiscal 39497
year, the department shall compile a report of its conclusions 39498
regarding the effectiveness of its actions pursuant to this 39499
section and of the restrictions on placement under division ~~(F)~~(G) 39500
of section 5153.163 of the Revised Code in increasing adoptive 39501
placements of children with special needs, together with its 39502
recommendations, and shall submit a copy of the report to the 39503
chairpersons of the principal committees of the senate and the 39504
house of representatives who consider welfare legislation. 39505

Sec. 5103.155. As used in this section, "children with 39506
special needs" has the same meaning as in rules adopted under 39507
section 5153.163 of the Revised Code. 39508

If the department of job and family services determines that 39509
money in the putative father registry fund created under section 39510
2101.16 of the Revised Code is more than is needed to perform its 39511
duties related to the putative father registry, the department may 39512
use surplus moneys in the fund to promote adoption of children 39513
with special needs. 39514

Sec. 5104.01. As used in this chapter: 39515

(A) "Administrator" means the person responsible for the 39516
daily operation of a center or type A home. The administrator and 39517
the owner may be the same person. 39518

(B) "Approved child day camp" means a child day camp approved 39519
pursuant to section 5104.22 of the Revised Code. 39520

(C) "Authorized provider" means a person authorized by a 39521
county director of job and family services to operate a certified 39522
type B family day-care home. 39523

(D) "Border state child day-care provider" means a child 39524

day-care provider that is located in a state bordering Ohio and 39525
that is licensed, certified, or otherwise approved by that state 39526
to provide child day-care. 39527

(E) "Caretaker parent" means the father or mother of a child 39528
whose presence in the home is needed as the caretaker of the 39529
child, a person who has legal custody of a child and whose 39530
presence in the home is needed as the caretaker of the child, a 39531
guardian of a child whose presence in the home is needed as the 39532
caretaker of the child, and any other person who stands in loco 39533
parentis with respect to the child and whose presence in the home 39534
is needed as the caretaker of the child. 39535

(F) "Certified type B family day-care home" and "certified 39536
type B home" mean a type B family day-care home that is certified 39537
by the director of the county department of job and family 39538
services pursuant to section 5104.11 of the Revised Code to 39539
receive public funds for providing child day-care pursuant to this 39540
chapter and any rules adopted under it. 39541

(G) "Chartered nonpublic school" means a school that meets 39542
standards for nonpublic schools prescribed by the state board of 39543
education for nonpublic schools pursuant to section 3301.07 of the 39544
Revised Code. 39545

(H) "Child" includes an infant, toddler, preschool child, or 39546
school child. 39547

(I) "Child care block grant act" means the "Child Care and 39548
Development Block Grant Act of 1990," established in section 5082 39549
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 39550
1388-236 (1990), 42 U.S.C. 9858, as amended. 39551

(J) "Child day camp" means a program in which only school 39552
children attend or participate, that operates for no more than 39553
seven hours per day, that operates only during one or more public 39554
school district's regular vacation periods or for no more than 39555

fifteen weeks during the summer, and that operates outdoor 39556
activities for each child who attends or participates in the 39557
program for a minimum of fifty per cent of each day that children 39558
attend or participate in the program, except for any day when 39559
hazardous weather conditions prevent the program from operating 39560
outdoor activities for a minimum of fifty per cent of that day. 39561
For purposes of this division, the maximum seven hours of 39562
operation time does not include transportation time from a child's 39563
home to a child day camp and from a child day camp to a child's 39564
home. 39565

(K) "Child day-care" means administering to the needs of 39566
infants, toddlers, preschool children, and school children outside 39567
of school hours by persons other than their parents or guardians, 39568
custodians, or relatives by blood, marriage, or adoption for any 39569
part of the twenty-four-hour day in a place or residence other 39570
than a child's own home. 39571

(L) "Child day-care center" and "center" mean any place in 39572
which child day-care or publicly funded child day-care is provided 39573
for thirteen or more children at one time or any place that is not 39574
the permanent residence of the licensee or administrator in which 39575
child day-care or publicly funded child day-care is provided for 39576
seven to twelve children at one time. In counting children for the 39577
purposes of this division, any children under six years of age who 39578
are related to a licensee, administrator, or employee and who are 39579
on the premises of the center shall be counted. "Child day-care 39580
center" and "center" do not include any of the following: 39581

(1) A place located in and operated by a hospital, as defined 39582
in section 3727.01 of the Revised Code, in which the needs of 39583
children are administered to, if all the children whose needs are 39584
being administered to are monitored under the on-site supervision 39585
of a physician licensed under Chapter 4731. of the Revised Code or 39586
a registered nurse licensed under Chapter 4723. of the Revised 39587

Code, and the services are provided only for children who, in the 39588
opinion of the child's parent, guardian, or custodian, are 39589
exhibiting symptoms of a communicable disease or other illness or 39590
are injured; 39591

(2) A child day camp; 39592

(3) A place that provides child day-care, but not publicly 39593
funded child day-care, if all of the following apply: 39594

(a) An organized religious body provides the child day-care; 39595

(b) A parent, custodian, or guardian of at least one child 39596
receiving child day-care is on the premises and readily accessible 39597
at all times; 39598

(c) The child day-care is not provided for more than thirty 39599
days a year; 39600

(d) The child day-care is provided only for preschool and 39601
school children. 39602

(M) "Child day-care resource and referral service 39603
organization" means a community-based nonprofit organization that 39604
provides child day-care resource and referral services but not 39605
child day-care. 39606

(N) "Child day-care resource and referral services" means all 39607
of the following services: 39608

(1) Maintenance of a uniform data base of all child day-care 39609
providers in the community that are in compliance with this 39610
chapter, including current occupancy and vacancy data; 39611

(2) Provision of individualized consumer education to 39612
families seeking child day-care; 39613

(3) Provision of timely referrals of available child day-care 39614
providers to families seeking child day-care; 39615

(4) Recruitment of child day-care providers; 39616

(5) Assistance in the development, conduct, and dissemination of training for child day-care providers and provision of technical assistance to current and potential child day-care providers, employers, and the community;	39617 39618 39619 39620
(6) Collection and analysis of data on the supply of and demand for child day-care in the community;	39621 39622
(7) Technical assistance concerning locally, state, and federally funded child day-care and early childhood education programs;	39623 39624 39625
(8) Stimulation of employer involvement in making child day-care more affordable, more available, safer, and of higher quality for their employees and for the community;	39626 39627 39628
(9) Provision of written educational materials to caretaker parents and informational resources to child day-care providers;	39629 39630
(10) Coordination of services among child day-care resource and referral service organizations to assist in developing and maintaining a statewide system of child day-care resource and referral services if required by the department of job and family services;	39631 39632 39633 39634 39635
(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.	39636 39637 39638 39639
(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.	39640 39641 39642 39643 39644
(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home"	39645 39646

mean a center or type A home that provides child day-care or 39647
publicly funded child day-care for children on a temporary, 39648
irregular basis. 39649

(Q) "Employee" means a person who either: 39650

(1) Receives compensation for duties performed in a child 39651
day-care center or type A family day-care home; 39652

(2) Is assigned specific working hours or duties in a child 39653
day-care center or type A family day-care home. 39654

(R) "Employer" means a person, firm, institution, 39655
organization, or agency that operates a child day-care center or 39656
type A family day-care home subject to licensure under this 39657
chapter. 39658

(S) "Federal poverty line" means the official poverty 39659
guideline as revised annually in accordance with section 673(2) of 39660
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 39661
U.S.C. 9902, as amended, for a family size equal to the size of 39662
the family of the person whose income is being determined. 39663

(T) "Head start program" means a comprehensive child 39664
development program that receives funds distributed under the 39665
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 39666
amended, or under ~~section~~ sections 3301.31 to 3301.37 of the 39667
Revised Code. 39668

(U) "Income" means gross income, as defined in section 39669
5107.10 of the Revised Code, less any amounts required by federal 39670
statutes or regulations to be disregarded. 39671

(V) "Indicator checklist" means an inspection tool, used in 39672
conjunction with an instrument-based program monitoring 39673
information system, that contains selected licensing requirements 39674
that are statistically reliable indicators or predictors of a 39675
child day-care center or type A family day-care home's compliance 39676

with licensing requirements.	39677
(W) "Infant" means a child who is less than eighteen months of age.	39678 39679
(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.	39680 39681 39682 39683 39684
(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.	39685 39686 39687 39688 39689 39690 39691
(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 occupancy limits established by the department of commerce, number of available child-care staff members, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.	39692 39693 39694 39695 39696 39697 39698 39699
(AA) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.	39700 39701 39702 39703 39704
(BB) "Licensee" means the owner of a child day-care center or type A family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with	39705 39706 39707

this chapter and rules adopted pursuant to this chapter. 39708

(CC) "Operate a child day camp" means to operate, establish, 39709
manage, conduct, or maintain a child day camp. 39710

(DD) "Owner" includes a person, as defined in section 1.59 of 39711
the Revised Code, or government entity. 39712

(EE) "Parent cooperative child day-care center," "parent 39713
cooperative center," "parent cooperative type A family day-care 39714
home," and "parent cooperative type A home" mean a corporation or 39715
association organized for providing educational services to the 39716
children of members of the corporation or association, without 39717
gain to the corporation or association as an entity, in which the 39718
services of the corporation or association are provided only to 39719
children of the members of the corporation or association, 39720
ownership and control of the corporation or association rests 39721
solely with the members of the corporation or association, and at 39722
least one parent-member of the corporation or association is on 39723
the premises of the center or type A home during its hours of 39724
operation. 39725

(FF) "Part-time child day-care center," "part-time center," 39726
"part-time type A family day-care home," and "part-time type A 39727
home" mean a center or type A home that provides child day-care or 39728
publicly funded child day-care for no more than four hours a day 39729
for any child. 39730

(GG) "Place of worship" means a building where activities of 39731
an organized religious group are conducted and includes the 39732
grounds and any other buildings on the grounds used for such 39733
activities. 39734

(HH) "Preschool child" means a child who is three years old 39735
or older but is not a school child. 39736

(II) "Protective day-care" means publicly funded child 39737
day-care for the direct care and protection of a child to whom 39738

either of the following applies: 39739

(1) A case plan prepared and maintained for the child 39740
pursuant to section 2151.412 of the Revised Code indicates a need 39741
for protective day-care and the child resides with a parent, 39742
stepparent, guardian, or another person who stands in loco 39743
parentis as defined in rules adopted under section 5104.38 of the 39744
Revised Code; 39745

(2) The child and the child's caretaker either temporarily 39746
reside in a facility providing emergency shelter for homeless 39747
families or are determined by the county department of job and 39748
family services to be homeless, and are otherwise ineligible for 39749
publicly funded child day-care. 39750

(JJ) "Publicly funded child day-care" means administering to 39751
the needs of infants, toddlers, preschool children, and school 39752
children under age thirteen during any part of the 39753
twenty-four-hour day by persons other than their caretaker parents 39754
for remuneration wholly or in part with federal or state funds, 39755
including funds available under the child care block grant act 39756
funds, Title IV-A, and Title XX, distributed by the department of 39757
job and family services. 39758

(KK) "Religious activities" means any of the following: 39759
worship or other religious services; religious instruction; Sunday 39760
school classes or other religious classes conducted during or 39761
prior to worship or other religious services; youth or adult 39762
fellowship activities; choir or other musical group practices or 39763
programs; meals; festivals; or meetings conducted by an organized 39764
religious group. 39765

(LL) "School child" means a child who is enrolled in or is 39766
eligible to be enrolled in a grade of kindergarten or above but is 39767
less than fifteen years old. 39768

(MM) "School child day-care center," "school child center," 39769

"school child type A family day-care home," and "school child type A family home" mean a center or type A home that provides child day-care for school children only and that does either or both of the following:

(1) Operates only during that part of the day that immediately precedes or follows the public school day of the school district in which the center or type A home is located;

(2) Operates only when the public schools in the school district in which the center or type A home is located are not open for instruction with pupils in attendance.

(NN) "Special needs day-care" means publicly funded child day-care that is provided for a child who is physically or developmentally handicapped, mentally retarded, or mentally ill.

(OO) "State median income" means the state median income calculated by the department of development pursuant to division (A)(1)(g) of section 5709.61 of the Revised Code.

(PP) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(OO) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

(RR) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

~~(OO)~~(SS) "Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child day-care or publicly funded child day-care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child day-care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee,

administrator, or employee and who are on the premises of the type 39800
A home shall be counted. "Type A family day-care home" does not 39801
include a residence in which the needs of children are 39802
administered to, if all of the children whose needs are being 39803
administered to are siblings of the same immediate family and the 39804
residence is the home of the siblings. "Type A family day-care 39805
home" and "type A home" do not include any child day camp. 39806

~~(RR)~~(TT) "Type B family day-care home" and "type B home" mean 39807
a permanent residence of the provider in which child day-care is 39808
provided for one to six children at one time and in which no more 39809
than three children are under two years of age at one time. In 39810
counting children for the purposes of this division, any children 39811
under six years of age who are related to the provider and who are 39812
on the premises of the type B home shall be counted. "Type B 39813
family day-care home" does not include a residence in which the 39814
needs of children are administered to, if all of the children 39815
whose needs are being administered to are siblings of the same 39816
immediate family and the residence is the home of the siblings. 39817
"Type B family day-care home" and "type B home" do not include any 39818
child day camp. 39819

Sec. 5104.011. (A) The director of job and family services 39820
shall adopt rules pursuant to Chapter 119. of the Revised Code 39821
governing the operation of child day-care centers, including, but 39822
not limited to, parent cooperative centers, part-time centers, 39823
drop-in centers, and school child centers, which rules shall 39824
reflect the various forms of child day-care and the needs of 39825
children receiving child day-care or publicly funded child 39826
day-care and, ~~no later than January 1, 1992,~~ shall include 39827
specific rules for school child day-care centers that are 39828
developed in consultation with the department of education. The 39829
rules shall not require an existing school facility that is in 39830
compliance with applicable building codes to undergo an additional 39831

building code inspection or to have structural modifications. The 39832
rules shall include the following: 39833

(1) Submission of a site plan and descriptive plan of 39834
operation to demonstrate how the center proposes to meet the 39835
requirements of this chapter and rules adopted pursuant to this 39836
chapter for the initial license application; 39837

(2) Standards for ensuring that the physical surroundings of 39838
the center are safe and sanitary including, but not limited to, 39839
the physical environment, the physical plant, and the equipment of 39840
the center; 39841

(3) Standards for the supervision, care, and discipline of 39842
children receiving child day-care or publicly funded child 39843
day-care in the center; 39844

(4) Standards for a program of activities, and for play 39845
equipment, materials, and supplies, to enhance the development of 39846
each child; however, any educational curricula, philosophies, and 39847
methodologies that are developmentally appropriate and that 39848
enhance the social, emotional, intellectual, and physical 39849
development of each child shall be permissible. As used in this 39850
division, "program" does not include instruction in religious or 39851
moral doctrines, beliefs, or values that is conducted at child 39852
day-care centers owned and operated by churches and does include 39853
methods of disciplining children at child day-care centers. 39854

(5) Admissions policies and procedures, health care policies 39855
and procedures, including, but not limited to, procedures for the 39856
isolation of children with communicable diseases, first aid and 39857
emergency procedures, procedures for discipline and supervision of 39858
children, standards for the provision of nutritious meals and 39859
snacks, and procedures for screening children and employees, 39860
including, but not limited to, any necessary physical examinations 39861
and immunizations; 39862

(6) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	39863 39864 39865 39866
(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	39867 39868 39869
(8) Procedures for record keeping, organization, and administration;	39870 39871
(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	39872 39873 39874
(10) Inspection procedures;	39875
(11) Procedures and standards for setting initial and renewal license application fees;	39876 39877
(12) Procedures for receiving, recording, and responding to complaints about centers;	39878 39879
(13) Procedures for enforcing section 5104.04 of the Revised Code;	39880 39881
(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;	39882 39883 39884 39885 39886
(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.	39887 39888 39889 39890 39891 39892

(16) Procedures to be used by licensees for checking the 39893
references of potential employees of centers and procedures to be 39894
used by the director for checking the references of applicants for 39895
licenses to operate centers; 39896

(17) Standards providing for the special needs of children 39897
who are handicapped or who require treatment for health conditions 39898
while the child is receiving child day-care or publicly funded 39899
child day-care in the center; 39900

(18) Any other procedures and standards necessary to carry 39901
out this chapter. 39902

(B)(1) The child day-care center shall have, for each child 39903
for whom the center is licensed, at least thirty-five square feet 39904
of usable indoor floor space wall-to-wall regularly available for 39905
the child day-care operation exclusive of any parts of the 39906
structure in which the care of children is prohibited by law or by 39907
rules adopted by the board of building standards. The minimum of 39908
thirty-five square feet of usable indoor floor space shall not 39909
include hallways, kitchens, storage areas, or any other areas that 39910
are not available for the care of children, as determined by the 39911
director, in meeting the space requirement of this division, and 39912
bathrooms shall be counted in determining square footage only if 39913
they are used exclusively by children enrolled in the center, 39914
except that the exclusion of hallways, kitchens, storage areas, 39915
bathrooms not used exclusively by children enrolled in the center, 39916
and any other areas not available for the care of children from 39917
the minimum of thirty-five square feet of usable indoor floor 39918
space shall not apply to: 39919

(a) Centers licensed prior to or on September 1, 1986, that 39920
continue under licensure after that date; 39921

(b) Centers licensed prior to or on September 1, 1986, that 39922
are issued a new license after that date solely due to a change of 39923

ownership of the center. 39924

(2) The child day-care center shall have on the site a safe 39925
outdoor play space which is enclosed by a fence or otherwise 39926
protected from traffic or other hazards. The play space shall 39927
contain not less than sixty square feet per child using such space 39928
at any one time, and shall provide an opportunity for supervised 39929
outdoor play each day in suitable weather. The director may exempt 39930
a center from the requirement of this division, if an outdoor play 39931
space is not available and if all of the following are met: 39932

(a) The center provides an indoor recreation area that has 39933
not less than sixty square feet per child using the space at any 39934
one time, that has a minimum of one thousand four hundred forty 39935
square feet of space, and that is separate from the indoor space 39936
required under division (B)(1) of this section. 39937

(b) The director has determined that there is regularly 39938
available and scheduled for use a conveniently accessible and safe 39939
park, playground, or similar outdoor play area for play or 39940
recreation. 39941

(c) The children are closely supervised during play and while 39942
traveling to and from the area. 39943

The director also shall exempt from the requirement of this 39944
division a child day-care center that was licensed prior to 39945
September 1, 1986, if the center received approval from the 39946
director prior to September 1, 1986, to use a park, playground, or 39947
similar area, not connected with the center, for play or 39948
recreation in lieu of the outdoor space requirements of this 39949
section and if the children are closely supervised both during 39950
play and while traveling to and from the area and except if the 39951
director determines upon investigation and inspection pursuant to 39952
section 5104.04 of the Revised Code and rules adopted pursuant to 39953
that section that the park, playground, or similar area, as well 39954

as access to and from the area, is unsafe for the children. 39955

(3) The child day-care center shall have at least two 39956
 responsible adults available on the premises at all times when 39957
 seven or more children are in the center. The center shall 39958
 organize the children in the center in small groups, shall provide 39959
 child-care staff to give continuity of care and supervision to the 39960
 children on a day-by-day basis, and shall ensure that no child is 39961
 left alone or unsupervised. Except as otherwise provided in 39962
 division (E) of this section, the maximum number of children per 39963
 child-care staff member and maximum group size, by age category of 39964
 children, are as follows: 39965

Age Category of Children	Maximum Number of Children Per Child-Care Staff Member	Maximum Group Size	
(a) Infants:			39966
(i) Less than twelve months old	5:1, or 12:2 if two child-care staff members are in the room		39967 39968 39969 39970 39971 39972 39973 39974 39975 39976
(ii) At least twelve months old, but less than eighteen months old	6:1	12	39977 39978 39979 39980
(b) Toddlers:			39981
(i) At least eighteen months old, but less than thirty months old	7:1	14	39982 39983 39984 39985
(ii) At least thirty months old, but less than			39986 39987

three years old	8:1	16	39988
(c) Preschool children:			39989
(i) Three years old	12:1	24	39990
(ii) Four years old and five years old who are not school children			39991
(d) School children:	14:1	28	39992
(i) A child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but is less than eleven years old			39993
(ii) Eleven through fourteen years old	18:1	36	39994
	20:1	40	39995
Except as otherwise provided in division (E) of this section, the maximum number of children per child-care staff member and maximum group size requirements of the younger age group shall apply when age groups are combined.			40000
(4)(a) The child day-care center administrator shall show the director both of the following:			40001
(i) Evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state;			40002
(ii) Evidence of having completed at least two years of training in an accredited college, university, or technical college, including courses in child development or early childhood education, or at least two years of experience in supervising and			40003
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giving daily care to children attending an organized group 40020
program. 40021

(b) In addition to the requirements of division (B)(4)(a) of 40022
this section, any administrator employed or designated on or after 40023
September 1, 1986, shall show evidence of, and any administrator 40024
employed or designated prior to September 1, 1986, shall show 40025
evidence within six years after such date of, at least one of the 40026
following: 40027

(i) Two years of experience working as a child-care staff 40028
member in a center and at least four courses in child development 40029
or early childhood education from an accredited college, 40030
university, or technical college, except that a person who has two 40031
years of experience working as a child-care staff member in a 40032
particular center and who has been promoted to or designated as 40033
administrator of that center shall have one year from the time the 40034
person was promoted to or designated as administrator to complete 40035
the required four courses; 40036

(ii) Two years of training, including at least four courses 40037
in child development or early childhood education from an 40038
accredited college, university, or technical college; 40039

(iii) A child development associate credential issued by the 40040
national child development associate credentialing commission; 40041

(iv) An associate or higher degree in child development or 40042
early childhood education from an accredited college, technical 40043
college, or university, or a license designated for teaching in an 40044
associate teaching position in a preschool setting issued by the 40045
state board of education. 40046

(5) All child-care staff members of a child day-care center 40047
shall be at least eighteen years of age, and shall furnish the 40048
director evidence of at least high school graduation or 40049
certification of high school equivalency by the state board of 40050

education or the appropriate agency of another state or evidence 40051
of completion of a training program approved by the department of 40052
job and family services or state board of education, except as 40053
follows: 40054

(a) A child-care staff member may be less than eighteen years 40055
of age if the staff member is either of the following: 40056

(i) A graduate of a two-year vocational child-care training 40057
program approved by the state board of education; 40058

(ii) A student enrolled in the second year of a vocational 40059
child-care training program approved by the state board of 40060
education which leads to high school graduation, provided that the 40061
student performs the student's duties in the child day-care center 40062
under the continuous supervision of an experienced child-care 40063
staff member, receives periodic supervision from the vocational 40064
child-care training program teacher-coordinator in the student's 40065
high school, and meets all other requirements of this chapter and 40066
rules adopted pursuant to this chapter. 40067

(b) A child-care staff member shall be exempt from the 40068
educational requirements of this division if the staff member: 40069

(i) Prior to January 1, 1972, was employed or designated by a 40070
child day-care center and has been continuously employed since 40071
either by the same child day-care center employer or at the same 40072
child day-care center; or 40073

(ii) Is a student enrolled in the second year of a vocational 40074
child-care training program approved by the state board of 40075
education which leads to high school graduation, provided that the 40076
student performs the student's duties in the child day-care center 40077
under the continuous supervision of an experienced child-care 40078
staff member, receives periodic supervision from the vocational 40079
child-care training program teacher-coordinator in the student's 40080
high school, and meets all other requirements of this chapter and 40081

rules adopted pursuant to this chapter. 40082

(6) Every child day-care staff member of a child day-care 40083
center annually shall complete fifteen hours of inservice training 40084
in child development or early childhood education, child abuse 40085
recognition and prevention, first aid, and in prevention, 40086
recognition, and management of communicable diseases, until a 40087
total of forty-five hours of training has been completed, unless 40088
the staff member furnishes one of the following to the director: 40089

(a) Evidence of an associate or higher degree in child 40090
development or early childhood education from an accredited 40091
college, university, or technical college; 40092

(b) A license designated for teaching in an associate 40093
teaching position in a preschool setting issued by the state board 40094
of education; 40095

(c) Evidence of a child development associate credential; 40096

(d) Evidence of a preprimary credential from the American 40097
Montessori society or the association Montessori international. 40098
For the purposes of division (B)(6) of this section, "hour" means 40099
sixty minutes. 40100

(7) The administrator of each child day-care center shall 40101
prepare at least once annually and for each group of children at 40102
the center a roster of names and telephone numbers of parents, 40103
custodians, or guardians of each group of children attending the 40104
center and upon request shall furnish the roster for each group to 40105
the parents, custodians, or guardians of the children in that 40106
group. The administrator may prepare a roster of names and 40107
telephone numbers of all parents, custodians, or guardians of 40108
children attending the center and upon request shall furnish the 40109
roster to the parents, custodians, or guardians of the children 40110
who attend the center. The administrator shall not include in any 40111
roster the name or telephone number of any parent, custodian, or 40112

guardian who requests the administrator not to include the 40113
parent's, custodian's, or guardian's name or number and shall not 40114
furnish any roster to any person other than a parent, custodian, 40115
or guardian of a child who attends the center. 40116

(C)(1) Each child day-care center shall have on the center 40117
premises and readily available at all times at least one 40118
child-care staff member who has completed a course in first aid 40119
and in prevention, recognition, and management of communicable 40120
diseases which is approved by the state department of health and a 40121
staff member who has completed a course in child abuse recognition 40122
and prevention training which is approved by the department of job 40123
and family services. 40124

(2) The administrator of each child day-care center shall 40125
maintain enrollment, health, and attendance records for all 40126
children attending the center and health and employment records 40127
for all center employees. The records shall be confidential, 40128
except as otherwise provided in division (B)(7) of this section 40129
and except that they shall be disclosed by the administrator to 40130
the director upon request for the purpose of administering and 40131
enforcing this chapter and rules adopted pursuant to this chapter. 40132
Neither the center nor the licensee, administrator, or employees 40133
of the center shall be civilly or criminally liable in damages or 40134
otherwise for records disclosed to the director by the 40135
administrator pursuant to this division. It shall be a defense to 40136
any civil or criminal charge based upon records disclosed by the 40137
administrator to the director that the records were disclosed 40138
pursuant to this division. 40139

(3)(a) Any parent who is the residential parent and legal 40140
custodian of a child enrolled in a child day-care center and any 40141
custodian or guardian of such a child shall be permitted unlimited 40142
access to the center during its hours of operation for the 40143
purposes of contacting their children, evaluating the care 40144

provided by the center, evaluating the premises of the center, or 40145
for other purposes approved by the director. A parent of a child 40146
enrolled in a child day-care center who is not the child's 40147
residential parent shall be permitted unlimited access to the 40148
center during its hours of operation for those purposes under the 40149
same terms and conditions under which the residential parent of 40150
that child is permitted access to the center for those purposes. 40151
However, the access of the parent who is not the residential 40152
parent is subject to any agreement between the parents and, to the 40153
extent described in division (C)(3)(b) of this section, is subject 40154
to any terms and conditions limiting the right of access of the 40155
parent who is not the residential parent, as described in division 40156
(I) of section 3109.051 of the Revised Code, that are contained in 40157
a parenting time order or decree issued under that section, 40158
section 3109.12 of the Revised Code, or any other provision of the 40159
Revised Code. 40160

(b) If a parent who is the residential parent of a child has 40161
presented the administrator or the administrator's designee with a 40162
copy of a parenting time order that limits the terms and 40163
conditions under which the parent who is not the residential 40164
parent is to have access to the center, as described in division 40165
(I) of section 3109.051 of the Revised Code, the parent who is not 40166
the residential parent shall be provided access to the center only 40167
to the extent authorized in the order. If the residential parent 40168
has presented such an order, the parent who is not the residential 40169
parent shall be permitted access to the center only in accordance 40170
with the most recent order that has been presented to the 40171
administrator or the administrator's designee by the residential 40172
parent or the parent who is not the residential parent. 40173

(c) Upon entering the premises pursuant to division (C)(3)(a) 40174
or (b) of this section, the parent who is the residential parent 40175
and legal custodian, the parent who is not the residential parent, 40176

or the custodian or guardian shall notify the administrator or the 40177
administrator's designee of the parent's, custodian's, or 40178
guardian's presence. 40179

(D) The director of job and family services, in addition to 40180
the rules adopted under division (A) of this section, shall adopt 40181
rules establishing minimum requirements for child day-care 40182
centers. The rules shall include, but not be limited to, the 40183
requirements set forth in divisions (B) and (C) of this section. 40184
Except as provided in section 5104.07 of the Revised Code, the 40185
rules shall not change the square footage requirements of division 40186
(B)(1) or (2) of this section; the maximum number of children per 40187
child-care staff member and maximum group size requirements of 40188
division (B)(3) of this section; the educational and experience 40189
requirements of division (B)(4) of this section; the age, 40190
educational, and experience requirements of division (B)(5) of 40191
this section; the number of inservice training hours required 40192
under division (B)(6) of this section; or the requirement for at 40193
least annual preparation of a roster for each group of children of 40194
names and telephone numbers of parents, custodians, or guardians 40195
of each group of children attending the center that must be 40196
furnished upon request to any parent, custodian, or guardian of 40197
any child in that group required under division (B)(7) of this 40198
section; however, the rules shall provide procedures for 40199
determining compliance with those requirements. 40200

(E)(1) When age groups are combined, the maximum number of 40201
children per child-care staff member shall be determined by the 40202
age of the youngest child in the group, except that when no more 40203
than one child thirty months of age or older receives services in 40204
a group in which all the other children are in the next older age 40205
group, the maximum number of children per child-care staff member 40206
and maximum group size requirements of the older age group 40207
established under division (B)(3) of this section shall apply. 40208

(2) The maximum number of toddlers or preschool children per child-care staff member in a room where children are napping shall be twice the maximum number of children per child-care staff member established under division (B)(3) of this section if all the following criteria are met:

(a) At least one child-care staff member is present in the room.

(b) Sufficient child-care staff members are on the child day-care center premises to meet the maximum number of children per child-care staff member requirements established under division (B)(3) of this section.

(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.

(d) The maximum number established under division (E)(2) of this section is in effect for no more than one and one-half hours during a twenty-four-hour day.

(F) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including, but not limited to, parent cooperative type A homes, part-time type A homes, drop-in type A homes, and school child type A homes, which shall reflect the various forms of child day-care and the needs of children receiving child day-care. The rules shall include the following:

(1) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(2) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including, but not limited

to, the physical environment, the physical plant, and the 40239
equipment of the type A home; 40240

(3) Standards for the supervision, care, and discipline of 40241
children receiving child day-care or publicly funded child 40242
day-care in the type A home; 40243

(4) Standards for a program of activities, and for play 40244
equipment, materials, and supplies, to enhance the development of 40245
each child; however, any educational curricula, philosophies, and 40246
methodologies that are developmentally appropriate and that 40247
enhance the social, emotional, intellectual, and physical 40248
development of each child shall be permissible; 40249

(5) Admissions policies and procedures, health care policies 40250
and procedures, including, but not limited to, procedures for the 40251
isolation of children with communicable diseases, first aid and 40252
emergency procedures, procedures for discipline and supervision of 40253
children, standards for the provision of nutritious meals and 40254
snacks, and procedures for screening children and employees, 40255
including, but not limited to, any necessary physical examinations 40256
and immunizations; 40257

(6) Methods for encouraging parental participation in the 40258
type A home and methods for ensuring that the rights of children, 40259
parents, and employees are protected and that the responsibilities 40260
of parents and employees are met; 40261

(7) Procedures for ensuring the safety and adequate 40262
supervision of children traveling off the premises of the type A 40263
home while under the care of a type A home employee; 40264

(8) Procedures for record keeping, organization, and 40265
administration; 40266

(9) Procedures for issuing, renewing, denying, and revoking a 40267
license that are not otherwise provided for in Chapter 119. of the 40268
Revised Code; 40269

(10) Inspection procedures;	40270
(11) Procedures and standards for setting initial and renewal license application fees;	40271 40272
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	40273 40274
(13) Procedures for enforcing section 5104.04 of the Revised Code;	40275 40276
(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;	40277 40278 40279 40280 40281 40282
(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;	40283 40284 40285 40286
(16) Procedures to be used by licensees for checking the references of potential employees of type A homes and procedures to be used by the director for checking the references of applicants for licenses to operate type A homes;	40287 40288 40289 40290
(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 type A home;	40291 40292 40293 40294
(18) Standards for the maximum number of children per child-care staff member;	40295 40296
(19) Requirements for the amount of usable indoor floor space for each child;	40297 40298
(20) Requirements for safe outdoor play space;	40299

(21) Qualifications and training requirements for administrators and for child-care staff members;	40300 40301
(22) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	40302 40303 40304
(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	40305 40306
(24) Any other procedures and standards necessary to carry out this chapter.	40307 40308
(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of type B family day-care homes.	40309 40310 40311
(1) The rules shall include procedures, standards, and other necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult providers:	40312 40313 40314 40315
(a) Persons who provide child day-care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider;	40316 40317 40318 40319 40320
(b) Persons who provide child day-care for eligible children all of whom are the children of the same caretaker parent.	40321 40322
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	40323 40324 40325 40326 40327 40328 40329

certification. Such provisional limited certifications shall 40330
remain in effect for no more than sixty calendar days and shall 40331
entitle the provider to offer publicly funded child day-care 40332
during the provisional period. Except as otherwise provided in 40333
division (G)(1) of this section, prior to the expiration of the 40334
provisional limited certificate, a county department of job and 40335
family services shall inspect the home and shall grant limited 40336
certification to the provider if the provider meets the 40337
requirements of this division. Limited certificates remain valid 40338
for two years unless earlier revoked. Except as otherwise provided 40339
in division (G)(1) of this section, providers operating under 40340
limited certification shall be inspected annually. 40341

If a provider is a person described in division (G)(1)(a) of 40342
this section or a person described in division (G)(1)(b) of this 40343
section who is a friend of the caretaker parent, the provider and 40344
the caretaker parent may verify in writing to the county 40345
department of job and family services that minimum health and 40346
safety requirements are being met in the home. If such 40347
verification is provided, the county shall waive any inspection 40348
and any criminal records check required by this chapter and grant 40349
limited certification to the provider. 40350

(2) The rules shall provide for safeguarding the health, 40351
safety, and welfare of children receiving child day-care or 40352
publicly funded child day-care in a certified type B home and 40353
shall include the following: 40354

(a) Standards for ensuring that the type B home and the 40355
physical surroundings of the type B home are safe and sanitary, 40356
including, but not limited to, physical environment, physical 40357
plant, and equipment; 40358

(b) Standards for the supervision, care, and discipline of 40359
children receiving child day-care or publicly funded child 40360
day-care in the home; 40361

(c) Standards for a program of activities, and for play 40362
equipment, materials, and supplies to enhance the development of 40363
each child; however, any educational curricula, philosophies, and 40364
methodologies that are developmentally appropriate and that 40365
enhance the social, emotional, intellectual, and physical 40366
development of each child shall be permissible; 40367

(d) Admission policies and procedures, health care, first aid 40368
and emergency procedures, procedures for the care of sick 40369
children, procedures for discipline and supervision of children, 40370
nutritional standards, and procedures for screening children and 40371
authorized providers, including, but not limited to, any necessary 40372
physical examinations and immunizations; 40373

(e) Methods of encouraging parental participation and 40374
ensuring that the rights of children, parents, and authorized 40375
providers are protected and the responsibilities of parents and 40376
authorized providers are met; 40377

(f) Standards for the safe transport of children when under 40378
the care of authorized providers; 40379

(g) Procedures for issuing, renewing, denying, refusing to 40380
renew, or revoking certificates; 40381

(h) Procedures for the inspection of type B family day-care 40382
homes that require, at a minimum, that each type B family day-care 40383
home be inspected prior to certification to ensure that the home 40384
is safe and sanitary; 40385

(i) Procedures for record keeping and evaluation; 40386

(j) Procedures for receiving, recording, and responding to 40387
complaints; 40388

(k) Standards providing for the special needs of children who 40389
are handicapped or who receive treatment for health conditions 40390
while the child is receiving child day-care or publicly funded 40391

child day-care in the type B home;	40392
(1) Requirements for the amount of usable indoor floor space for each child;	40393 40394
(m) Requirements for safe outdoor play space;	40395
(n) Qualification and training requirements for authorized providers;	40396 40397
(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;	40398 40399 40400
(p) Any other procedures and standards necessary to carry out this chapter.	40401 40402
(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 parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that receive a limited certification provide child day-care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child day-care in their own home and shall include the following:	40403 40404 40405 40406 40407 40408 40409 40410 40411 40412 40413 40414 40415 40416 40417
(1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment;	40418 40419 40420 40421

(2) Standards for the supervision, care, and discipline of children receiving publicly funded child day-care in their own home;	40422 40423 40424
(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	40425 40426 40427 40428 40429 40430
(4) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including, but not limited to, any necessary physical examinations and immunizations;	40431 40432 40433 40434 40435 40436
(5) Methods of encouraging parental participation and ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met;	40437 40438 40439 40440
(6) Standards for the safe transport of children when under the care of in-home aides;	40441 40442
(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	40443 40444
(8) Procedures for inspection of homes of children receiving publicly funded child day-care in their own homes;	40445 40446
(9) Procedures for record keeping and evaluation;	40447
(10) Procedures for receiving, recording, and responding to complaints;	40448 40449
(11) Qualifications and training requirements for in-home aides;	40450 40451

(12) Standards providing for the special needs of children 40452
who are handicapped or who receive treatment for health conditions 40453
while the child is receiving publicly funded child day-care in the 40454
child's own home; 40455

(13) Any other procedures and standards necessary to carry 40456
out this chapter. 40457

(I) To the extent that any rules adopted for the purposes of 40458
this section require a health care professional to perform a 40459
physical examination, the rules shall include as a health care 40460
professional a physician assistant, a clinical nurse specialist, a 40461
certified nurse practitioner, or a certified nurse-midwife. 40462

(J)(1) The director of job and family services shall ~~send~~ 40463
~~copies~~ do all of the following: 40464

(a) Send to each licensee notice of proposed rules to each 40465
licensee and each county director of job and family services and 40466
shall give governing the licensure of child day-care centers and 40467
type A homes; 40468

(b) Give public notice of hearings regarding the rules to 40469
each licensee ~~and each county director of job and family services~~ 40470
at least thirty days prior to the date of the public hearing, in 40471
accordance with section 119.03 of the Revised Code; ~~i~~ 40472

(c) Prior to the effective date of a rule, the director of 40473
job and family services shall provide copies, in either paper or 40474
electronic form, a copy of the adopted rule to each licensee and 40475
each county director of job and family services. 40476

(2) The director shall do all of the following: 40477

(a) Send to each county director of job and family services a 40478
notice of proposed rules governing the certification of type B 40479
family homes and in-home aides that includes an internet web site 40480
address where the proposed rules can be viewed; 40481

(b) Give public notice of hearings regarding the proposed rules not less than thirty days in advance; 40482
40483

(c) Provide to each county director of job and family services an electronic copy of each adopted rule prior to the rule's effective date. 40484
40485
40486

(3) The county director of job and family services shall send 40487
copies of proposed rules to each authorized provider and in-home 40488
aide and shall give public notice of hearings regarding the rules 40489
to each authorized provider and in-home aide at least thirty days 40490
prior to the date of the public hearing, in accordance with 40491
section 119.03 of the Revised Code. Prior to the effective date of 40492
a rule, the county director of job and family services shall 40493
provide copies of the adopted rule to each authorized provider and 40494
in-home aide. 40495

(4) Additional copies of proposed and adopted rules shall be 40496
made available by the director of job and family services to the 40497
public on request at no charge. 40498

(K) The director of job and family services shall review all 40499
rules adopted pursuant to this chapter at least once every seven 40500
years. 40501

(L) Notwithstanding any provision of the Revised Code, the 40502
director of job and family services shall not regulate in any way 40503
under this chapter or rules adopted pursuant to this chapter, 40504
instruction in religious or moral doctrines, beliefs, or values. 40505

Sec. 5104.02. (A) The director of job and family services is 40506
responsible for the licensing of child day-care centers and type A 40507
family day-care homes, and for the enforcement of this chapter and 40508
of rules promulgated pursuant to this chapter. No person, firm, 40509
organization, institution, or agency shall operate, establish, 40510
manage, conduct, or maintain a child day-care center or type A 40511

family day-care home without a license issued under section 40512
5104.03 of the Revised Code. The current license shall be posted 40513
in a conspicuous place in the center or type A home that is 40514
accessible to parents, custodians, or guardians and employees of 40515
the center or type A home at all times when the center or type A 40516
home is in operation. 40517

(B) A person, firm, institution, organization, or agency 40518
operating any of the following programs is exempt from the 40519
requirements of this chapter: 40520

(1) A program of child day-care that operates for two or less 40521
consecutive weeks; 40522

(2) Child day-care in places of worship during religious 40523
activities during which children are cared for while at least one 40524
parent, guardian, or custodian of each child is participating in 40525
such activities and is readily available; 40526

(3) Religious activities which do not provide child day-care; 40527

(4) Supervised training, instruction, or activities of 40528
children in specific areas, including, but not limited to: art; 40529
drama; dance; music; gymnastics, swimming, or another athletic 40530
skill or sport; computers; or an educational subject conducted on 40531
an organized or periodic basis no more than one day a week and for 40532
no more than six hours duration; 40533

(5) Programs in which the director determines that at least 40534
one parent, custodian, or guardian of each child is on the 40535
premises of the facility offering child day-care and is readily 40536
accessible at all times, except that child day-care provided on 40537
the premises at which a parent, custodian, or guardian is employed 40538
more than two and one-half hours a day shall be licensed in 40539
accordance with division (A) of this section; 40540

(6)(a) Programs that provide child day-care funded and 40541
regulated or operated and regulated by state departments other 40542

than the department of job and family services or the state board 40543
of education when the director of job and family services has 40544
determined that the rules governing the program are equivalent to 40545
or exceed the rules promulgated pursuant to this chapter. 40546

Notwithstanding any exemption from regulation under this 40547
chapter, each state department shall submit to the director of job 40548
and family services a copy of the rules that govern programs that 40549
provide child day-care and are regulated or operated and regulated 40550
by the department. Annually, each state department shall submit to 40551
the director a report for each such program it regulates or 40552
operates and regulates that includes the following information: 40553

(i) The site location of the program; 40554

(ii) The maximum number of infants, toddlers, preschool 40555
children, or school children served by the program at one time; 40556

(iii) The number of adults providing child day-care for the 40557
number of infants, toddlers, preschool children, or school 40558
children; 40559

(iv) Any changes in the rules made subsequent to the time 40560
when the rules were initially submitted to the director. 40561

The director shall maintain a record of the child day-care 40562
information submitted by other state departments and shall provide 40563
this information upon request to the general assembly or the 40564
public. 40565

(b) Child day-care programs conducted by boards of education 40566
or by chartered nonpublic schools that are conducted in school 40567
buildings and that provide child day-care to school children only 40568
shall be exempt from meeting or exceeding rules promulgated 40569
pursuant to this chapter. 40570

(7) Any preschool program or school child program, except a 40571
head start program, that is subject to licensure by the department 40572

of education under sections 3301.52 to 3301.59 of the Revised Code. 40573
40574

(8) Any program providing child day-care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only: 40575
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40577
40578

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 40579
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40581
40582

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five; 40583
40584
40585

(c) The program is conducted in a school building; 40586

(d) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code. 40587
40588
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(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply: 40590
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40592

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 40593
40594
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(b) The program provides informal child care and at least two of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 40596
40597
40598

(c) The state board of education has approved the program's participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the Revised Code. 40599
40600
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(d) The community-based center operating the program is 40603
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 40604
and (c)(3). 40605

Sec. 5104.04. (A) The department of job and family services 40606
shall establish procedures to be followed in investigating, 40607
inspecting, and licensing child day-care centers and type A family 40608
day-care homes. 40609

(B)(1) The department shall, at least twice during every 40610
twelve-month period of operation of a center or type A home, 40611
inspect the center or type A home. The department shall inspect a 40612
part-time center or part-time type A home at least once during 40613
every twelve-month period of operation. The department shall 40614
provide a written inspection report to the licensee within a 40615
reasonable time after each inspection. The licensee shall display 40616
all written reports of inspections conducted during the current 40617
licensing period in a conspicuous place in the center or type A 40618
home. 40619

At least one inspection shall be unannounced and all 40620
inspections may be unannounced. No person, firm, organization, 40621
institution, or agency shall interfere with the inspection of a 40622
center or type A home by any state or local official engaged in 40623
performing duties required of the state or local official by 40624
Chapter 5104. of the Revised Code or rules adopted pursuant to 40625
Chapter 5104. of the Revised Code, including inspecting the center 40626
or type A home, reviewing records, or interviewing licensees, 40627
employees, children, or parents. 40628

Upon receipt of any complaint that a center or type A home is 40629
out of compliance with the requirements of Chapter 5104. of the 40630
Revised Code or rules adopted pursuant to Chapter 5104. of the 40631
Revised Code, the department shall investigate and may inspect a 40632
center or type A home. 40633

(2) If the department implements an instrument-based program 40634
monitoring information system, it may use an indicator checklist 40635
to comply with division (B)(1) of this section. 40636

(3) The department shall, at least once during every 40637
twelve-month period of operation of a center or type A home, 40638
collect information concerning the amounts charged by the center 40639
or home for providing child day-care services for use in 40640
establishing rates of reimbursement and payment pursuant to 40641
section 5104.30 of the Revised Code. 40642

(C) In the event a licensed center or type A home is 40643
determined to be out of compliance with the requirements of 40644
Chapter 5104. of the Revised Code or rules adopted pursuant to 40645
Chapter 5104. of the Revised Code, the department shall notify the 40646
licensee of the center or type A home in writing regarding the 40647
nature of the violation, what must be done to correct the 40648
violation, and by what date the correction must be made. If the 40649
correction is not made by the date established by the department, 40650
the department may commence action under Chapter 119. of the 40651
Revised Code to revoke the license. 40652

(D) The department may deny or revoke a license, or refuse to 40653
renew a license of a center or type A home, if the applicant 40654
knowingly makes a false statement on the application, does not 40655
comply with the requirements of Chapter 5104. or rules adopted 40656
pursuant to Chapter 5104. of the Revised Code, or has pleaded 40657
guilty to or been convicted of an offense described in section 40658
5104.09 of the Revised Code. 40659

(E) If the department finds, after notice and hearing 40660
pursuant to Chapter 119. of the Revised Code, that any person, 40661
firm, organization, institution, or agency licensed under section 40662
5104.03 of the Revised Code is in violation of any provision of 40663
Chapter 5104. of the Revised Code or rules adopted pursuant to 40664

Chapter 5104. of the Revised Code, the department may issue an 40665
order of revocation to the center or type A home revoking the 40666
license previously issued by the department. Upon the issuance of 40667
any order of revocation, the person whose license is revoked may 40668
appeal in accordance with section 119.12 of the Revised Code. 40669

(F) The surrender of a center or type A home license to the 40670
department or the withdrawal of an application for licensure by 40671
the owner or administrator of the center or type A home shall not 40672
prohibit the department from instituting any of the actions set 40673
forth in this section. 40674

(G) Whenever the department receives a complaint, is advised, 40675
or otherwise has any reason to believe that a center or type A 40676
home is providing child day-care without a license issued or 40677
renewed pursuant to section 5104.03 and is not exempt from 40678
licensing pursuant to section 5104.02 of the Revised Code, the 40679
department shall investigate the center or type A home and may 40680
inspect the areas children have access to or areas necessary for 40681
the care of children in the center or type A home during suspected 40682
hours of operation to determine whether the center or type A home 40683
is subject to the requirements of Chapter 5104. or rules adopted 40684
pursuant to Chapter 5104. of the Revised Code. 40685

(H) The department, upon determining that the center or type 40686
A home is operating without a license, shall notify the attorney 40687
general, the prosecuting attorney of the county in which the 40688
center or type A home is located, or the city attorney, village 40689
solicitor, or other chief legal officer of the municipal 40690
corporation in which the center or type A home is located, that 40691
the center or type A home is operating without a license. Upon 40692
receipt of the notification, the attorney general, prosecuting 40693
attorney, city attorney, village solicitor, or other chief legal 40694
officer of a municipal corporation shall file a complaint in the 40695
court of common pleas of the county in which the center or type A 40696

home is located requesting that the court grant an order enjoining 40697
the owner from operating the center or type A home. The court 40698
shall grant such injunctive relief upon a showing that the 40699
respondent named in the complaint is operating a center or type A 40700
home and is doing so without a license. 40701

(I) The department shall prepare an annual report on 40702
inspections conducted under this section. The report shall include 40703
the number of inspections conducted, the number and types of 40704
violations found, and the steps taken to address the violations. 40705
The department shall file the report with the governor, the 40706
president and minority leader of the senate, and the speaker and 40707
minority leader of the house of representatives on or before the 40708
first day of January of each year, beginning in 1999. 40709

Sec. 5104.30. (A) The department of job and family services 40710
is hereby designated as the state agency responsible for 40711
administration and coordination of federal and state funding for 40712
publicly funded child day-care in this state. Publicly funded 40713
child day-care shall be provided to the following: 40714

(1) Recipients of transitional child day-care as provided 40715
under section 5104.34 of the Revised Code; 40716

(2) Participants in the Ohio works first program established 40717
under Chapter 5107. of the Revised Code; 40718

(3) Individuals who would be participating in the Ohio works 40719
first program if not for a sanction under section 5107.16 of the 40720
Revised Code and who continue to participate in a work activity, 40721
developmental activity, or alternative work activity pursuant to 40722
an assignment under section 5107.42 of the Revised Code; 40723

(4) A family receiving publicly funded child day-care on 40724
October 1, 1997, until the family's income reaches one hundred 40725
fifty per cent of the federal poverty line; 40726

(5) Subject to available funds, other individuals determined 40727
eligible in accordance with rules adopted under section 5104.38 of 40728
the Revised Code. 40729

The department shall apply to the United States department of 40730
health and human services for authority to operate a coordinated 40731
program for publicly funded child day-care, if the director of job 40732
and family services determines that the application is necessary. 40733
For purposes of this section, the department of job and family 40734
services may enter into agreements with other state agencies that 40735
are involved in regulation or funding of child day-care. The 40736
department shall consider the special needs of migrant workers 40737
when it administers and coordinates publicly funded child day-care 40738
and shall develop appropriate procedures for accommodating the 40739
needs of migrant workers for publicly funded child day-care. 40740

(B) The department of job and family services shall 40741
distribute state and federal funds for publicly funded child 40742
day-care, including appropriations of state funds for publicly 40743
funded child day-care and appropriations of federal funds ~~for~~ 40744
~~publicly funded child day care available under Title XX of the~~ 40745
~~"Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as~~ 40746
~~amended, and the child care block grant act, Title IV-A, and Title~~ 40747
~~XX.~~ The department may use any state funds appropriated for 40748
publicly funded child day-care as the state share required to 40749
match any federal funds appropriated for publicly funded child 40750
day-care. 40751

(C) ~~The department may~~ In the use of federal funds available 40752
under the child care block grant act, all of the following apply: 40753

(1) The department may use the federal funds to hire staff to 40754
prepare any rules required under this chapter and to administer 40755
and coordinate federal and state funding for publicly funded child 40756
day-care. 40757

(2) Not more than five per cent of the aggregate amount of 40758
~~those~~ the federal funds received for a fiscal year may be expended 40759
for administrative costs. ~~The~~ 40760

(3) The department shall allocate and use at least four per 40761
cent of the federal funds for the following: 40762

~~(1)~~(a) Activities designed to provide comprehensive consumer 40763
education to parents and the public; 40764

~~(2)~~(b) Activities that increase parental choice; 40765

~~(3)~~(c) Activities, including child day-care resource and 40766
referral services, designed to improve the quality, and increase 40767
the supply, of child day-care. 40768

~~(D)~~ (4) The department may use the federal funds to provide 40769
payments to head start programs in advance of their provision of 40770
publicly funded day-care. A head start program that receives 40771
advance payments shall provide an annual report to the department 40772
regarding the program's attendance, including the number of 40773
children who received publicly funded day-care. If the department 40774
determines from the report that the advance payments made to the 40775
program exceeded the amount of publicly funded day-care provided 40776
by the program, the department shall require the program to return 40777
the excess amount or withhold the amount from future advance 40778
payments made to the program. 40779

(5) The department shall ensure that ~~any~~ the federal funds 40780
~~received by the state under the child care block grant act~~ will be 40781
used only to supplement, and will not be used to supplant, 40782
federal, state, and local funds available on the effective date of 40783
~~that~~ the child care block grant act for publicly funded child 40784
day-care and related programs. A county department of job and 40785
family services may purchase child day-care from funds obtained 40786
through any other means. 40787

~~(E)~~(D) The department shall encourage the development of 40788
suitable child day-care throughout the state, especially in areas 40789
with high concentrations of recipients of public assistance and 40790
families with low incomes. The department shall encourage the 40791
development of suitable child day-care designed to accommodate the 40792
special needs of migrant workers. On request, the department, 40793
through its employees or contracts with state or community child 40794
day-care resource and referral service organizations, shall 40795
provide consultation to groups and individuals interested in 40796
developing child day-care. The department of job and family 40797
services may enter into interagency agreements with the department 40798
of education, the board of regents, the department of development, 40799
and other state agencies and entities whenever the cooperative 40800
efforts of the other state agencies and entities are necessary for 40801
the department of job and family services to fulfill its duties 40802
and responsibilities under this chapter. 40803

The department may develop and maintain a registry of persons 40804
providing child day-care. The director may adopt rules pursuant to 40805
Chapter 119. of the Revised Code establishing procedures and 40806
requirements for the registry's administration. 40807

~~(F)~~(E) The director shall adopt rules in accordance with 40808
Chapter 119. of the Revised Code establishing a procedure for 40809
determining rates of reimbursement and payment and a procedure for 40810
reimbursing and paying providers of publicly funded child 40811
day-care. In establishing the rates of reimbursement pursuant to 40812
~~this division~~, the director shall use the information obtained 40813
under division (B)(3) of section 5104.04 of the Revised Code and 40814
may establish different rates of reimbursement based on the 40815
geographic location of the provider, type of care provided, age of 40816
the child served, special needs of the child, whether expanded 40817
hours of service are provided, whether weekend service is 40818
provided, whether the provider has exceeded the minimum 40819

requirements of state statutes and rules governing child day-care, 40820
and any other factors the director considers appropriate. The 40821
director shall establish an enhanced rate of reimbursement for 40822
providers who provide child day-care for caretaker parents who 40823
work nontraditional hours. For a type B family day-care home that 40824
has received limited certification pursuant to rules adopted under 40825
division (G)(1) of section 5104.011 of the Revised Code, the 40826
department shall adopt rules establishing a reimbursement rate 40827
that is the greater of the rate that was in effect for the home on 40828
October 1, 1997, or seventy-five per cent of the reimbursement 40829
rate that applies to a type B family day-care home certified by 40830
the same county department of job and family services pursuant to 40831
section 5104.11 of the Revised Code. 40832

Sec. 5104.32. (A) Except as provided in division (C) of this 40833
section, all purchases of publicly funded child day-care shall be 40834
made under a contract entered into by a licensed child day-care 40835
center, licensed type A family day-care home, certified type B 40836
family day-care home, certified in-home aide, approved child day 40837
camp, licensed preschool program, licensed school child program, 40838
or border state child day-care provider and the county department 40839
of job and family services. A county department of job and family 40840
services may enter into a contract with a provider for publicly 40841
funded child day-care for a specified period of time or upon a 40842
continuous basis for an unspecified period of time. All contracts 40843
for publicly funded child day-care shall be contingent upon the 40844
availability of state and federal funds. The department of job and 40845
family services shall prescribe a standard form to be used for all 40846
contracts for the purchase of publicly funded child day-care, 40847
regardless of the source of public funds used to purchase the 40848
child day-care. To the extent permitted by federal law and 40849
notwithstanding any other provision of the Revised Code that 40850
regulates state or county contracts or contracts involving the 40851

expenditure of state, county, or federal funds, all contracts for 40852
publicly funded child day-care shall be entered into in accordance 40853
with the provisions of this chapter and are exempt from any other 40854
provision of the Revised Code that regulates state or county 40855
contracts or contracts involving the expenditure of state, county, 40856
or federal funds. 40857

(B) Each contract for publicly funded child day-care shall 40858
specify at least the following: 40859

(1) Except as provided in division (B)(2) of this section, 40860
that the provider of publicly funded child day-care agrees to be 40861
paid for rendering services at the lower of the rate customarily 40862
charged by the provider for children enrolled for child day-care 40863
or the ~~rate~~ rates of reimbursement and payment established 40864
pursuant to section 5104.30 of the Revised Code; 40865

(2) If the provider provides publicly funded child day-care 40866
to caretaker parents who work nontraditional hours, that the 40867
provider is to be paid for rendering services to those caretaker 40868
parents at the ~~rate~~ rates of reimbursement and payment established 40869
pursuant to section 5104.30 of the Revised Code regardless of 40870
whether that rate is higher than the rate the provider customarily 40871
charges for children enrolled for child day-care; 40872

(3) That, if a provider provides child day-care to an 40873
individual potentially eligible for publicly funded child day-care 40874
who is subsequently determined to be eligible, the county 40875
department agrees to pay for all child day-care provided between 40876
the date the county department receives the individual's completed 40877
application and the date the individual's eligibility is 40878
determined; 40879

(4) Whether the county department of job and family services, 40880
the provider, or a child day-care resource and referral service 40881
organization will make eligibility determinations, whether the 40882

provider or a child day-care resource and referral service 40883
organization will be required to collect information to be used by 40884
the county department to make eligibility determinations, and the 40885
time period within which the provider or child day-care resource 40886
and referral service organization is required to complete required 40887
eligibility determinations or to transmit to the county department 40888
any information collected for the purpose of making eligibility 40889
determinations; 40890

(5) That the provider, other than a border state child 40891
day-care provider or except as provided in division (B) of section 40892
3301.37 of the Revised Code, shall continue to be licensed, 40893
approved, or certified pursuant to this chapter ~~or sections~~ 40894
~~3301.52 to 3301.59 of the Revised Code~~ and shall comply with all 40895
standards and other requirements in this chapter ~~and those~~ 40896
~~sections~~ and in rules adopted pursuant to this chapter ~~or those~~ 40897
~~sections~~ for maintaining the provider's license, approval, or 40898
certification; 40899

(6) That, in the case of a border state child day-care 40900
provider, the provider shall continue to be licensed, certified, 40901
or otherwise approved by the state in which the provider is 40902
located and shall comply with all standards and other requirements 40903
established by that state for maintaining the provider's license, 40904
certificate, or other approval; 40905

(7) Whether the provider will be paid by the county 40906
department of job and family services or the state department of 40907
job and family services; 40908

(8) That the contract is subject to the availability of state 40909
and federal funds. 40910

(C) Unless specifically prohibited by federal law, the county 40911
department of job and family services shall give individuals 40912
eligible for publicly funded child day-care the option of 40913

obtaining certificates for payment that the individual may use to 40914
purchase services from any provider qualified to provide publicly 40915
funded child day-care under section 5104.31 of the Revised Code. 40916
Providers of publicly funded child day-care may present these 40917
certificates for payment for reimbursement in accordance with 40918
rules that the director of job and family services shall adopt. 40919
Only providers may receive reimbursement for certificates for 40920
payment. The value of the certificate for payment shall be based 40921
on the lower of the rate customarily charged by the provider or 40922
the ~~rate~~ rates of reimbursement and payment established pursuant 40923
to section 5104.30 of the Revised Code, unless the provider 40924
provides publicly funded child day-care to caretaker parents who 40925
work nontraditional hours, in which case the value of the 40926
certificate for payment for the services to those caretaker 40927
parents shall be based on the ~~rate of reimbursement~~ rates 40928
established pursuant to that section regardless of whether that 40929
rate is higher than the rate customarily charged by the provider. 40930
The county department may provide the certificates for payment to 40931
the individuals or may contract with child day-care providers or 40932
child day-care resource and referral service organizations that 40933
make determinations of eligibility for publicly funded child 40934
day-care pursuant to contracts entered into under section 5104.34 40935
of the Revised Code for the providers or resource and referral 40936
service organizations to provide the certificates for payment to 40937
individuals whom they determine are eligible for publicly funded 40938
child day-care. 40939

For each six-month period a provider of publicly funded child 40940
day-care provides publicly funded child day-care to the child of 40941
an individual given certificates ~~of~~ for payment, the individual 40942
shall provide the provider certificates for days the provider 40943
would have provided publicly funded child day-care to the child 40944
had the child been present. County departments shall specify the 40945
maximum number of days providers will be provided certificates ~~of~~ 40946

for payment for days the provider would have provided publicly 40947
funded child day-care had the child been present. The maximum 40948
number of days shall not exceed ten days in a six-month period 40949
during which publicly funded child day-care is provided to the 40950
child regardless of the number of providers that provide publicly 40951
funded child day-care to the child during that period. 40952

Sec. 5107.02. As used in this chapter: 40953

(A) "Adult" means an individual who is not a minor child. 40954

(B) "Assistance group" means a group of individuals treated 40955
as a unit for purposes of determining eligibility for and the 40956
amount of assistance provided under Ohio works first. 40957

(C) "Custodian" means an individual who has legal custody, as 40958
defined in section 2151.011 of the Revised Code, of a minor child 40959
or comparable status over a minor child created by a court of 40960
competent jurisdiction in another state. 40961

(D) "Guardian" means an individual that is granted authority 40962
by a probate court pursuant to Chapter 2111. of the Revised Code, 40963
or a court of competent jurisdiction in another state, to exercise 40964
parental rights over a minor child to the extent provided in the 40965
court's order and subject to residual parental rights of the minor 40966
child's parents. 40967

(E) "Minor child" means either of the following: 40968

(1) An individual who has not attained age eighteen; 40969

(2) An individual who has not attained age nineteen and is a 40970
full-time student in a secondary school or in the equivalent level 40971
of vocational or technical training. 40972

(F) "Minor head of household" means a minor child who is 40973
either of the following: 40974

(1) ~~At~~ Is married, at least six months pregnant, and a member 40975

of an assistance group that does not include an adult;	40976
(2) A <u>Is married and is</u> a parent of a child included in the same assistance group that does not include an adult.	40977 40978
(G) "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A.	40979 40980 40981
(H) "Payment standard" means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under Ohio works first from state and federal funds.	40982 40983 40984 40985
(I) "Specified relative" means the following individuals who are age eighteen or older:	40986 40987
(1) The following individuals related by blood or adoption:	40988
(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	40989 40990
(b) Siblings;	40991
(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	40992 40993 40994
(d) First cousins and first cousins once removed.	40995
(2) Stepparents and stepsiblings;	40996
(3) Spouses and former spouses of individuals named in division (I)(1) or (2) of this section.	40997 40998
(J) "Title IV-A" or "Title IV-D" means Title IV-A or Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	40999 41000 41001
Sec. 5107.30. (A) As used in this section:	41002
(1) "LEAP program" means the learning, earning, and parenting	41003

program. 41004

(2) "Teen" means a participant of Ohio works first who is 41005
under age ~~twenty~~ eighteen or is age eighteen and in school and is 41006
a natural or adoptive parent or is pregnant. 41007

(3) "School" means an educational program that is designed to 41008
lead to the attainment of a high school diploma or the equivalent 41009
of a high school diploma. 41010

(B) The director of job and family services may adopt rules 41011
under section 5107.05 of the Revised Code, to the extent that such 41012
rules are consistent with federal law, to do all of the following: 41013

(1) Define "good cause" and "the equivalent of a high school 41014
diploma" for the purposes of this section; 41015

(2) Conduct ~~one or more special demonstration programs a~~ 41016
program titled the "LEAP program" and establish requirements 41017
governing the program. The purpose of the LEAP program is to 41018
encourage teens to complete school. 41019

(3) Require every teen who is subject to LEAP program 41020
requirements to attend school in accordance with the requirements 41021
governing the program unless the teen shows good cause for not 41022
attending school. The department shall provide, in addition to the 41023
cash assistance payment provided under Ohio works first, an 41024
incentive payment, in an amount determined by the department, to 41025
every teen who is participating in the LEAP program and attends 41026
school in accordance with the requirements governing the program. 41027
The department shall reduce the cash assistance payment, in an 41028
amount determined by the department, under Ohio works first to 41029
every teen participating in the LEAP program who fails or refuses, 41030
without good cause, to ~~attend school in accordance with~~ meet the 41031
requirements governing the program. 41032

(4) Require every teen who is subject to LEAP program 41033
requirements to enter into a written agreement with the county 41034

department of job and family services that provides all of the 41035
following: 41036

(a) The teen, to be eligible to receive the incentive payment 41037
under division (B)(3) of this section, must ~~attend school in~~ 41038
~~accordance with~~ meet the requirements of the LEAP program. 41039

(b) The county department will provide the incentive payment 41040
to the teen if the teen ~~attends school;~~ meets the requirements of
the LEAP program. 41041
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(c) The county department will reduce the cash assistance 41043
payment under Ohio works first if the teen fails or refuses 41044
without good cause to attend school in accordance with the 41045
requirements governing the LEAP program. 41046

~~(5) Evaluate the demonstration programs established under 41047
this section. In conducting the evaluations, the department of job 41048
and family services shall select control groups of teens who are 41049
otherwise subject to the LEAP program requirements. 41050~~

(C) A ~~teen~~ minor head of household who is participating in 41051
the LEAP program shall be considered to be participating in a work 41052
activity for the purpose of sections 5107.40 to 5107.69 of the 41053
Revised Code. However, the ~~teen~~ minor head of household is not 41054
subject to the requirements or sanctions of those sections, ~~unless~~ 41055
~~the teen is over age eighteen and meets the LEAP program~~ 41056
~~requirements by participating regularly in work activities,~~ 41057
~~developmental activities, or alternative work activities under~~ 41058
~~those sections.~~ 41059

(D) Subject to the availability of funds, county departments 41060
of job and family services shall provide for LEAP participants to 41061
receive support services the county department determines to be 41062
necessary for LEAP participation. Support services may include 41063
publicly funded child day-care under Chapter 5104. of the Revised 41064
Code, transportation, and other services. 41065

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. 41066
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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. 41070
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Sec. 5107.40. As used in sections 5107.40 to 5107.69 of the Revised Code: 41074
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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. 41076
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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. 41080
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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. 41084
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(D) "Work activity" means the following: 41093

(1) Unsubsidized employment activities established under 41094

section 5107.60 of the Revised Code;	41095
(2) The subsidized employment program established under section 5107.52 of the Revised Code;	41096 41097
(3) The work experience program established under section 5107.54 of the Revised Code;	41098 41099
(4) On-the-job training activities established under section 5107.60 of the Revised Code;	41100 41101
(5) The job search and readiness program established under section 5107.50 of the Revised Code;	41102 41103
(6) Community service activities established under section 5107.60 of the Revised Code;	41104 41105
(7) Vocational educational training activities established under section 5107.60 of the Revised Code;	41106 41107
(8) Jobs skills training activities established under section 5107.60 of the Revised Code that are directly related to employment;	41108 41109 41110
(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;	41111 41112 41113 41114
(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;	41115 41116 41117 41118 41119 41120
(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;	41121 41122 41123 41124

(12) The education program established under section 5107.58 41125
of the Revised Code that are operated pursuant to a federal waiver 41126
granted by the United States secretary of health and human 41127
services pursuant to a request made under former section 5101.09 41128
of the Revised Code; 41129

(13) ~~Except as limited~~ To the extent provided by division (C) 41130
of section 5107.30 of the Revised Code, the LEAP program 41131
established under that section. 41132

Sec. 5107.60. In accordance with Title IV-A, federal 41133
regulations, state law, the Title IV-A state plan prepared under 41134
section 5101.80 of the Revised Code, and amendments to the plan, 41135
county departments of job and family services shall establish and 41136
administer the following work activities, in addition to the work 41137
activities established under sections 5107.50, 5107.52, 5107.54, 41138
and 5107.58 of the Revised Code, for minor heads of households and 41139
adults participating in Ohio works first: 41140

(A) Unsubsidized employment activities, including activities 41141
a county department determines are legitimate entrepreneurial 41142
activities; 41143

(B) On-the-job training activities, including training to 41144
become an employee of a child day-care center or type A family 41145
day-care home, authorized provider of a certified type B family 41146
day-care home, or in-home aide; 41147

(C) Community service activities including a program under 41148
which a participant of Ohio works first who is the parent, 41149
guardian, custodian, or specified relative responsible for the 41150
care of a minor child enrolled in grade twelve or lower is 41151
involved in the minor child's education on a regular basis; 41152

(D) Vocational educational training activities; 41153

(E) Jobs skills training activities that are directly related 41154

to employment;	41155
(F) Education activities that are directly related to	41156
employment for participants who have not earned a high school	41157
diploma or high school equivalence diploma;	41158
(G) Education activities for participants who have not	41159
completed secondary school or received a high school equivalence	41160
diploma under which the participants attend a secondary school or	41161
a course of study leading to a high school equivalence diploma,	41162
<u>including LEAP participation by a minor head of household;</u>	41163
(H) Child-care service activities aiding another participant	41164
assigned to a community service activity or other work activity. A	41165
county department may provide for a participant assigned to this	41166
work activity to receive training necessary to provide child-care	41167
services.	41168
Sec. 5108.01. As used in this chapter:	41169
(A) "Assistance group" means a group of individuals treated	41170
as a unit for purposes of determining eligibility for the	41171
prevention, retention, and contingency program <u>"County family</u>	41172
<u>services planning committee" means the county family services</u>	41173
<u>planning committee established under section 329.06 of the Revised</u>	41174
<u>Code or the board created by consolidation under division (C) of</u>	41175
<u>section 6301.06 of the Revised Code.</u>	41176
(B) "Prevention, retention, and contingency program" means	41177
the program established by this chapter and funded in part with	41178
federal funds provided under Title IV-A.	41179
(C) "Title IV-A" means Title IV-A of the "Social Security	41180
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	41181
Sec. 5108.03. Under the prevention, retention, and	41182
contingency program, a <u>each</u> county department of job and family	41183

services shall ~~provide~~ do both of the following in accordance with 41184
the statement of policies the county department develops under 41185
section 5108.04 of the Revised Code: 41186

(A) Provide benefits and services that individuals need to 41187
overcome immediate barriers to achieving or maintaining self 41188
sufficiency and personal responsibility; 41189

(B) Perform related administrative duties. ~~A county~~ 41190
~~department shall provide the benefits and services in accordance~~ 41191
~~with either the model design for the program that the department~~ 41192
~~of job and family services develops under section 5108.05 of the~~ 41193
~~Revised Code or the county department's own policies for the~~ 41194
~~program developed under section 5108.06 of the Revised Code.~~ 41195

Sec. ~~5108.06~~ 5108.04. Each county department of job and 41196
family services shall ~~either adopt the model design for a written~~ 41197
statement of policies governing the prevention, retention, and 41198
contingency program ~~the department of job and family services~~ 41199
~~develops under section 5108.05 of the Revised Code or develop its~~ 41200
~~own policies~~ for the program county. ~~To develop its own policies,~~ 41201
~~a county department shall adopt a written statement of the~~ 41202
~~policies governing the program. The policies may be a modification~~ 41203
~~of the model design, different from the model design, or a~~ 41204
~~combination.~~ The statement of policies shall be adopted not later 41205
than October 1, 2003, and shall be updated at least every two 41206
years thereafter. A county department may amend its statement of 41207
policies to modify, terminate, and establish new policies. The 41208
county director of job and family services shall sign and date the 41209
statement of policies and any amendment to it. Neither the 41210
statement of policies nor any amendment to it may have an 41211
effective date that is earlier than the date of the county 41212
director's signature. 41213

A Each county department of job and family services shall 41214

~~inform~~ provide the department of job and family services of 41215
~~whether it has adopted the model design or developed its own~~ 41216
~~policies for the prevention, retention, and contingency program.~~ 41217
~~If a county department develops its own policies, it shall provide~~ 41218
~~the department a written copy of the statement of policies and any~~ 41219
~~amendments it adopts to the statement~~ not later than ten calendar 41220
days after the statement or amendment's effective date. 41221

~~Sec. 5108.07~~ 5108.05. ~~The model design for the prevention,~~ 41222
~~retention, and contingency program that the department of job and~~ 41223
~~family services develops under section 5108.05 of the Revised Code~~ 41224
~~and policies for the program that a county department of job and~~ 41225
~~family services may develop under section 5108.06 of the Revised~~ 41226
~~Code shall establish~~ In adopting a statement of policies under 41227
section 5108.04 of the Revised Code for the county's prevention, 41228
retention, and contingency program, each county department of job 41229
and family services shall do all of the following: 41230

~~(A) Establish~~ or specify eligibility requirements for 41231
~~assistance groups that apply for the program under section 5108.10~~ 41232
~~of the Revised Code, benefits~~ all of the following: 41233

~~(1) Benefits~~ and services to be provided under the program to 41234
~~assistance groups, administrative~~ that are allowable uses of 41235
federal Title IV-A funds under 42 U.S.C. 601 and 604(a), except 41236
that they may not be "assistance" as defined in 45 C.F.R. 41237
260.31(a) but rather benefits and services that 45 C.F.R. 41238
260.31(b) excludes from the definition of assistance; 41239

~~(2) Restrictions on the amount, duration, and frequency of~~ 41240
~~the benefits and services;~~ 41241

~~(3) Eligibility requirements for the benefits and services;~~ 41242

~~(4) Fair and equitable procedures for both of the following:~~ 41243

~~(a) The certification of eligibility for the benefits and~~ 41244

services that do not have a financial need eligibility requirement; 41245
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(b) The determination and verification of eligibility for the benefits and services that have a financial need eligibility requirement. 41247
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(5) Objective criteria for the delivery of the benefits and services; 41250
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(6) Administrative requirements, and other; 41252

(7) Other matters the department, in the case of the model design, or a county department, in the case of county policies, determine determines are necessary. 41253
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~~The model design and a county department's policies may establish eligibility requirements for, and specify benefits and services to be provided to, types of groups, such as students in the same class, that share a common need for the benefits and services. If the model design or a county department's policies include such a provision, the model design or county department's policies shall require that each individual who is to receive the benefits and services meet the eligibility requirements established for the type of group of which the individual is a member. The model design or county department's policies also shall require that the county department providing the benefits and services certify the group's eligibility, specify the duration that the group is to receive the benefits and services, and maintain the eligibility information for each member of the group receiving the benefits and services.~~ 41256
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~~The model design and a county department's policies may specify benefits and services that a county department may provide for the general public, including billboards that promote the prevention, and reduction in the incidence, of out of wedlock pregnancies or encourage the formation and maintenance of~~ 41271
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two parent families.	41276
The model design and a county department's policies must be	41277
consistent with (B) Provide for the statement of policies to be	41278
consistent with all of the following:	41279
(1) The plan of cooperation the board of county commissioners	41280
develops under section 307.983 of the Revised Code;	41281
(2) The review and analysis of the county family services	41282
committee conducted in accordance with division (B)(2) of section	41283
329.06 of the Revised Code;	41284
(3) Title IV-A, federal regulations, state law, the Title	41285
IV-A state plan submitted to the United States secretary of health	41286
and human services under section 5101.80 of the Revised Code, and	41287
amendments to the plan. All benefits and services to be provided	41288
under the model design or a county department's policies must be	41289
allowable uses of federal Title IV A funds as specified in 42	41290
U.S.C.A. 604(a), except that they may not be "assistance" as	41291
defined in 45 C.F.R. 260.31(a). The benefits and services shall be	41292
benefits and services that 45 C.F.R. 260.31(b) excludes from the	41293
definition of assistance.	41294
(C) Either provide the public and local government entities	41295
at least thirty days to submit comments on, or have the county	41296
family services planning committee review, the statement of	41297
policies, including the design of the county's prevention,	41298
retention, and contingency program, before the county director	41299
signs and dates the statement of policies.	41300
Sec. 5108.06. In adopting a statement of policies under	41301
section 5108.04 of the Revised Code for the county's prevention,	41302
retention, and contingency program, a county department of job and	41303
family services may specify both of the following:	41304
(A) Benefits and services to be provided under the program	41305

that prevent and reduce the incidence of out-of-wedlock 41306
pregnancies or encourage the formation and maintenance of 41307
two-parent families as permitted by 45 C.F.R. 260.20(c) and (d); 41308

(B) How the county department will certify individuals' 41309
eligibility for such benefits and services. 41310

Sec. 5108.07. (A) Each statement of policies adopted under 41311
section 5108.04 of the Revised Code shall include the board of 41312
county commissioners' certification that the county department of 41313
job and family services complied with this chapter in adopting the 41314
statement of policies. 41315

(B) The board of county commissioners shall revise its 41316
certification under division (A) of this section if an amendment 41317
to the statement of policies that the board considers to be 41318
significant is adopted under section 5108.04 of the Revised Code. 41319

Sec. 5108.09. When a state hearing under division (B) of 41320
section 5101.35 of the Revised Code or an administrative appeal 41321
under division (C) of that section is held regarding the 41322
prevention, retention, and contingency program, the hearing 41323
officer, director of job and family services, or director's 41324
designee shall base the decision in the hearing or appeal on ~~the~~ 41325
~~following:~~ 41326

~~(A) If the county department of job and family services~~ 41327
~~involved in the hearing or appeal adopted the department of job~~ 41328
~~and family services' model design for the program developed under~~ 41329
~~section 5108.05 of the Revised Code, the model design:~~ 41330

~~(B) If the county department developed its own policies for~~ 41331
~~the program,~~ the county department's department of job and family 41332
services' written statement of policies adopted under section 41333
~~5108.06~~ 5108.04 of the Revised Code and any amendments the county 41334
department adopted to the statement if the county department 41335

provides a copy of the statement of policies and all amendments to 41336
the hearing officer, director, or director's designee at the 41337
hearing or appeal. 41338

Sec. 5108.10. ~~An assistance group seeking to participate in~~ 41339
~~the prevention, retention, and contingency program shall apply to~~ 41340
~~a county department of job and family services using~~ Eligibility 41341
for a benefit or service under a county's prevention, retention, 41342
and contingency program shall be certified in accordance with the 41343
statement of policies adopted under section 5108.04 of the Revised 41344
Code if the benefit or service does not have a financial need 41345
eligibility requirement. 41346

Eligibility for a benefit or service shall be determined in 41347
accordance with the statement of policies and based on an 41348
application containing information the county department of job 41349
and family services requires. 41350

~~When if the benefit or service has a financial need~~ 41351
eligibility requirement. When a county department receives an 41352
application for ~~participation in the prevention, retention, and~~ 41353
~~contingency program~~ such benefits and services, it shall promptly 41354
~~make an investigation and record of the circumstances of the~~ 41355
~~applicant in order to ascertain~~ follow verification procedures 41356
established by the statement of policies to verify the facts 41357
surrounding the application and to obtain such other information 41358
as may be required. On completion of the ~~investigation~~ 41359
verification procedure, the county department shall determine 41360
whether the applicant is eligible ~~to participate,~~ for the benefits 41361
or services ~~the applicant should receive,~~ and the approximate date 41362
when ~~participation is~~ the benefits or services are to begin. 41363

Sec. 5108.11. (A) To the extent permitted by section 307.982 41364
of the Revised Code, a board of county commissioners may enter 41365

into a written contract with a private or government entity for 41366
the entity to do either or both of the following for the county's 41367
prevention, retention, and contingency program: 41368

(1) Certify eligibility for benefits and services that do not 41369
have a financial need eligibility requirement; 41370

(2) Accept applications and determine and verify eligibility 41371
for benefits and services that have a financial need eligibility 41372
requirement. 41373

(B) If a board of county commissioners enters into a contract 41374
under division (A) of this section with a private or government 41375
entity, the county department of job and family services shall do 41376
all of the following: 41377

(1) Ensure that eligibility for benefits and services is 41378
certified or determined and verified in accordance with the 41379
statement of policies adopted under section 5108.04 of the Revised 41380
Code; 41381

(2) Ensure that the private or government entity maintains 41382
all records that are necessary for audits; 41383

(3) Monitor the private or government entity for compliance 41384
with Title IV-A, this chapter of the Revised Code, and the 41385
statement of policies; 41386

(4) Take actions that are necessary to recover any funds that 41387
are not spent in accordance with Title IV-A or this chapter of the 41388
Revised Code. 41389

Sec. 5108.12. Each county department of job and family 41390
services is responsible for funds expended or claimed under the 41391
county's prevention, retention, and contingency program that the 41392
department of job and family services, auditor of state, United 41393
States department of health and human services, or other 41394
government entity determines is expended or claimed in a manner 41395

that federal or state law or policy does not permit. 41396

Sec. 5111.016. (A) As used in this section, "healthcheck" has 41397
the same meaning as in section 3313.714 of the Revised Code. 41398

(B) In accordance with federal law and regulations, the 41399
department of job and family services shall establish a 41400
combination of written and oral methods designed to provide 41401
information about healthcheck to all persons eligible for the 41402
program or their parents or guardians. The department shall ensure 41403
that its methods of providing information are effective. 41404

Each county department of job and family services or other 41405
entity that distributes or accepts applications for medical 41406
assistance shall prominently display in a conspicuous place the 41407
following notice: 41408

"Under state and federal law, if you are a Medicaid 41409
recipient, your child is entitled to a thorough medical 41410
examination provided through Healthcheck. Once this examination is 41411
completed, your child is entitled to receive, at no cost to you, 41412
any service determined to be medically necessary." 41413

(C) Before a healthcheck medical examination may be performed 41414
on a child, the department of job and family services shall do 41415
both of the following: 41416

(1) Inform the child's parent, through both oral and written 41417
communication, that the examination may include the following 41418
components: 41419

(a) A mental evaluation; 41420

(b) A physical assessment; 41421

(c) An unclothed physical examination of the child's 41422
reproductive system, including a genital examination. 41423

(2) Obtain the parent's consent to perform the examination. 41424

The department shall not require a parent to consent to a healthcheck medical examination for the parent's child as a condition of receipt of other medicaid services. 41425
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Sec. 5111.019. (A) ~~The~~ If sufficient funds are appropriated by the general assembly, the director of job and family services shall may submit to the United States secretary of health and human services an amendment to the state medicaid plan to make an individual who meets all of the following requirements eligible for medicaid for the amount of time provided by division (B) of this section: 41428
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(1) The individual is the parent of a child under nineteen years of age and resides with the child; 41435
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(2) The individual's family income does not exceed one hundred per cent of the federal poverty guidelines; 41437
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(3) The individual is not otherwise eligible for medicaid; 41439

(4) The individual satisfies all relevant requirements established by rules adopted under division (D) of section 5111.01 of the Revised Code. 41440
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(B) An individual is eligible to receive medicaid under this section for a period that does not exceed two years beginning on the date on which eligibility is established. 41443
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~~(C) If approved by the United States secretary of health and human services and the director of job and family services, the director shall implement the medicaid plan amendment submitted under this section not sooner than July 1, 2000. If a federal waiver is necessary for the United States secretary to approve the amendment, the director of job and family services shall submit a waiver request to the United States secretary not later than ninety days after the effective date of this section.~~ 41446
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Sec. 5111.0112. The director of job and family services shall 41454
examine instituting a copayment program under medicaid. As part of 41455
the examination, the director shall determine which groups of 41456
medicaid recipients may be subjected to a copayment requirement 41457
under federal statutes and regulations ~~and which of those groups~~ 41458
~~are appropriate for a copayment program designed to reduce~~ 41459
~~inappropriate and excessive use of medical goods and services.~~ If, 41460
on completion of the examination, the director determines that it 41461
is feasible to institute such a copayment program, the director 41462
may seek approval from the United States secretary of health and 41463
human services to institute the copayment program. If necessary, 41464
the director may seek approval by applying for a waiver of federal 41465
statutes and regulations. If such approval is obtained, the 41466
director shall adopt rules in accordance with Chapter 119. of the 41467
Revised Code governing the copayment program. 41468

Sec. 5111.0113. Children who are in the temporary or 41469
permanent custody of a certified public or private nonprofit 41470
agency or institution or in adoptions subsidized under division 41471
(B) of section 5153.163 of the Revised Code are eligible for 41472
medical assistance through the medicaid program established under 41473
section 5111.01 of the Revised Code. 41474

Sec. 5111.02. (A) Under the medical assistance program: 41475

(1) Except as otherwise permitted by federal statute or 41476
regulation and at the department's discretion, reimbursement by 41477
the department of job and family services to a medical provider 41478
for any medical service rendered under the program shall not 41479
exceed the authorized reimbursement level for the same service 41480
under the medicare program established under Title XVIII of the 41481
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 41482
amended. 41483

(2) Reimbursement for freestanding medical laboratory charges 41484
shall not exceed the customary and usual fee for laboratory 41485
profiles. 41486

(3) The department may deduct from payments for services 41487
rendered by a medicaid provider under the medical assistance 41488
program any amounts the provider owes the state as the result of 41489
incorrect medical assistance payments the department has made to 41490
the provider. 41491

(4) The department may conduct final fiscal audits in 41492
accordance with the applicable requirements set forth in federal 41493
laws and regulations and determine any amounts the provider may 41494
owe the state. When conducting final fiscal audits, the department 41495
shall consider generally accepted auditing standards, which 41496
include the use of statistical sampling. 41497

(5) The number of days of inpatient hospital care for which 41498
reimbursement is made on behalf of a recipient of medical 41499
assistance to a hospital that is not paid under a 41500
diagnostic-related-group prospective payment system shall not 41501
exceed thirty days during a period beginning on the day of the 41502
recipient's admission to the hospital and ending sixty days after 41503
the termination of that hospital stay, except that the department 41504
may make exceptions to this limitation. The limitation does not 41505
apply to children participating in the program for medically 41506
handicapped children established under section 3701.023 of the 41507
Revised Code. 41508

(B) The director of job and family services may adopt, amend, 41509
or rescind rules under Chapter 119. of the Revised Code 41510
establishing the amount, duration, and scope of medical services 41511
to be included in the medical assistance program. Such rules shall 41512
establish the conditions under which services are covered and 41513
reimbursed, the method of reimbursement applicable to each covered 41514

service, and the amount of reimbursement or, in lieu of such 41515
amounts, methods by which such amounts are to be determined for 41516
each covered service. Any rules that pertain to nursing facilities 41517
or intermediate care facilities for the mentally retarded shall be 41518
consistent with sections 5111.20 to 5111.33 of the Revised Code. 41519

~~(C) No health insuring corporation that has a contract to 41520
provide health care services to recipients of medical assistance 41521
shall restrict the availability to its enrollees of any 41522
prescription drugs included in the Ohio medicaid drug formulary as 41523
established under rules adopted by the director. 41524~~

~~(D) The division of any reimbursement between a collaborating 41525
physician or podiatrist and a clinical nurse specialist, certified 41526
nurse-midwife, or certified nurse practitioner for services 41527
performed by the nurse shall be determined and agreed on by the 41528
nurse and collaborating physician or podiatrist. In no case shall 41529
reimbursement exceed the payment that the physician or podiatrist 41530
would have received had the physician or podiatrist provided the 41531
entire service. 41532~~

Sec. 5111.022. (A) As used in this section: 41533

(1) "Community mental health facility" means a community 41534
mental health facility that has a quality assurance program 41535
accredited by the joint commission on accreditation of healthcare 41536
organizations or is certified by the department of mental health 41537
or department of job and family services. 41538

(2) "Mental health professional" means a person qualified to 41539
work with mentally ill persons under the standards established by 41540
the director of mental health pursuant to section 5119.611 of the 41541
Revised Code. 41542

~~(B) The state medicaid plan for providing medical assistance 41543
under Title XIX of the "Social Security Act," 49 Stat. 620, 42 41544~~

U.S.C.A. 301, ~~as amended,~~ shall include provision of the following 41545
mental health services when provided by community mental health 41546
facilities ~~described in division (B) of this section:~~ 41547

(1) Outpatient mental health services, including, but not 41548
limited to, preventive, diagnostic, therapeutic, rehabilitative, 41549
and palliative interventions rendered to individuals in an 41550
individual or group setting by a mental health professional in 41551
accordance with a plan of treatment appropriately established, 41552
monitored, and reviewed; 41553

(2) Partial-hospitalization mental health services of three 41554
to fourteen hours per service day, rendered by persons directly 41555
supervised by a mental health professional; 41556

(3) Unscheduled, emergency mental health services of a kind 41557
ordinarily provided to persons in crisis when rendered by persons 41558
supervised by a mental health professional; 41559

(4) Subject to receipt of federal approval, assertive 41560
community treatment and intensive home-based mental health 41561
services. 41562

~~(B) Services shall be included in the state plan only when~~ 41563
~~provided by community mental health facilities that have quality~~ 41564
~~assurance programs accredited by the joint commission on~~ 41565
~~accreditation of healthcare organizations or certified by the~~ 41566
~~department of mental health or department of job and family~~ 41567
~~services.~~ 41568

(C) The comprehensive annual plan shall certify the 41569
availability of sufficient unencumbered community mental health 41570
state subsidy and local funds to match Title XIX federal medicaid 41571
reimbursement funds earned by the community mental health 41572
facilities. ~~Reimbursement for eligible services shall be based on~~ 41573
~~the prospective cost of providing the services as developed in~~ 41574
~~standards adopted as part of the comprehensive annual plan.~~ 41575

~~(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.~~ 41576
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~~(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:~~ 41580
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~~(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;~~ 41588
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~~(2) How the community mental health facilities described in division (B) of this section will be paid for providing the services established by division (A) of this section.~~ 41593
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~~(E) Not later than May 1, 2004, the department of job and family services shall request federal approval to provide assertive community treatment and intensive home-based mental health services under medicaid pursuant to this section.~~ 41596
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~~(F) On receipt of federal approval sought under division (F) of this section, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code establishing statewide access and acuity standards for partial hospitalization mental health services and assertive community treatment and intensive home-based mental health services provided under medicaid pursuant to this section. The director shall~~ 41600
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consult with the department of mental health in adopting the 41607
rules. 41608

Sec. 5111.025. (A) In rules adopted under section 5111.02 of 41609
the Revised Code, the director of job and family services shall 41610
modify the manner or establish a new manner in which the following 41611
are paid under medicaid: 41612

(1) Community mental health facilities for providing mental 41613
health services included in the state medicaid plan pursuant to 41614
section 5111.022 of the Revised Code; 41615

(2) Providers of alcohol and drug addiction services for 41616
providing alcohol and drug addiction services included in the 41617
medicaid program pursuant to rules adopted under section 5111.02 41618
of the Revised Code. 41619

(B) In modifying the manner, or establishing a new manner, 41620
for medicaid to pay for the services specified in division (A) of 41621
this section, the director shall include a provision for obtaining 41622
federal financial participation for the costs that each board of 41623
alcohol, drug addiction, and mental health services incurs in its 41624
administration of those services. Except as provided in section 41625
5111.92 of the Revised Code, the department of job and family 41626
services shall pay the federal financial participation obtained 41627
for such administrative costs to the board that incurs the 41628
administrative costs. 41629

(C) The director's authority to modify the manner, or to 41630
establish a new manner, for medicaid to pay for the services 41631
specified in division (A) of this section is not limited by any 41632
rules adopted under section 5111.02 or 5119.61 of the Revised Code 41633
that are in effect on the effective date of this section and 41634
govern the way medicaid pays for those services. This is the case 41635
regardless of what state agency adopted the rules. 41636

Sec. 5111.03. (A) No provider of services or goods 41637
contracting with the department of job and family services 41638
pursuant to the medicaid program shall, by deception, obtain or 41639
attempt to obtain payments under this chapter to which the 41640
provider is not entitled pursuant to the provider agreement, or 41641
the rules of the federal government or the department of job and 41642
family services relating to the program. No provider shall 41643
willfully receive payments to which the provider is not entitled, 41644
or willfully receive payments in a greater amount than that to 41645
which the provider is entitled; nor shall any provider falsify any 41646
report or document required by state or federal law, rule, or 41647
provider agreement relating to medicaid payments. As used in this 41648
section, a provider engages in "deception" when the provider, 41649
acting with actual knowledge of the representation or information 41650
involved, acting in deliberate ignorance of the truth or falsity 41651
of the representation or information involved, or acting in 41652
reckless disregard of the truth or falsity of the representation 41653
or information involved, deceives another or causes another to be 41654
deceived by any false or misleading representation, by withholding 41655
information, by preventing another from acquiring information, or 41656
by any other conduct, act, or omission that creates, confirms, or 41657
perpetuates a false impression in another, including a false 41658
impression as to law, value, state of mind, or other objective or 41659
subjective fact. No proof of specific intent to defraud is 41660
required to show, for purposes of this section, that a provider 41661
has engaged in deception. 41662

(B) Any provider who violates division (A) of this section 41663
shall be liable, in addition to any other penalties provided by 41664
law, for all of the following civil penalties: 41665

(1) Payment of interest on the amount of the excess payments 41666
at the maximum interest rate allowable for real estate mortgages 41667

under section 1343.01 of the Revised Code on the date the payment 41668
was made to the provider for the period from the date upon which 41669
payment was made, to the date upon which repayment is made to the 41670
state; 41671

(2) Payment of an amount equal to three times the amount of 41672
any excess payments; 41673

(3) Payment of a sum of not less than five thousand dollars 41674
and not more than ten thousand dollars for each deceptive claim or 41675
falsification; 41676

(4) All reasonable expenses which the court determines have 41677
been necessarily incurred by the state in the enforcement of this 41678
section. 41679

(C) ~~In~~ As used in this division, "intermediate care facility 41680
for the mentally retarded" and "nursing facility" have the same 41681
meanings given in section 5111.20 of the Revised Code. 41682

In addition to the civil penalties provided in division (B) 41683
of this section, the director of job and family services, upon the 41684
conviction of, or the entry of a judgment in either a criminal or 41685
civil action against, a medicaid provider or its owner, officer, 41686
authorized agent, associate, manager, or employee in an action 41687
brought pursuant to section 109.85 of the Revised Code, shall 41688
terminate the provider agreement between the department and the 41689
provider and stop reimbursement to the provider for services 41690
rendered for a period of up to five years from the date of 41691
conviction or entry of judgment. As used in this chapter, "owner" 41692
means any person having at least five per cent ownership in the 41693
medicaid provider. No such provider, owner, officer, authorized 41694
agent, associate, manager, or employee shall own or provide 41695
services to any other medicaid provider or risk contractor or 41696
arrange for, render, or order services for medicaid recipients 41697
during the period of termination as provided in division (C) of 41698

this section, nor, during the period of termination as provided in 41699
division (C) of this section, shall such provider, owner, officer, 41700
authorized agent, associate, manager, or employee receive 41701
reimbursement in the form of direct payments from the department 41702
or indirect payments of medicaid funds in the form of salary, 41703
shared fees, contracts, kickbacks, or rebates from or through any 41704
participating provider or risk contractor. The provider agreement 41705
shall not be terminated or reimbursement terminated if the 41706
provider or owner can demonstrate that the provider or owner did 41707
not directly or indirectly sanction the action of its authorized 41708
agent, associate, manager, or employee that resulted in the 41709
conviction or entry of a judgment in a criminal or civil action 41710
brought pursuant to section 109.85 of the Revised Code. Nothing in 41711
this division prohibits any owner, officer, authorized agent, 41712
associate, manager, or employee of a medicaid provider from 41713
entering into a medicaid provider agreement if the person can 41714
demonstrate that the person had no knowledge of an action of the 41715
medicaid provider the person was formerly associated with that 41716
resulted in the conviction or entry of a judgment in a criminal or 41717
civil action brought pursuant to section 109.85 of the Revised 41718
Code. 41719

~~Providers subject to sections 5111.20 to 5111.32 of the~~ 41720
~~Revised Code~~ Nursing facility or intermediate care facility for 41721
the mentally retarded providers whose agreements are terminated 41722
pursuant to this section may continue to receive reimbursement for 41723
up to thirty days after the effective date of the termination if 41724
the provider makes reasonable efforts to transfer recipients to 41725
another facility or to alternate care and if federal funds are 41726
provided for such reimbursement. 41727

(D) Any provider of services or goods contracting with the 41728
department of job and family services pursuant to Title XIX of the 41729
"Social Security Act," who, without intent, obtains payments under 41730

this chapter in excess of the amount to which the provider is 41731
entitled, thereby becomes liable for payment of interest on the 41732
amount of the excess payments at the maximum real estate mortgage 41733
rate on the date the payment was made to the provider for the 41734
period from the date upon which payment was made to the date upon 41735
which repayment is made to the state. 41736

(E) The attorney general on behalf of the state may commence 41737
proceedings to enforce this section in any court of competent 41738
jurisdiction; and the attorney general may settle or compromise 41739
any case brought under this section with the approval of the 41740
department of job and family services. Notwithstanding any other 41741
provision of law providing a shorter period of limitations, the 41742
attorney general may commence a proceeding to enforce this section 41743
at any time within six years after the conduct in violation of 41744
this section terminates. 41745

(F) The authority, under state and federal law, of the 41746
department of job and family services or a county department of 41747
job and family services to recover excess payments made to a 41748
provider is not limited by the availability of remedies under 41749
sections 5111.11 and 5111.12 of the Revised Code for recovering 41750
benefits paid on behalf of recipients of medical assistance. 41751

The penalties under this chapter apply to any overpayment, 41752
billing, or falsification occurring on and after April 24, 1978. 41753
All moneys collected by the state pursuant to this section shall 41754
be deposited in the state treasury to the credit of the general 41755
revenue fund. 41756

Sec. 5111.06. (A)(1) As used in this section: 41757

(a) "Provider" means any person, institution, or entity that 41758
furnishes medicaid services under a provider agreement with the 41759
department of job and family services pursuant to Title XIX of the 41760
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 41761

amended. 41762

(b) "Party" has the same meaning as in division (G) of 41763
section 119.01 of the Revised Code. 41764

(c) "Adjudication" has the same meaning as in division (D) of 41765
section 119.01 of the Revised Code. 41766

(2) This section does not apply to any action taken by the 41767
department of job and family services under sections 5111.35 to 41768
5111.62 of the Revised Code. 41769

(B) Except as provided in division (D) of this section, the 41770
department shall do either of the following by issuing an order 41771
pursuant to an adjudication conducted in accordance with Chapter 41772
119. of the Revised Code: 41773

(1) Enter into or refuse to enter into a provider agreement 41774
with a provider, or suspend, terminate, renew, or refuse to renew 41775
an existing provider agreement with a provider; 41776

(2) Take any action based upon a final fiscal audit of a 41777
provider. 41778

(C) Any party who is adversely affected by the issuance of an 41779
adjudication order under division (B) of this section may appeal 41780
to the court of common pleas of Franklin county in accordance with 41781
section 119.12 of the Revised Code. 41782

(D) The department is not required to comply with division 41783
(B)(1) of this section whenever any of the following occur: 41784

(1) The terms of a provider agreement require the provider to 41785
have a license, permit, or certificate issued by an official, 41786
board, commission, department, division, bureau, or other agency 41787
of state government other than the department of job and family 41788
services, and the license, permit, or certificate has been denied 41789
or revoked. 41790

(2) The provider agreement is denied, terminated, or not 41791

renewed pursuant to division (C) or (E) of section 5111.03 of the Revised Code; 41792
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(3) The provider agreement is denied, terminated, or not renewed due to the provider's termination, suspension, or exclusion from the medicare program established under Title XVIII of the "Social Security Act," and the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program; 41794
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(4) The provider agreement is denied, terminated, or not renewed due to the provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program; 41800
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(5) The provider agreement is denied, terminated, or suspended as a result of action by the United States department of health and human services and that action is binding on the provider's participation in the medicaid program. 41804
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(E) The department may withhold payments for services rendered by a medicaid provider under the medical assistance program during the pendency of proceedings initiated under division (B)(1) of this section. If the proceedings are initiated under division (B)(2) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and intermediate care facilities for the mentally retarded ~~subject to sections as defined in section 5111.20 to 5111.32~~ of the Revised Code. 41808
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Sec. ~~5111.08~~ 5111.071. Commencing in December, 1986, and 41822

every second December thereafter, the director of job and family 41823
services shall establish a dispensing fee, effective the following 41824
January, for licensed pharmacists who are providers under this 41825
chapter. The dispensing fee shall take into consideration the 41826
results of the survey conducted under section 5111.07 of the 41827
Revised Code. 41828

Sec. ~~5111.16~~ 5111.08. In accordance with subsection (g) of 41829
section 1927 of the "Social Security Act," 49 Stat. 320 (1935), 42 41830
U.S.C.A. 1396r-8(g), as amended, the department of job and family 41831
services shall establish an outpatient drug use review program to 41832
assure that prescriptions obtained by recipients of medical 41833
assistance under this chapter are appropriate, medically 41834
necessary, and unlikely to cause adverse medical results. 41835

Sec. 5111.083. (A) Each time before the director of job and 41836
family services contracts with a person to administer the medicaid 41837
program's preferred drug list established under rules adopted 41838
under section 5111.02 of the Revised Code or supplemental drug 41839
rebate program established under section 5111.082 of the Revised 41840
Code, an advisory council consisting of the following members 41841
shall be appointed to review the proposals submitted by persons 41842
seeking the contract and to select the person who is to be awarded 41843
the contract: 41844

(1) The director of job and family services; 41845

(2) One member of the house of representatives who is a 41846
member of the majority party and one member of the house of 41847
representatives who is a member of the minority party, appointed 41848
by the speaker of the house of representatives; 41849

(3) One member of the senate who is a member of the majority 41850
party and one member of the senate who is a member of the minority 41851
party, appointed by the president of the senate; 41852

- (4) One representative of patient advocates, appointed by the speaker of the house of representatives; 41853
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- (5) One representative of patient advocates, appointed by the president of the senate; 41855
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- (6) One representative of the Ohio state medical association, appointed by that association's executive director; 41857
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- (7) One representative of large businesses, appointed by the president of the Ohio chamber of commerce; 41859
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- (8) One representative of small businesses, appointed by the state director of the Ohio chapter of the national federation of independent businesses; 41861
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- (9) One representative of local government, appointed by the executive director of the county commissioners' association of Ohio. 41864
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- The advisory council shall elect a chairperson from among its members. 41867
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- (B) All of the following apply to an advisory council appointed under this section: 41869
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- (1) It is subject to the open meetings law under section 121.22 of the Revised Code. 41871
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- (2) Its members may vote to select the person to be awarded the contract to administer the medicaid program's preferred drug list or supplemental drug rebate program only if a quorum of the members is present at the meeting at which the vote is taken. 41873
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- (3) Its members shall not be reimbursed for their expenses incurred in their work on the advisory council. 41877
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- (4) It may seek grants, donations, or other funds to pay for its activities. 41879
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- (5) It shall cease to exist when it selects the person to be 41881

awarded the contract that the advisory council was appointed to 41882
select. 41883

(C) The department of job and family services shall provide 41884
to an advisory council appointed under this section copies of 41885
proposals submitted by each person seeking the contract to 41886
administer the medicaid program's preferred drug list or 41887
supplemental drug rebate program for which the advisory council 41888
was appointed. The department shall redact from each copy of each 41889
proposal it provides to an advisory council under this section any 41890
proprietary information included in the proposal. The person with 41891
whom the department contracts for that purpose shall be the person 41892
the advisory council selects. 41893

Sec. 5111.111. As used in this section, "home and 41894
community-based services" means services provided pursuant to a 41895
waiver under section 1915 of the "Social Security Act," 49 Stat. 41896
620 (1935), 42 U.S.C.A. 1396n, as amended. 41897

The department of job and family services may place a lien 41898
against the property of a medical assistance recipient or 41899
recipient's spouse, other than a recipient or spouse of a 41900
recipient of home and community-based services, that the 41901
department may recover as part of the program instituted under 41902
section 5111.11 of the Revised Code. When medical assistance is 41903
paid on behalf of any person in circumstances under which federal 41904
law and regulations and this section permit the imposition of a 41905
lien, the director of job and family services or a person 41906
designated by the director may sign a certificate to the effect. 41907
The county department of job and family services shall file for 41908
recording and indexing the certificate, or a certified copy, in 41909
the real estate mortgage records in the office of the county 41910
recorder in every county in which real property of the recipient 41911
or spouse is situated. From the time of filing the certificate in 41912

the office of the county recorder, the lien attaches to all real 41913
property of the recipient or spouse described therein for all 41914
amounts of aid which are paid or which thereafter are paid, and 41915
shall remain a lien until satisfied. 41916

Upon filing the certificate in the office of the recorder, 41917
all persons are charged with notice of the lien and the rights of 41918
the department of job and family services thereunder. 41919

The county recorder shall keep a record of every certificate 41920
filed showing its date, the time of filing, the name and residence 41921
of the recipient or spouse, and any release, waivers, or 41922
satisfaction of the lien. 41923

The priority of the lien shall be established in accordance 41924
with state and federal law. 41925

The department may waive the priority of its lien to provide 41926
for the costs of the last illness as determined by the department, 41927
administration, attorney fees, administrator fees, a sum for the 41928
payment of the costs of burial, which shall be computed by 41929
deducting from five hundred dollars whatever amount is available 41930
for the same purpose from all other sources, and a similar sum for 41931
the spouse of the decedent. 41932

Sec. 5111.16. (A) As part of the medicaid program, the 41933
department of job and family services shall establish a care 41934
management system. The department shall submit, if necessary, 41935
applications to the United States department of health and human 41936
services for waivers of federal medicaid requirements that would 41937
otherwise be violated in the implementation of the system. 41938

The department shall implement the care management system in 41939
some or all counties and shall designate the medicaid recipients 41940
who are required or permitted to participate in the system. In the 41941
case of individuals who receive medicaid on the basis of being 41942

aged, blind, or disabled, as specified in division (A)(2) of 41943
section 5111.01 of the Revised Code, all of the following apply: 41944

(1) Not later than July 1, 2004, the department shall 41945
designate a portion of the individuals for participation in the 41946
care management system. 41947

(2) Individuals shall not be designated for participation 41948
unless they reside in a county in which individuals who receive 41949
medicaid on another basis have been designated for participation. 41950

(3) If, pursuant to division (B)(2) of this section, the 41951
department requires or permits the individuals to obtain health 41952
care services through managed care organizations, the department 41953
shall select the managed care organizations to be used by the 41954
individuals through a request for proposals process. The 41955
department shall issue its initial request for proposals not later 41956
than December 31, 2003. 41957

(B) Under the care management system, the department may do 41958
both of the following: 41959

(1) Require or permit participants in the system to obtain 41960
health care services from providers designated by the department; 41961

(2) Require or permit participants in the system to obtain 41962
health care services through managed care organizations under 41963
contract with the department pursuant to section 5111.17 of the 41964
Revised Code. 41965

(C) The director of job and family services may adopt rules 41966
in accordance with Chapter 119. of the Revised Code to implement 41967
this section. 41968

Sec. 5111.17. ~~(A) On receipt of a waiver from the United~~ 41969
~~States department of health and human services of any federal~~ 41970
~~requirement that would otherwise be violated, the~~ The department 41971
of job and family services may ~~establish in some or all counties a~~ 41972

~~managed care system under which designated recipients of medical assistance are required to obtain health care services from providers designated by the department.~~ 41973
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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.~~ 41976
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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 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.~~ 41984
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~~(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.~~ 41997
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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~~ 42000
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~~care services to participating medical assistance recipients and~~ 42004
that meet or exceed performance standards specified in provider 42005
agreements or rules adopted by the department. The department may 42006
specify in a contract with a managed care organization the amounts 42007
of financial incentive awards, methodology for distributing 42008
awards, types of awards, and standards for administration by the 42009
department. 42010

(B) There is hereby created in the state treasury the health 42011
care compliance fund. The fund shall consist of all fines imposed 42012
on and collected from managed care organizations for failure to 42013
~~meet~~ meet performance standards or other requirements specified 42014
in provider agreements or rules adopted by the department. All 42015
investment earnings of the fund shall be credited to the fund. 42016
Moneys credited to the fund shall be used solely for the following 42017
purposes: 42018

(1) To reimburse managed care organizations that have paid 42019
fines for failures to meet performance standards or other 42020
requirements and that have come into compliance by meeting 42021
requirements as specified by the department; 42022

(2) To provide financial incentive awards established 42023
pursuant to division (A) of this section and specified in 42024
contracts between managed care organizations and the department. 42025

Sec. 5111.172. When contracting under section 5111.17 of the 42026
Revised Code with a managed care organization that is a health 42027
insuring corporation, the department of job and family services 42028
may require the health insuring corporation to provide coverage of 42029
prescription drugs for medicaid recipients enrolled in the health 42030
insuring corporation. In providing the required coverage, the 42031
health insuring corporation may, subject to the department's 42032
approval, use strategies for the management of drug utilization. 42033

Sec. 5111.173. The department of job and family services 42034
shall appoint a temporary manager for a managed care organization 42035
under contract with the department pursuant to section 5111.17 of 42036
the Revised Code if the department determines that the managed 42037
care organization has repeatedly failed to meet substantive 42038
requirements specified in section 1903(m) of the "Social Security 42039
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396b(m), as amended; section 42040
1932 of the Social Security Act, 42 U.S.C. 1396u-2, as amended; or 42041
42 C.F.R. 438 Part I. The appointment of a temporary manager does 42042
not preclude the department from imposing other sanctions 42043
available to the department against the managed care organization. 42044

The managed care organization shall pay all costs of having 42045
the temporary manager perform the temporary manager's duties, 42046
including all costs the temporary manager incurs in performing 42047
those duties. If the temporary manager incurs costs or liabilities 42048
on behalf of the managed care organization, the managed care 42049
organization shall pay those costs and be responsible for those 42050
liabilities. 42051

The appointment of a temporary manager is not subject to 42052
Chapter 119. of the Revised Code, but the managed care 42053
organization may request a reconsideration of the appointment. 42054
Reconsiderations shall be requested and conducted in accordance 42055
with rules the director of job and family services shall adopt in 42056
accordance with Chapter 119. of the Revised Code. 42057

The appointment of a temporary manager does not cause the 42058
managed care organization to lose the right to appeal, in 42059
accordance with Chapter 119. of the Revised Code, any proposed 42060
termination or any decision not to renew the managed care 42061
organization's medicaid provider agreement or the right to 42062
initiate the sale of the managed care organization or its assets. 42063

In addition to the rules required to be adopted under this 42064

section, the director may adopt any other rules necessary to 42065
implement this section. The rules shall be adopted in accordance 42066
with Chapter 119. of the Revised Code. 42067

Sec. 5111.174. The department of job and family services may 42068
disenroll some or all medicaid recipients enrolled in a managed 42069
care organization under contract with the department pursuant to 42070
section 5111.17 of the Revised Code if the department proposes to 42071
terminate or not to renew the contract and determines that the 42072
recipients' access to medically necessary services is jeopardized 42073
by the proposal to terminate or not to renew the contract. The 42074
disenrollment is not subject to Chapter 119. of the Revised Code, 42075
but the managed care organization may request a reconsideration of 42076
the disenrollment. Reconsiderations shall be requested and 42077
conducted in accordance with rules the director of job and family 42078
services shall adopt in accordance with Chapter 119. of the 42079
Revised Code. The request for, or conduct of, a reconsideration 42080
regarding a proposed disenrollment shall not delay the 42081
disenrollment. 42082

In addition to the rules required to be adopted under this 42083
section, the director may adopt any other rules necessary to 42084
implement this section. The rules shall be adopted in accordance 42085
with Chapter 119. of the Revised Code. 42086

Sec. 5111.175. For the purpose of determining the amount the 42087
department of job and family services pays hospitals under section 42088
5112.08 of the Revised Code and the amount of disproportionate 42089
share hospital payments paid by the medicare program established 42090
under Title XVIII of the "Social Security Act," 79 Stat. 286 42091
(1965), 42 U.S.C. 1396n, as amended, a managed care organization 42092
under contract with the department pursuant to section 5111.17 of 42093
the Revised Code authorizing the organization to provide, or 42094
arrange for the provision of, hospital services to medicaid 42095

recipients shall keep detailed records for each hospital with 42096
which it contracts about the cost to the hospital of providing the 42097
services, payments made by the organization to the hospital for 42098
the services, utilization of hospital services by medicaid 42099
recipients enrolled in the organization, and other utilization 42100
data required by the department. 42101

Sec. 5111.20. As used in sections 5111.20 to ~~5111.32~~ 5111.34 42102
of the Revised Code: 42103

(A) "Allowable costs" are those costs determined by the 42104
department of job and family services to be reasonable and do not 42105
include fines paid under sections 5111.35 to 5111.61 and section 42106
5111.99 of the Revised Code. 42107

(B) "Capital costs" means costs of ownership and nonextensive 42108
renovation. 42109

(1) "Cost of ownership" means the actual expense incurred for 42110
all of the following: 42111

(a) Depreciation and interest on any capital assets that cost 42112
five hundred dollars or more per item, including the following: 42113

(i) Buildings; 42114

(ii) Building improvements that are not approved as 42115
nonextensive renovations under section 5111.25 or 5111.251 of the 42116
Revised Code; 42117

(iii) Equipment; 42118

(iv) Extensive renovations; 42119

(v) Transportation equipment. 42120

(b) Amortization and interest on land improvements and 42121
leasehold improvements; 42122

(c) Amortization of financing costs; 42123

(d) Except as provided in division (I) of this section, lease and rent of land, building, and equipment. 42124
42125

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. 42126
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(2) "Costs of nonextensive renovation" means the actual expense incurred for depreciation or amortization and interest on renovations that are not extensive renovations. 42129
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(C) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles. 42132
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(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. 42134
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(E) "Date of licensure," for a facility originally licensed as a nursing home under Chapter 3721. of the Revised Code, means the date specific beds were originally licensed as nursing home beds under that chapter, regardless of whether they were subsequently licensed as residential facility beds under section 5123.19 of the Revised Code. For a facility originally licensed as a residential facility under section 5123.19 of the Revised Code, "date of licensure" means the date specific beds were originally licensed as residential facility beds under that section. 42139
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(1) If nursing home beds licensed under Chapter 3721. of the Revised Code or residential facility beds licensed under section 5123.19 of the Revised Code were not required by law to be licensed when they were originally used to provide nursing home or residential facility services, "date of licensure" means the date the beds first were used to provide nursing home or residential facility services, regardless of the date the present provider 42148
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obtained licensure.	42155
(2) If a facility adds nursing home beds or residential facility beds or extensively renovates all or part of the facility after its original date of licensure, it will have a different date of licensure for the additional beds or extensively renovated portion of the facility, unless the beds are added in a space that was constructed at the same time as the previously licensed beds but was not licensed under Chapter 3721. or section 5123.19 of the Revised Code at that time.	42156 42157 42158 42159 42160 42161 42162 42163
(F) "Desk-reviewed" means that costs as reported on a cost report submitted under section 5111.26 of the Revised Code have been subjected to a desk review under division (A) of section 5111.27 of the Revised Code and preliminarily determined to be allowable costs.	42164 42165 42166 42167 42168
(G) "Direct care costs" means all of the following:	42169
(1)(a) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the facility;	42170 42171
(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;	42172 42173 42174 42175 42176 42177 42178 42179
(c) Costs of purchased nursing services;	42180
(d) Costs of quality assurance;	42181
(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	42182 42183 42184

rules adopted by the director of job and family services in	42185
accordance with Chapter 119. of the Revised Code, for personnel	42186
listed in divisions (G)(1)(a), (b), and (d) of this section;	42187
(f) Costs of consulting and management fees related to direct	42188
care;	42189
(g) Allocated direct care home office costs.	42190
(2) In addition to the costs specified in division (G)(1) of	42191
this section, for intermediate care facilities for the mentally	42192
retarded only, direct care costs include both of the following:	42193
(a) Costs for physical therapists and physical therapy	42194
assistants, occupational therapists and occupational therapy	42195
assistants, speech therapists, and audiologists;	42196
(b) Costs of training and staff development, employee	42197
benefits, payroll taxes, and workers' compensation premiums or	42198
costs for self-insurance claims and related costs as specified in	42199
rules adopted by the director of job and family services in	42200
accordance with Chapter 119. of the Revised Code, for personnel	42201
listed in division (G)(2)(a) of this section.	42202
(3) Costs of other direct-care resources that are specified	42203
as direct care costs in rules adopted by the director of job and	42204
family services in accordance with Chapter 119. of the Revised	42205
Code.	42206
(H) "Fiscal year" means the fiscal year of this state, as	42207
specified in section 9.34 of the Revised Code.	42208
(I) "Indirect care costs" means all reasonable costs other	42209
than direct care costs, other protected costs, or capital costs.	42210
"Indirect care costs" includes but is not limited to costs of	42211
habilitation supplies, pharmacy consultants, medical and	42212
habilitation records, program supplies, incontinence supplies,	42213
food, enterals, dietary supplies and personnel, laundry,	42214

housekeeping, security, administration, liability insurance, 42215
bookkeeping, purchasing department, human resources, 42216
communications, travel, dues, license fees, subscriptions, home 42217
office costs not otherwise allocated, legal services, accounting 42218
services, minor equipment, maintenance and repairs, help-wanted 42219
advertising, informational advertising, ~~consumer satisfaction~~ 42220
~~survey fees paid under section 173.55 of the Revised Code,~~ 42221
start-up costs, organizational expenses, other interest, property 42222
insurance, employee training and staff development, employee 42223
benefits, payroll taxes, and workers' compensation premiums or 42224
costs for self-insurance claims and related costs as specified in 42225
rules adopted by the director of job and family services in 42226
accordance with Chapter 119. of the Revised Code, for personnel 42227
listed in this division. Notwithstanding division (B)(1) of this 42228
section, "indirect care costs" also means the cost of equipment, 42229
including vehicles, acquired by operating lease executed before 42230
December 1, 1992, if the costs are reported as administrative and 42231
general costs on the facility's cost report for the cost reporting 42232
period ending December 31, 1992. 42233

(J) "Inpatient days" means all days during which a resident, 42234
regardless of payment source, occupies a bed in a nursing facility 42235
or intermediate care facility for the mentally retarded that is 42236
included in the facility's certified capacity under Title XIX of 42237
the "Social Security Act," 49 Stat. 610 (1935), 42 U.S.C.A. 301, 42238
as amended. Therapeutic or hospital leave days for which payment 42239
is made under section 5111.33 of the Revised Code are considered 42240
inpatient days proportionate to the percentage of the facility's 42241
per resident per day rate paid for those days. 42242

(K) "Intermediate care facility for the mentally retarded" 42243
means an intermediate care facility for the mentally retarded 42244
certified as in compliance with applicable standards for the 42245
medical assistance program by the director of health in accordance 42246

with Title XIX of the "Social Security Act." 42247

(L) "Maintenance and repair expenses" means, except as 42248
provided in division ~~(X)~~(Y)(2) of this section, expenditures that 42249
are necessary and proper to maintain an asset in a normally 42250
efficient working condition and that do not extend the useful life 42251
of the asset two years or more. "Maintenance and repair expenses" 42252
includes but is not limited to the cost of ordinary repairs such 42253
as painting and wallpapering. 42254

(M) "Nursing facility" means a facility, or a distinct part 42255
of a facility, that is certified as a nursing facility by the 42256
director of health in accordance with Title XIX of the "Social 42257
Security Act," and is not an intermediate care facility for the 42258
mentally retarded. "Nursing facility" includes a facility, or a 42259
distinct part of a facility, that is certified as a nursing 42260
facility by the director of health in accordance with Title XIX of 42261
the "Social Security Act," and is certified as a skilled nursing 42262
facility by the director in accordance with Title XVIII of the 42263
"Social Security Act." 42264

(N) "Operator" means the person or government entity 42265
responsible for the daily operating and management decisions for a 42266
nursing facility or intermediate care facility for the mentally 42267
retarded. 42268

(O) "Other protected costs" means costs for medical supplies; 42269
real estate, franchise, and property taxes; natural gas, fuel oil, 42270
water, electricity, sewage, and refuse and hazardous medical waste 42271
collection; allocated other protected home office costs; and any 42272
additional costs defined as other protected costs in rules adopted 42273
by the director of job and family services in accordance with 42274
Chapter 119. of the Revised Code. 42275

~~(O)~~(P) "Owner" means any person or government entity that has 42276
at least five per cent ownership or interest, either directly, 42277

indirectly, or in any combination, in any of the following 42278
regarding a nursing facility or intermediate care facility for the 42279
mentally retarded: 42280

(a) The land on which the facility is located; 42281

(b) The structure in which the facility is located; 42282

(c) Any mortgage, contract for deed, or other obligation 42283
secured in whole or in part by the land or structure on or in 42284
which the facility is located; 42285

(d) Any lease or sublease of the land or structure on or in 42286
which the facility is located. 42287

(2) "Owner" does not mean a holder of a debenture or bond 42288
related to the nursing facility or intermediate care facility for 42289
the mentally retarded and purchased at public issue or a regulated 42290
lender that has made a loan related to the facility unless the 42291
holder or lender operates the facility directly or through a 42292
subsidiary. 42293

~~(P)~~(Q) "Patient" includes "resident." 42294

~~(Q)~~(R) Except as provided in divisions ~~(Q)~~(R)(1) and (2) of 42295
this section, "per diem" means a nursing facility's or 42296
intermediate care facility for the mentally retarded's actual, 42297
allowable costs in a given cost center in a cost reporting period, 42298
divided by the facility's inpatient days for that cost reporting 42299
period. 42300

(1) When calculating indirect care costs for the purpose of 42301
establishing rates under section 5111.24 or 5111.241 of the 42302
Revised Code, "per diem" means a facility's actual, allowable 42303
indirect care costs in a cost reporting period divided by the 42304
greater of the facility's inpatient days for that period or the 42305
number of inpatient days the facility would have had during that 42306
period if its occupancy rate had been eighty-five per cent. 42307

(2) When calculating capital costs for the purpose of 42308
establishing rates under section 5111.25 or 5111.251 of the 42309
Revised Code, "per diem" means a facility's actual, allowable 42310
capital costs in a cost reporting period divided by the greater of 42311
the facility's inpatient days for that period or the number of 42312
inpatient days the facility would have had during that period if 42313
its occupancy rate had been ninety-five per cent. 42314

~~(R)~~(S) "Provider" means a person or government entity that 42315
operates a nursing facility or intermediate care facility for the 42316
mentally retarded under a provider agreement. 42317

~~(S)~~(T) "Provider agreement" means a contract between the 42318
department of job and family services and a nursing facility or 42319
intermediate care facility for the mentally retarded for the 42320
provision of nursing facility services or intermediate care 42321
facility services for the mentally retarded under the medical 42322
assistance program. 42323

~~(T)~~(U) "Purchased nursing services" means services that are 42324
provided in a nursing facility by registered nurses, licensed 42325
practical nurses, or nurse aides who are not employees of the 42326
facility. 42327

~~(U)~~(V) "Reasonable" means that a cost is an actual cost that 42328
is appropriate and helpful to develop and maintain the operation 42329
of patient care facilities and activities, including normal 42330
standby costs, and that does not exceed what a prudent buyer pays 42331
for a given item or services. Reasonable costs may vary from 42332
provider to provider and from time to time for the same provider. 42333

~~(V)~~(W) "Related party" means an individual or organization 42334
that, to a significant extent, has common ownership with, is 42335
associated or affiliated with, has control of, or is controlled 42336
by, the provider. 42337

(1) An individual who is a relative of an owner is a related 42338

party. 42339

(2) Common ownership exists when an individual or individuals 42340
possess significant ownership or equity in both the provider and 42341
the other organization. Significant ownership or equity exists 42342
when an individual or individuals possess five per cent ownership 42343
or equity in both the provider and a supplier. Significant 42344
ownership or equity is presumed to exist when an individual or 42345
individuals possess ten per cent ownership or equity in both the 42346
provider and another organization from which the provider 42347
purchases or leases real property. 42348

(3) Control exists when an individual or organization has the 42349
power, directly or indirectly, to significantly influence or 42350
direct the actions or policies of an organization. 42351

(4) An individual or organization that supplies goods or 42352
services to a provider shall not be considered a related party if 42353
all of the following conditions are met: 42354

(a) The supplier is a separate bona fide organization. 42355

(b) A substantial part of the supplier's business activity of 42356
the type carried on with the provider is transacted with others 42357
than the provider and there is an open, competitive market for the 42358
types of goods or services the supplier furnishes. 42359

(c) The types of goods or services are commonly obtained by 42360
other nursing facilities or intermediate care facilities for the 42361
mentally retarded from outside organizations and are not a basic 42362
element of patient care ordinarily furnished directly to patients 42363
by the facilities. 42364

(d) The charge to the provider is in line with the charge for 42365
the goods or services in the open market and no more than the 42366
charge made under comparable circumstances to others by the 42367
supplier. 42368

(W) <u>(X)</u> "Relative of owner" means an individual who is related	42369
to an owner of a nursing facility or intermediate care facility	42370
for the mentally retarded by one of the following relationships:	42371
(1) Spouse;	42372
(2) Natural parent, child, or sibling;	42373
(3) Adopted parent, child, or sibling;	42374
(4) Step-parent, step-child, step-brother, or step-sister;	42375
(5) Father-in-law, mother-in-law, son-in-law,	42376
daughter-in-law, brother-in-law, or sister-in-law;	42377
(6) Grandparent or grandchild;	42378
(7) Foster caregiver, foster child, foster brother, or foster	42379
sister.	42380
(X) <u>(Y)</u> "Renovation" and "extensive renovation" mean:	42381
(1) Any betterment, improvement, or restoration of a nursing	42382
facility or intermediate care facility for the mentally retarded	42383
started before July 1, 1993, that meets the definition of a	42384
renovation or extensive renovation established in rules adopted by	42385
the director of job and family services in effect on December 22,	42386
1992.	42387
(2) In the case of betterments, improvements, and	42388
restorations of nursing facilities and intermediate care	42389
facilities for the mentally retarded started on or after July 1,	42390
1993:	42391
(a) "Renovation" means the betterment, improvement, or	42392
restoration of a nursing facility or intermediate care facility	42393
for the mentally retarded beyond its current functional capacity	42394
through a structural change that costs at least five hundred	42395
dollars per bed. A renovation may include betterment, improvement,	42396
restoration, or replacement of assets that are affixed to the	42397

building and have a useful life of at least five years. A 42398
renovation may include costs that otherwise would be considered 42399
maintenance and repair expenses if they are an integral part of 42400
the structural change that makes up the renovation project. 42401
"Renovation" does not mean construction of additional space for 42402
beds that will be added to a facility's licensed or certified 42403
capacity. 42404

(b) "Extensive renovation" means a renovation that costs more 42405
than sixty-five per cent and no more than eighty-five per cent of 42406
the cost of constructing a new bed and that extends the useful 42407
life of the assets for at least ten years. 42408

For the purposes of division ~~(X)~~(Y)(2) of this section, the 42409
cost of constructing a new bed shall be considered to be forty 42410
thousand dollars, adjusted for the estimated rate of inflation 42411
from January 1, 1993, to the end of the calendar year during which 42412
the renovation is completed, using the consumer price index for 42413
shelter costs for all urban consumers for the north central 42414
region, as published by the United States bureau of labor 42415
statistics. 42416

The department of job and family services may treat a 42417
renovation that costs more than eighty-five per cent of the cost 42418
of constructing new beds as an extensive renovation if the 42419
department determines that the renovation is more prudent than 42420
construction of new beds. 42421

Sec. 5111.206. (A) As used in this section, "nursing 42422
facility" has the same meaning as in section 5111.20 of the 42423
Revised Code. 42424

(B) To the extent funds are available, the director of job 42425
and family services may establish the Ohio access success project 42426
to help medicaid recipients make the transition from residing in a 42427
nursing facility to residing in a community setting. The program 42428

may be established as a separate non-medicaid program or 42429
integrated into a new or existing program of Medicaid home and 42430
community-based services program based on a waiver approved by the 42431
federal centers for medicare and medicaid services. The department 42432
may limit the number of program participants. 42433

To be eligible for benefits under the project, a medicaid 42434
recipient must satisfy all of the following requirements: 42435

(1) Be a recipient of medicaid-funded nursing facility care, 42436
at the time of applying for the benefits; 42437

(2) Have resided continuously in a nursing facility since 42438
January 1, 2002; 42439

(3) Need the level of care provided by nursing facilities; 42440

(4) For participation in a non-medicaid program, receive 42441
services to remain in the community with a projected cost not 42442
exceeding eighty per cent of the average monthly medicaid cost of 42443
a medicaid recipient in a nursing facility; 42444

(5) For participation in a program established as part of a 42445
home and community-based services program that is based on a 42446
waiver, meet waiver enrollment criteria. 42447

(C) If the director establishes the Ohio access success 42448
project, the benefits provided under the project may include 42449
payment of all of the following: 42450

(1) The first month's rent in a community setting; 42451

(2) Rental deposits; 42452

(3) Utility deposits; 42453

(4) Moving expenses; 42454

(5) Other expenses not covered by the medicaid program that 42455
facilitate a medicaid recipient's move from a nursing facility to 42456
a community setting. 42457

(D) If the project is established as a non-medicaid program, 42458
no participant may receive more than two thousand dollars worth of 42459
benefits under the project. 42460

(E) The director may submit a request to the United States 42461
secretary of health and human services pursuant to section 1915 of 42462
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, 42463
as amended, to create a medicaid home and community-based services 42464
waiver programs to serve individuals who meet the criteria for 42465
participation in the Ohio access success project. The director may 42466
adopt rules under Chapter 119. of the Revised Code for the 42467
administration and operation of the program. 42468

Sec. 5111.21. (A) Subject to sections 5111.01, 5111.011, 42469
5111.012, ~~and~~ 5111.02, and 5111.6810 of the Revised Code, the 42470
department of job and family services shall pay, as provided in 42471
sections 5111.20 to 5111.32 of the Revised Code, the reasonable 42472
costs of services provided to an eligible medicaid recipient by an 42473
eligible nursing facility or intermediate care facility for the 42474
mentally retarded. 42475

In order to be eligible for medical assistance payments, an 42476
operator of a nursing facility or intermediate care facility for 42477
the mentally retarded shall do all of the following: 42478

(1) Enter into a provider agreement with the department as 42479
provided in section 5111.22, 5111.251, or 5111.252 of the Revised 42480
Code; 42481

(2) Apply for and maintain a valid license to operate if so 42482
required by law; 42483

(3) Comply with all applicable state and federal laws and 42484
rules. 42485

(B) ~~A~~ An operator of a nursing facility that elects to obtain 42486
and maintain eligibility for payments under the ~~medicare~~ medicaid 42487

program established by Title XVIII of the "Social Security Act," 42488
49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended may shall qualify 42489
all ~~or part of the facility of the facility's~~ medicaid-certified 42490
beds in the medicare program established by Title XVIII of the 42491
"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395. The 42492
director of job and family services may adopt rules in accordance 42493
with Chapter 119. of the Revised Code to establish the time frame 42494
in which a nursing facility must comply with this requirement. 42495

Sec. 5111.22. A provider agreement between the department of 42496
job and family services and an operator of a nursing facility or 42497
intermediate care facility for the mentally retarded shall contain 42498
the following provisions: 42499

(A) The department agrees to+ 42500

~~(1) Make~~ make payments to the nursing facility or 42501
intermediate care facility for the mentally retarded for patients 42502
eligible for services under the medical assistance program as 42503
provided in sections 5111.20 to 5111.32 of the Revised Code. No 42504
payment shall be made for the day a recipient is discharged from 42505
the facility. 42506

~~(2) Provide copies of rules governing the facility's~~ 42507
~~participation as a provider in the medical assistance program.~~ 42508
~~Whenever the director of job and family services files a proposed~~ 42509
~~rule or proposed rule in revised form under division (D) of~~ 42510
~~section 111.15 or division (B) of section 119.03 of the Revised~~ 42511
~~Code, the department shall provide the facility with one copy of~~ 42512
~~such rule. In the case of a rescission or proposed rescission of a~~ 42513
~~rule, the department may provide the rule number and title instead~~ 42514
~~of the rules rescinded or proposed to be rescinded.~~ 42515

(B) The ~~provider~~ operator agrees to: 42516

(1) Maintain eligibility as provided in section 5111.21 of 42517

the Revised Code; 42518

(2) Keep records relating to a cost reporting period for the 42519
greater of seven years after the cost report is filed or, if the 42520
department issues an audit report in accordance with division (B) 42521
of section 5111.27 of the Revised Code, six years after all appeal 42522
rights relating to the audit report are exhausted; 42523

(3) File reports as required by the department; 42524

(4) Open all records relating to the costs of its services 42525
for inspection and audit by the department; 42526

(5) Open its premises for inspection by the department, the 42527
department of health, and any other state or local authority 42528
having authority to inspect; 42529

(6) Supply to the department such information as it requires 42530
concerning the facility's services to patients who are or are 42531
eligible to be medicaid recipients; 42532

(7) Comply with section 5111.31 of the Revised Code. 42533

The provider agreement may contain other provisions that are 42534
consistent with law and considered necessary by the department. 42535

A provider agreement shall be effective for no longer than 42536
twelve months, except that if federal statute or regulations 42537
authorize a longer term, it may be effective for a longer term so 42538
authorized. A provider agreement may be renewed only if the 42539
facility is certified by the department of health for 42540
participation in the medicaid program. 42541

The department of job and family services, in accordance with 42542
rules adopted by the director pursuant to Chapter 119. of the 42543
Revised Code, may elect not to enter into, not to renew, or to 42544
terminate a provider agreement when the department determines that 42545
such an agreement would not be in the best interests of the 42546
recipients or of the state. 42547

Sec. 5111.222. An operator of a nursing facility or 42548
intermediate care facility for the mentally retarded may enter 42549
into provider agreements for more than one nursing facility or 42550
intermediate care facility for the mentally retarded. 42551

Sec. 5111.23. (A) The department of job and family services 42552
shall pay each eligible nursing facility and intermediate care 42553
facility for the mentally retarded a per resident per day rate for 42554
direct care costs established prospectively for each facility. The 42555
department shall establish each facility's rate for direct care 42556
costs quarterly. 42557

(B) Each facility's rate for direct care costs shall be based 42558
on the facility's cost per case-mix unit, subject to the maximum 42559
costs per case-mix unit established under division (B)(2) of this 42560
section, from the calendar year preceding the fiscal year in which 42561
the rate is paid. To determine the rate, the department shall do 42562
all of the following: 42563

(1) Determine each facility's cost per case-mix unit for the 42564
calendar year preceding the fiscal year in which the rate will be 42565
paid by dividing the facility's desk-reviewed, actual, allowable, 42566
per diem direct care costs for that year by its average case-mix 42567
score determined under section 5111.231 of the Revised Code for 42568
the same calendar year. 42569

(2)(a) Set the maximum cost per case-mix unit for each peer 42570
group of nursing facilities specified in rules adopted under 42571
division (E) of this section at a percentage above the cost per 42572
case-mix unit of the facility in the group that has the group's 42573
median medicaid inpatient day for the calendar year preceding the 42574
fiscal year in which the rate will be paid, as calculated under 42575
division (B)(1) of this section, ~~that is no.~~ For fiscal year 2004, 42576
that percentage shall not be less than one hundred eighteen per 42577

cent of the cost per case-mix unit of that facility. For fiscal 42578
year 2005, that percentage shall not be less than one hundred 42579
fifteen per cent of the cost per case-mix unit of that facility. 42580
For other fiscal years, that percentage shall not be less than the 42581
percentage calculated under division (D)(1) of this section. 42582

(b) Set the maximum cost per case-mix unit for each peer 42583
group of intermediate care facilities for the mentally retarded 42584
with more than eight beds specified in rules adopted under 42585
division (E) of this section at a percentage above the cost per 42586
case-mix unit of the facility in the group that has the group's 42587
median medicaid inpatient day for the calendar year preceding the 42588
fiscal year in which the rate will be paid, as calculated under 42589
division (B)(1) of this section, that is no less than the 42590
percentage calculated under division (D)(2) of this section. 42591

(c) Set the maximum cost per case-mix unit for each peer 42592
group of intermediate care facilities for the mentally retarded 42593
with eight or fewer beds specified in rules adopted under division 42594
(E) of this section at a percentage above the cost per case-mix 42595
unit of the facility in the group that has the group's median 42596
medicaid inpatient day for the calendar year preceding the fiscal 42597
year in which the rate will be paid, as calculated under division 42598
(B)(1) of this section, that is no less than the percentage 42599
calculated under division (D)(3) of this section. 42600

(d) In calculating the maximum cost per case-mix unit under 42601
divisions (B)(2)(a) to (c) of this section for each peer group, 42602
the department shall exclude from its calculations the cost per 42603
case-mix unit of any facility in the group that participated in 42604
the medical assistance program under the same operator for less 42605
than twelve months during the calendar year preceding the fiscal 42606
year in which the rate will be paid. 42607

(3) Estimate the rate of inflation for the eighteen-month 42608
period beginning on the first day of July of the calendar year 42609

preceding the fiscal year in which the rate will be paid and 42610
ending on the thirty-first day of December of the fiscal year in 42611
which the rate will be paid, using the employment cost index for 42612
total compensation, health services component, published by the 42613
United States bureau of labor statistics. If the estimated 42614
inflation rate for the eighteen-month period is different from the 42615
actual inflation rate for that period, as measured using the same 42616
index, the difference shall be added to or subtracted from the 42617
inflation rate estimated under division (B)(3) of this section for 42618
the following fiscal year. 42619

(4) The department shall not recalculate a maximum cost per 42620
case-mix unit under division (B)(2) of this section or a 42621
percentage under division (D) of this section based on additional 42622
information that it receives after the maximum costs per case-mix 42623
unit or percentages are set. The department shall recalculate a 42624
maximum cost per case-mix units or percentage only if it made an 42625
error in computing the maximum cost per case-mix unit or 42626
percentage based on information available at the time of the 42627
original calculation. 42628

(C) Each facility's rate for direct care costs shall be 42629
determined as follows for each calendar quarter within a fiscal 42630
year: 42631

(1) Multiply the lesser of the following by the facility's 42632
average case-mix score determined under section 5111.231 of the 42633
Revised Code for the calendar quarter that preceded the 42634
immediately preceding calendar quarter: 42635

(a) The facility's cost per case-mix unit for the calendar 42636
year preceding the fiscal year in which the rate will be paid, as 42637
determined under division (B)(1) of this section; 42638

(b) The maximum cost per case-mix unit established for the 42639
fiscal year in which the rate will be paid for the facility's peer 42640

group under division (B)(2) of this section; 42641

(2) Adjust the product determined under division (C)(1) of 42642
this section by the inflation rate estimated under division (B)(3) 42643
of this section. 42644

(D)(1) The department shall calculate the percentage above 42645
the median cost per case-mix unit determined under division (B)(1) 42646
of this section for the facility that has the median medicaid 42647
inpatient day for calendar year 1992 for all nursing facilities 42648
that would result in payment of all desk-reviewed, actual, 42649
allowable direct care costs for eighty-five per cent of the 42650
medicaid inpatient days for nursing facilities for calendar year 42651
1992. 42652

(2) The department shall calculate the percentage above the 42653
median cost per case-mix unit determined under division (B)(1) of 42654
this section for the facility that has the median medicaid 42655
inpatient day for calendar year 1992 for all intermediate care 42656
facilities for the mentally retarded with more than eight beds 42657
that would result in payment of all desk-reviewed, actual, 42658
allowable direct care costs for eighty and one-half per cent of 42659
the medicaid inpatient days for such facilities for calendar year 42660
1992. 42661

(3) The department shall calculate the percentage above the 42662
median cost per case-mix unit determined under division (B)(1) of 42663
this section for the facility that has the median medicaid 42664
inpatient day for calendar year 1992 for all intermediate care 42665
facilities for the mentally retarded with eight or fewer beds that 42666
would result in payment of all desk-reviewed, actual, allowable 42667
direct care costs for eighty and one-half per cent of the medicaid 42668
inpatient days for such facilities for calendar year 1992. 42669

(E) The director of job and family services shall adopt rules 42670
in accordance with Chapter 119. of the Revised Code that specify 42671

peer groups of nursing facilities, intermediate care facilities 42672
for the mentally retarded with more than eight beds, and 42673
intermediate care facilities for the mentally retarded with eight 42674
or fewer beds, based on findings of significant per diem direct 42675
care cost differences due to geography and facility bed-size. The 42676
rules also may specify peer groups based on findings of 42677
significant per diem direct care cost differences due to other 42678
factors which may include, in the case of intermediate care 42679
facilities for the mentally retarded, case-mix. 42680

(F) The department, in accordance with division (C) of 42681
section 5111.231 of the Revised Code and rules adopted under 42682
division (D) of that section, may assign case-mix scores or costs 42683
per case-mix unit if a facility fails to submit assessment 42684
information necessary to calculate its case-mix score in 42685
accordance with that section. 42686

Sec. 5111.24. (A) The department of job and family services 42687
shall pay each eligible nursing facility a per resident per day 42688
rate for indirect care costs established prospectively each fiscal 42689
year for each facility. The rate for each nursing facility shall 42690
be the sum of the following, but shall not exceed the maximum rate 42691
established for the facility's peer group under division (B) of 42692
this section: 42693

(1) The facility's desk-reviewed, actual, allowable, per diem 42694
indirect care costs from the calendar year preceding the fiscal 42695
year in which the rate will be paid, adjusted for the inflation 42696
rate estimated under division (C)(1) of this section; 42697

(2) An efficiency incentive in the following amount: 42698

(a) For fiscal years ending in even-numbered calendar years, 42699
the difference between the maximum rate established for the 42700
facility's peer group under division (B) of this section and the 42701
median, actual, allowable, per diem indirect care costs for the 42702

facility's peer group; 42703

(b) For fiscal years ending in odd-numbered calendar years, 42704
the amount calculated for the preceding fiscal year under division 42705
(A)(2)(a) of this section. 42706

(B) The maximum rate for indirect care costs for each peer 42707
group of nursing facilities specified in rules adopted under 42708
division (D) of this section shall be determined as follows: 42709

(1) For fiscal years that end in even-numbered calendar years 42710
and fiscal year 2005, the maximum rate for each peer group shall 42711
be the rate that is ~~twelve and one-half~~ a per cent above the 42712
desk-reviewed, actual, allowable, per diem indirect care cost of 42713
the facility in the peer group that has the group's median 42714
medicaid inpatient day for the calendar year preceding the fiscal 42715
year in which the rate will be paid, adjusted by the inflation 42716
rate estimated under division (C)(1) of this section. For fiscal 42717
year 2004, the per cent shall be eleven. For fiscal year 2005, the 42718
per cent shall be nine. For other fiscal years, the per cent shall 42719
be twelve and one-half. In determining the maximum rate for each 42720
peer group, the department shall exclude from its calculations 42721
both of the following: 42722

(a) Facilities in the group that participated in the medical 42723
assistance program under the same operator for less than twelve 42724
months in the calendar year preceding the fiscal year in which the 42725
rate will be paid; 42726

(b) Facilities in the group whose indirect care costs are 42727
more than three standard deviations from the mean desk-reviewed, 42728
actual, allowable, per diem indirect care cost for all nursing 42729
facilities for the calendar year preceding the fiscal year in 42730
which the rate will be paid. 42731

(2) For fiscal years that end in odd-numbered calendar years, 42732
other than fiscal year 2005, the maximum rate for each peer group 42733

is the group's maximum rate for the previous fiscal year, adjusted 42734
for the inflation rate estimated under division (C)(2) of this 42735
section. 42736

(3) The department shall not recalculate a maximum rate for 42737
indirect care costs under division (B)(1) or (2) of this section 42738
based on additional information that it receives after the maximum 42739
rate is set. The department shall recalculate the maximum rate for 42740
indirect care costs only if it made an error in computing the 42741
maximum rate based on the information available at the time of the 42742
original calculation. 42743

(C)(1) When adjusting rates for inflation under divisions (A) 42744
and (B)(1) of this section, the department shall estimate the rate 42745
of inflation for the eighteen-month period beginning on the first 42746
day of July of the calendar year preceding the fiscal year in 42747
which the rate will be paid and ending on the thirty-first day of 42748
December of the fiscal year in which the rate will be paid, using 42749
the consumer price index for all items for all urban consumers for 42750
the north central region, published by the United States bureau of 42751
labor statistics. 42752

(2) When adjusting rates for inflation under division (B)(2) 42753
of this section, the department shall estimate the rate of 42754
inflation for the twelve-month period beginning on the first day 42755
of January preceding the fiscal year in which the rate will be 42756
paid and ending on the thirty-first day of December of the fiscal 42757
year in which the rate will be paid, using the consumer price 42758
index for all items for all urban consumers for the north central 42759
region, published by the United States bureau of labor statistics. 42760

(3) If an inflation rate estimated under division (C)(1) or 42761
(2) of this section is different from the actual inflation rate 42762
for the relevant time period, as measured using the same index, 42763
the difference shall be added to or subtracted from the inflation 42764
rate estimated for the same purpose pursuant to this division for 42765

the following fiscal year. 42766

(D) The director of job and family services shall adopt rules 42767
in accordance with Chapter 119. of the Revised Code that specify 42768
peer groups of nursing facilities based on findings of significant 42769
per diem indirect care cost differences due to geography and 42770
facility bed-size. The rules also may specify peer groups based on 42771
findings of significant per diem indirect care cost differences 42772
due to other factors. 42773

Sec. 5111.25. (A) The department of job and family services 42774
shall pay each eligible nursing facility a per resident per day 42775
rate for its reasonable capital costs established prospectively 42776
each fiscal year for each facility. Except as otherwise provided 42777
in sections 5111.20 to 5111.32 of the Revised Code, the rate shall 42778
be based on the facility's capital costs for the calendar year 42779
preceding the fiscal year in which the rate will be paid. The rate 42780
shall equal the sum of divisions (A)(1) to (3) of this section: 42781

(1) The lesser of the following: 42782

(a) Eighty-eight and sixty-five one-hundredths per cent of 42783
the facility's desk-reviewed, actual, allowable, per diem cost of 42784
ownership and eighty-five per cent of the facility's actual, 42785
allowable, per diem cost of nonextensive renovation determined 42786
under division (F) of this section; 42787

(b) Eighty-eight and sixty-five one-hundredths per cent of 42788
the following limitation: 42789

(i) For the fiscal year beginning July 1, 1993, sixteen 42790
dollars per resident day; 42791

(ii) For the fiscal year beginning July 1, 1994, sixteen 42792
dollars per resident day, adjusted to reflect the rate of 42793
inflation for the twelve-month period beginning July 1, 1992, and 42794
ending June 30, 1993, using the consumer price index for shelter 42795

costs for all urban consumers for the north central region, 42796
published by the United States bureau of labor statistics; 42797

(iii) For subsequent fiscal years, the limitation in effect 42798
during the previous fiscal year, adjusted to reflect the rate of 42799
inflation for the twelve-month period beginning on the first day 42800
of July for the calendar year preceding the calendar year that 42801
precedes the fiscal year and ending on the following thirtieth day 42802
of June, using the consumer price index for shelter costs for all 42803
urban consumers for the north central region, published by the 42804
United States bureau of labor statistics. 42805

(2) Any efficiency incentive determined under division (D) of 42806
this section; 42807

(3) Any amounts for return on equity determined under 42808
division (H) of this section. 42809

Buildings shall be depreciated using the straight line method 42810
over forty years or over a different period approved by the 42811
department. Components and equipment shall be depreciated using 42812
the straight-line method over a period designated in rules adopted 42813
by the director of job and family services in accordance with 42814
Chapter 119. of the Revised Code, consistent with the guidelines 42815
of the American hospital association, or over a different period 42816
approved by the department. Any rules adopted under this division 42817
that specify useful lives of buildings, components, or equipment 42818
apply only to assets acquired on or after July 1, 1993. 42819
Depreciation for costs paid or reimbursed by any government agency 42820
shall not be included in cost of ownership or renovation unless 42821
that part of the payment under sections 5111.20 to 5111.32 of the 42822
Revised Code is used to reimburse the government agency. 42823

(B) The capital cost basis of nursing facility assets shall 42824
be determined in the following manner: 42825

(1) For purposes of calculating the rate to be paid for the 42826

fiscal year beginning July 1, 1993, for facilities with dates of licensure on or before June 30, 1993, the capital cost basis shall be equal to the following:

(a) For facilities that have not had a change of ownership during the period beginning January 1, 1993, and ending June 30, 1993, the desk-reviewed, actual, allowable capital cost basis that is listed on the facility's cost report for the cost reporting period ending December 31, 1992, plus the actual, allowable capital cost basis of any assets constructed or acquired after December 31, 1992, but before July 1, 1993, if the aggregate capital costs of those assets would increase the facility's rate for capital costs by twenty or more cents per resident per day.

(b) For facilities that have a date of licensure or had a change of ownership during the period beginning January 1, 1993, and ending June 30, 1993, the actual, allowable capital cost basis of the person or government entity that owns the facility on June 30, 1993.

Capital cost basis shall be calculated as provided in division (B)(1) of this section subject to approval by the United States health care financing administration of any necessary amendment to the state plan for providing medical assistance.

The department shall include the actual, allowable capital cost basis of assets constructed or acquired during the period beginning January 1, 1993, and ending June 30, 1993, in the calculation for the facility's rate effective July 1, 1993, if the aggregate capital costs of the assets would increase the facility's rate by twenty or more cents per resident per day and the facility provides the department with sufficient documentation of the costs before June 1, 1993. If the facility provides the documentation after that date, the department shall adjust the facility's rate to reflect the costs of the assets one month after the first day of the month after the department receives the

documentation. 42859

(2) Except as provided in division (B)(4) of this section, 42860
for purposes of calculating the rates to be paid for fiscal years 42861
beginning after June 30, 1994, for facilities with dates of 42862
licensure on or before June 30, 1993, the capital cost basis of 42863
each asset shall be equal to the desk-reviewed, actual, allowable, 42864
capital cost basis that is listed on the facility's cost report 42865
for the calendar year preceding the fiscal year during which the 42866
rate will be paid. 42867

(3) For facilities with dates of licensure after June 30, 42868
1993, the capital cost basis shall be determined in accordance 42869
with the principles of the medicare program established under 42870
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 42871
U.S.C.A. 301, as amended, except as otherwise provided in sections 42872
5111.20 to 5111.32 of the Revised Code. 42873

(4) Except as provided in division (B)(5) of this section, if 42874
a provider transfers an interest in a facility to another provider 42875
after June 30, 1993, there shall be no increase in the capital 42876
cost basis of the asset if the providers are related parties. If 42877
the providers are not related parties or if they are related 42878
parties and division (B)(5) of this section requires the 42879
adjustment of the capital cost basis under this division, the 42880
basis of the asset shall be adjusted by the lesser of the 42881
following: 42882

(a) One-half of the change in construction costs during the 42883
time that the transferor held the asset, as calculated by the 42884
department of job and family services using the "Dodge building 42885
cost indexes, northeastern and north central states," published by 42886
Marshall and Swift; 42887

(b) One-half of the change in the consumer price index for 42888
all items for all urban consumers, as published by the United 42889

States bureau of labor statistics, during the time that the 42890
transferor held the asset. 42891

(5) If a provider transfers an interest in a facility to 42892
another provider who is a related party, the capital cost basis of 42893
the asset shall be adjusted as specified in division (B)(4) of 42894
this section for a transfer to a provider that is not a related 42895
party if all of the following conditions are met: 42896

(a) The related party is a relative of owner; 42897

(b) Except as provided in division (B)(5)(c)(ii) of this 42898
section, the provider making the transfer retains no ownership 42899
interest in the facility; 42900

(c) The department of job and family services determines that 42901
the transfer is an arm's length transaction pursuant to rules the 42902
department shall adopt in accordance with Chapter 119. of the 42903
Revised Code no later than December 31, 2000. The rules shall 42904
provide that a transfer is an arm's length transaction if all of 42905
the following apply: 42906

(i) Once the transfer goes into effect, the provider that 42907
made the transfer has no direct or indirect interest in the 42908
provider that acquires the facility or the facility itself, 42909
including interest as an owner, officer, director, employee, 42910
independent contractor, or consultant, but excluding interest as a 42911
creditor. 42912

(ii) The provider that made the transfer does not reacquire 42913
an interest in the facility except through the exercise of a 42914
creditor's rights in the event of a default. If the provider 42915
reacquires an interest in the facility in this manner, the 42916
department shall treat the facility as if the transfer never 42917
occurred when the department calculates its reimbursement rates 42918
for capital costs. 42919

(iii) The transfer satisfies any other criteria specified in 42920

the rules. 42921

(d) Except in the case of hardship caused by a catastrophic 42922
event, as determined by the department, or in the case of a 42923
provider making the transfer who is at least sixty-five years of 42924
age, not less than twenty years have elapsed since, for the same 42925
facility, the capital cost basis was adjusted most recently under 42926
division (B)(5) of this section or actual, allowable cost of 42927
ownership was determined most recently under division (C)(9) of 42928
this section. 42929

(C) As used in this division, "lease expense" means lease 42930
payments in the case of an operating lease and depreciation 42931
expense and interest expense in the case of a capital lease. As 42932
used in this division, "new lease" means a lease, to a different 42933
lessee, of a nursing facility that previously was operated under a 42934
lease. 42935

(1) Subject to the limitation specified in division (A)(1) of 42936
this section, for a lease of a facility that was effective on May 42937
27, 1992, the entire lease expense is an actual, allowable cost of 42938
ownership during the term of the existing lease. The entire lease 42939
expense also is an actual, allowable cost of ownership if a lease 42940
in existence on May 27, 1992, is renewed under either of the 42941
following circumstances: 42942

(a) The renewal is pursuant to a renewal option that was in 42943
existence on May 27, 1992; 42944

(b) The renewal is for the same lease payment amount and 42945
between the same parties as the lease in existence on May 27, 42946
1992. 42947

(2) Subject to the limitation specified in division (A)(1) of 42948
this section, for a lease of a facility that was in existence but 42949
not operated under a lease on May 27, 1992, actual, allowable cost 42950
of ownership shall include the lesser of the annual lease expense 42951

or the annual depreciation expense and imputed interest expense 42952
that would be calculated at the inception of the lease using the 42953
lessor's entire historical capital asset cost basis, adjusted by 42954
the lesser of the following amounts: 42955

(a) One-half of the change in construction costs during the 42956
time the lessor held each asset until the beginning of the lease, 42957
as calculated by the department using the "Dodge building cost 42958
indexes, northeastern and north central states," published by 42959
Marshall and Swift; 42960

(b) One-half of the change in the consumer price index for 42961
all items for all urban consumers, as published by the United 42962
States bureau of labor statistics, during the time the lessor held 42963
each asset until the beginning of the lease. 42964

(3) Subject to the limitation specified in division (A)(1) of 42965
this section, for a lease of a facility with a date of licensure 42966
on or after May 27, 1992, that is initially operated under a 42967
lease, actual, allowable cost of ownership shall include the 42968
annual lease expense if there was a substantial commitment of 42969
money for construction of the facility after December 22, 1992, 42970
and before July 1, 1993. If there was not a substantial commitment 42971
of money after December 22, 1992, and before July 1, 1993, actual, 42972
allowable cost of ownership shall include the lesser of the annual 42973
lease expense or the sum of the following: 42974

(a) The annual depreciation expense that would be calculated 42975
at the inception of the lease using the lessor's entire historical 42976
capital asset cost basis; 42977

(b) The greater of the lessor's actual annual amortization of 42978
financing costs and interest expense at the inception of the lease 42979
or the imputed interest expense calculated at the inception of the 42980
lease using seventy per cent of the lessor's historical capital 42981
asset cost basis. 42982

(4) Subject to the limitation specified in division (A)(1) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that was not initially operated under a lease and has been in existence for ten years, actual, allowable cost of ownership shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the entire historical capital asset cost basis of the lessor, adjusted by the lesser of the following:

(a) One-half of the change in construction costs during the time the lessor held each asset until the beginning of the lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(5) Subject to the limitation specified in division (A)(1) of this section, for a new lease of a facility that was operated under a lease on May 27, 1992, actual, allowable cost of ownership shall include the lesser of the annual new lease expense or the annual old lease payment. If the old lease was in effect for ten years or longer, the old lease payment from the beginning of the old lease shall be adjusted by the lesser of the following:

(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for

all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

(6) Subject to the limitation specified in division (A)(1) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable cost of ownership shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (C)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be adjusted by the lesser of the following for purposes of calculating the annual amount under division (C)(2), (3), (4), or (6) of this section:

(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

In the case of a lease under division (C)(3) of this section of a facility for which a substantial commitment of money was made after December 22, 1992, and before July 1, 1993, the old lease payment shall be adjusted for the purpose of determining the annual amount.

(7) For any revision of a lease described in division (C)(1), (2), (3), (4), (5), or (6) of this section, or for any subsequent lease of a facility operated under such a lease, other than

execution of a new lease, the portion of actual, allowable cost of 43045
ownership attributable to the lease shall be the same as before 43046
the revision or subsequent lease. 43047

(8) Except as provided in division (C)(9) of this section, if 43048
a provider leases an interest in a facility to another provider 43049
who is a related party, the related party's actual, allowable cost 43050
of ownership shall include the lesser of the annual lease expense 43051
or the reasonable cost to the lessor. 43052

(9) If a provider leases an interest in a facility to another 43053
provider who is a related party, regardless of the date of the 43054
lease, the related party's actual, allowable cost of ownership 43055
shall include the annual lease expense, subject to the limitations 43056
specified in divisions (C)(1) to (7) of this section, if all of 43057
the following conditions are met: 43058

(a) The related party is a relative of owner; 43059

(b) If the lessor retains an ownership interest, it is, 43060
except as provided in division (C)(9)(c)(ii) of this section, in 43061
only the real property and any improvements on the real property; 43062

(c) The department of job and family services determines that 43063
the lease is an arm's length transaction pursuant to rules the 43064
department shall adopt in accordance with Chapter 119. of the 43065
Revised Code no later than December 31, 2000. The rules shall 43066
provide that a lease is an arm's length transaction if all of the 43067
following apply: 43068

(i) Once the lease goes into effect, the lessor has no direct 43069
or indirect interest in the lessee or, except as provided in 43070
division (C)(9)(b) of this section, the facility itself, including 43071
interest as an owner, officer, director, employee, independent 43072
contractor, or consultant, but excluding interest as a lessor. 43073

(ii) The lessor does not reacquire an interest in the 43074
facility except through the exercise of a lessor's rights in the 43075

event of a default. If the lessor reacquires an interest in the 43076
facility in this manner, the department shall treat the facility 43077
as if the lease never occurred when the department calculates its 43078
reimbursement rates for capital costs. 43079

(iii) The lease satisfies any other criteria specified in the 43080
rules. 43081

(d) Except in the case of hardship caused by a catastrophic 43082
event, as determined by the department, or in the case of a lessor 43083
who is at least sixty-five years of age, not less than twenty 43084
years have elapsed since, for the same facility, the capital cost 43085
basis was adjusted most recently under division (B)(5) of this 43086
section or actual, allowable cost of ownership was determined most 43087
recently under division (C)(9) of this section. 43088

(10) This division does not apply to leases of specific items 43089
of equipment. 43090

(D)(1) Subject to division (D)(2) of this section, the 43091
department shall pay each nursing facility an efficiency incentive 43092
that is equal to fifty per cent of the difference between the 43093
following: 43094

(a) Eighty-eight and sixty-five one-hundredths per cent of 43095
the facility's desk-reviewed, actual, allowable, per diem cost of 43096
ownership; 43097

(b) The applicable amount specified in division (E) of this 43098
section. 43099

(2) The efficiency incentive paid to a nursing facility shall 43100
not exceed the greater of the following: 43101

(a) The efficiency incentive the facility was paid during the 43102
fiscal year ending June 30, 1994; 43103

(b) Three dollars per resident per day, adjusted annually for 43104
rates paid beginning July 1, 1994, for the inflation rate for the 43105

twelve-month period beginning on the first day of July of the 43106
calendar year preceding the calendar year that precedes the fiscal 43107
year for which the efficiency incentive is determined and ending 43108
on the thirtieth day of the following June, using the consumer 43109
price index for shelter costs for all urban consumers for the 43110
north central region, as published by the United States bureau of 43111
labor statistics. 43112

(3) For purposes of calculating the efficiency incentive, 43113
depreciation for costs that are paid or reimbursed by any 43114
government agency shall be considered as costs of ownership, and 43115
renovation costs that are paid under division (F) of this section 43116
shall not be considered costs of ownership. 43117

(E) The following amounts shall be used to calculate 43118
efficiency incentives for nursing facilities under this section: 43119

(1) For facilities with dates of licensure prior to January 43120
1, 1958, four dollars and twenty-four cents per patient day; 43121

(2) For facilities with dates of licensure after December 31, 43122
1957, but prior to January 1, 1968: 43123

(a) Five dollars and twenty-four cents per patient day if the 43124
cost of construction was three thousand five hundred dollars or 43125
more per bed; 43126

(b) Four dollars and twenty-four cents per patient day if the 43127
cost of construction was less than three thousand five hundred 43128
dollars per bed. 43129

(3) For facilities with dates of licensure after December 31, 43130
1967, but prior to January 1, 1976: 43131

(a) Six dollars and twenty-four cents per patient day if the 43132
cost of construction was five thousand one hundred fifty dollars 43133
or more per bed; 43134

(b) Five dollars and twenty-four cents per patient day if the 43135

cost of construction was less than five thousand one hundred fifty 43136
dollars per bed, but exceeded three thousand five hundred dollars 43137
per bed; 43138

(c) Four dollars and twenty-four cents per patient day if the 43139
cost of construction was three thousand five hundred dollars or 43140
less per bed. 43141

(4) For facilities with dates of licensure after December 31, 43142
1975, but prior to January 1, 1979: 43143

(a) Seven dollars and twenty-four cents per patient day if 43144
the cost of construction was six thousand eight hundred dollars or 43145
more per bed; 43146

(b) Six dollars and twenty-four cents per patient day if the 43147
cost of construction was less than six thousand eight hundred 43148
dollars per bed but exceeded five thousand one hundred fifty 43149
dollars per bed; 43150

(c) Five dollars and twenty-four cents per patient day if the 43151
cost of construction was five thousand one hundred fifty dollars 43152
or less per bed, but exceeded three thousand five hundred dollars 43153
per bed; 43154

(d) Four dollars and twenty-four cents per patient day if the 43155
cost of construction was three thousand five hundred dollars or 43156
less per bed. 43157

(5) For facilities with dates of licensure after December 31, 43158
1978, but prior to January 1, 1981: 43159

(a) Seven dollars and seventy-four cents per patient day if 43160
the cost of construction was seven thousand six hundred 43161
twenty-five dollars or more per bed; 43162

(b) Seven dollars and twenty-four cents per patient day if 43163
the cost of construction was less than seven thousand six hundred 43164
twenty-five dollars per bed but exceeded six thousand eight 43165

hundred dollars per bed;	43166
(c) Six dollars and twenty-four cents per patient day if the	43167
cost of construction was six thousand eight hundred dollars or	43168
less per bed but exceeded five thousand one hundred fifty dollars	43169
per bed;	43170
(d) Five dollars and twenty-four cents per patient day if the	43171
cost of construction was five thousand one hundred fifty dollars	43172
or less but exceeded three thousand five hundred dollars per bed;	43173
(e) Four dollars and twenty-four cents per patient day if the	43174
cost of construction was three thousand five hundred dollars or	43175
less per bed.	43176
(6) For facilities with dates of licensure in 1981 or any	43177
year thereafter prior to December 22, 1992, the following amount:	43178
(a) For facilities with construction costs less than seven	43179
thousand six hundred twenty-five dollars per bed, the applicable	43180
amounts for the construction costs specified in divisions	43181
(E)(5)(b) to (e) of this section;	43182
(b) For facilities with construction costs of seven thousand	43183
six hundred twenty-five dollars or more per bed, six dollars per	43184
patient day, provided that for 1981 and annually thereafter prior	43185
to December 22, 1992, <u>the</u> department shall do both of the	43186
following to the six-dollar amount:	43187
(i) Adjust the amount for fluctuations in construction costs	43188
calculated by the department using the "Dodge building cost	43189
indexes, northeastern and north central states," published by	43190
Marshall and Swift, using 1980 as the base year;	43191
(ii) Increase the amount, as adjusted for inflation under	43192
division (E)(6)(b)(i) of this section, by one dollar and	43193
seventy-four cents.	43194
(7) For facilities with dates of licensure on or after	43195

January 1, 1992, seven dollars and ninety-seven cents, adjusted 43196
for fluctuations in construction costs between 1991 and 1993 as 43197
calculated by the department using the "Dodge building cost 43198
indexes, northeastern and north central states," published by 43199
Marshall and Swift, and then increased by one dollar and 43200
seventy-four cents. 43201

For the fiscal year that begins July 1, 1994, each of the 43202
amounts listed in divisions (E)(1) to (7) of this section shall be 43203
increased by twenty-five cents. For the fiscal year that begins 43204
July 1, 1995, each of those amounts shall be increased by an 43205
additional twenty-five cents. For subsequent fiscal years, each of 43206
those amounts, as increased for the prior fiscal year, shall be 43207
adjusted to reflect the rate of inflation for the twelve-month 43208
period beginning on the first day of July of the calendar year 43209
preceding the calendar year that precedes the fiscal year and 43210
ending on the following thirtieth day of June, using the consumer 43211
price index for shelter costs for all urban consumers for the 43212
north central region, as published by the United States bureau of 43213
labor statistics. 43214

If the amount established for a nursing facility under this 43215
division is less than the amount that applied to the facility 43216
under division (B) of former section 5111.25 of the Revised Code, 43217
as the former section existed immediately prior to December 22, 43218
1992, the amount used to calculate the efficiency incentive for 43219
the facility under division (D)(2) of this section shall be the 43220
amount that was calculated under division (B) of the former 43221
section. 43222

(F) Beginning July 1, 1993, regardless of the facility's date 43223
of licensure or the date of the nonextensive renovations, the rate 43224
for the costs of nonextensive renovations for nursing facilities 43225
shall be eighty-five per cent of the desk-reviewed, actual, 43226
allowable, per diem, nonextensive renovation costs. This division 43227

applies to nonextensive renovations regardless of whether they are 43228
made by an owner or a lessee. If the tenancy of a lessee that has 43229
made nonextensive renovations ends before the depreciation expense 43230
for the renovation costs has been fully reported, the former 43231
lessee shall not report the undepreciated balance as an expense. 43232

(1) For a nonextensive renovation made after July 1, 1993, to 43233
qualify for payment under this division, both of the following 43234
conditions must be met: 43235

(a) At least five years have elapsed since the date of 43236
licensure of the portion of the facility that is proposed to be 43237
renovated, except that this condition does not apply if the 43238
renovation is necessary to meet the requirements of federal, 43239
state, or local statutes, ordinances, rules, or policies. 43240

(b) The provider has obtained prior approval from the 43241
department of job and family services, and if required the 43242
director of health has granted a certificate of need for the 43243
renovation under section 3702.52 of the Revised Code. The provider 43244
shall submit a plan that describes in detail the changes in 43245
capital assets to be accomplished by means of the renovation and 43246
the timetable for completing the project. The time for completion 43247
of the project shall be no more than eighteen months after the 43248
renovation begins. The department of job and family services shall 43249
adopt rules in accordance with Chapter 119. of the Revised Code 43250
that specify criteria and procedures for prior approval of 43251
renovation projects. No provider shall separate a project with the 43252
intent to evade the characterization of the project as a 43253
renovation or as an extensive renovation. No provider shall 43254
increase the scope of a project after it is approved by the 43255
department of job and family services unless the increase in scope 43256
is approved by the department. 43257

(2) The payment provided for in this division is the only 43258
payment that shall be made for the costs of a nonextensive 43259

renovation. Nonextensive renovation costs shall not be included in 43260
costs of ownership, and a nonextensive renovation shall not affect 43261
the date of licensure for purposes of calculating the efficiency 43262
incentive under divisions (D) and (E) of this section. 43263

(G) ~~The owner of a nursing facility operating under a 43264
provider agreement shall provide written notice to the department 43265
of job and family services at least forty five days prior to 43266
entering into any contract of sale for the facility or voluntarily 43267
terminating participation in the medical assistance program. After 43268
the date on which a transaction of sale of a nursing facility is 43269
closed, the owner shall refund to the department the amount of 43270
excess depreciation paid to the facility by the department for 43271
each year the owner has operated the facility under a provider 43272
agreement and prorated according to the number of medicaid patient 43273
days for which the facility has received payment. If a nursing 43274
facility is sold after five or fewer years of operation under a 43275
provider agreement, the refund to the department shall be equal to 43276
the excess depreciation paid to the facility. If a nursing 43277
facility is sold after more than five years but less than ten 43278
years of operation under a provider agreement, the refund to the 43279
department shall equal the excess depreciation paid to the 43280
facility multiplied by twenty per cent, multiplied by the 43281
difference between ten and the number of years that the facility 43282
was operated under a provider agreement. If a nursing facility is 43283
sold after ten or more years of operation under a provider 43284
agreement, the owner shall not refund any excess depreciation to 43285
the department. The owner of a nursing facility that is sold or 43286
that ~~voluntarily terminates~~ undergoes a voluntary withdrawal of 43287
participation in the medical assistance program, as defined in 43288
section 5111.65 of the Revised Code, also shall refund any other 43289
amount that the department properly finds to be due after ~~the a~~ 43290
final fiscal audit ~~conducted under this division~~ the department 43291
shall conduct. For the purposes of this division, "depreciation 43292~~

paid to the facility" means the amount paid to the nursing 43293
facility for cost of ownership pursuant to this section less any 43294
amount paid for interest costs, amortization of financing costs, 43295
and lease expenses. For the purposes of this division, "excess 43296
depreciation" is the nursing facility's depreciated basis, which 43297
is the owner's cost less accumulated depreciation, subtracted from 43298
the purchase price net of selling costs but not exceeding the 43299
amount of depreciation paid to the facility. 43300

~~A cost report shall be filed with the department within 43301
ninety days after the date on which the transaction of sale is 43302
closed or participation is voluntarily terminated. The report 43303
shall show the accumulated depreciation, the sales price, and 43304
other information required by the department. The department shall 43305
provide for a bank, trust company, or savings and loan association 43306
to hold in escrow the amount of the last two monthly payments to a 43307
nursing facility made pursuant to division (A)(1) of section 43308
5111.22 of the Revised Code before a sale or termination of 43309
participation or, if the owner fails, within the time required by 43310
this division, to notify the department before entering into a 43311
contract of sale for the facility, the amount of the first two 43312
monthly payments made to the facility after the department learns 43313
of the contract, regardless of whether a new owner is in 43314
possession of the facility. If the amount the owner will be 43315
required to refund under this section is likely to be less than 43316
the amount of the two monthly payments otherwise put into escrow 43317
under this division, the department shall take one of the 43318
following actions instead of withholding the amount of the two 43319
monthly payments:~~ 43320

~~(1) In the case of an owner that owns other facilities that 43321
participate in the medical assistance program, obtain a promissory 43322
note in an amount sufficient to cover the amount likely to be 43323
refunded;~~ 43324

~~(2) In the case of all other owners, withhold the amount of the last monthly payment to the nursing facility or, if the owner fails, within the time required by this division, to notify the department before entering into a contract of sale for the facility, the amount of the first monthly payment made to the facility after the department learns of the contract, regardless of whether a new owner is in possession of the facility.~~

~~The department shall, within ninety days following the filing of the cost report, audit the cost report and issue an audit report to the owner. The department also may audit any other cost report that the facility has filed during the previous three years. In the audit report, the department shall state its findings and the amount of any money owed to the department by the nursing facility. The findings shall be subject to adjudication conducted in accordance with Chapter 119. of the Revised Code. No later than fifteen days after the owner agrees to a settlement, any funds held in escrow less any amounts due to the department shall be released to the owner and amounts due to the department shall be paid to the department. If the amounts in escrow are less than the amounts due to the department, the balance shall be paid to the department within fifteen days after the owner agrees to a settlement. If the department does not issue its audit report within the ninety day period, the department shall release any money held in escrow to the owner. For the purposes of this section, a transfer of corporate stock, the merger of one corporation into another, or a consolidation does not constitute a sale.~~

~~If a nursing facility is not sold or its participation is not terminated after notice is provided to the department under this division, the department shall order any payments held in escrow released to the facility upon receiving written notice from the owner that there will be no sale or termination. After written~~

~~notice is received from a nursing facility that a sale or 43357
termination will not take place, the facility shall provide notice 43358
to the department at least forty five days prior to entering into 43359
any contract of sale or terminating participation at any future 43360
time. 43361~~

(H) The department shall pay each eligible proprietary 43362
nursing facility a return on the facility's net equity computed at 43363
the rate of one and one-half times the average interest rate on 43364
special issues of public debt obligations issued to the federal 43365
hospital insurance trust fund for the cost reporting period, 43366
except that no facility's return on net equity shall exceed fifty 43367
cents per patient day. 43368

When calculating the rate for return on net equity, the 43369
department shall use the greater of the facility's inpatient days 43370
during the applicable cost reporting period or the number of 43371
inpatient days the facility would have had during that period if 43372
its occupancy rate had been ninety-five per cent. 43373

(I) If a nursing facility would receive a lower rate for 43374
capital costs for assets in the facility's possession on July 1, 43375
1993, under this section than it would receive under former 43376
section 5111.25 of the Revised Code, as the former section existed 43377
immediately prior to December 22, 1992, the facility shall receive 43378
for those assets the rate it would have received under the former 43379
section for each fiscal year beginning on or after July 1, 1993, 43380
until the rate it would receive under this section exceeds the 43381
rate it would have received under the former section. Any facility 43382
that receives a rate calculated under the former section 5111.25 43383
of the Revised Code for assets in the facility's possession on 43384
July 1, 1993, also shall receive a rate calculated under this 43385
section for costs of any assets it constructs or acquires after 43386
July 1, 1993. 43387

Sec. 5111.251. (A) The department of job and family services 43388
shall pay each eligible intermediate care facility for the 43389
mentally retarded for its reasonable capital costs, a per resident 43390
per day rate established prospectively each fiscal year for each 43391
intermediate care facility for the mentally retarded. Except as 43392
otherwise provided in sections 5111.20 to 5111.32 of the Revised 43393
Code, the rate shall be based on the facility's capital costs for 43394
the calendar year preceding the fiscal year in which the rate will 43395
be paid. The rate shall equal the sum of the following: 43396

(1) The facility's desk-reviewed, actual, allowable, per diem 43397
cost of ownership for the preceding cost reporting period, limited 43398
as provided in divisions (C) and (F) of this section; 43399

(2) Any efficiency incentive determined under division (B) of 43400
this section; 43401

(3) Any amounts for renovations determined under division (D) 43402
of this section; 43403

(4) Any amounts for return on equity determined under 43404
division (I) of this section. 43405

Buildings shall be depreciated using the straight line method 43406
over forty years or over a different period approved by the 43407
department. Components and equipment shall be depreciated using 43408
the straight line method over a period designated by the director 43409
of job and family services in rules adopted in accordance with 43410
Chapter 119. of the Revised Code, consistent with the guidelines 43411
of the American hospital association, or over a different period 43412
approved by the department of job and family services. Any rules 43413
adopted under this division that specify useful lives of 43414
buildings, components, or equipment apply only to assets acquired 43415
on or after July 1, 1993. Depreciation for costs paid or 43416
reimbursed by any government agency shall not be included in costs 43417

of ownership or renovation unless that part of the payment under 43418
sections 5111.20 to 5111.32 of the Revised Code is used to 43419
reimburse the government agency. 43420

(B) The department of job and family services shall pay to 43421
each intermediate care facility for the mentally retarded an 43422
efficiency incentive equal to fifty per cent of the difference 43423
between any desk-reviewed, actual, allowable cost of ownership and 43424
the applicable limit on cost of ownership payments under division 43425
(C) of this section. For purposes of computing the efficiency 43426
incentive, depreciation for costs paid or reimbursed by any 43427
government agency shall be considered as a cost of ownership, and 43428
the applicable limit under division (C) of this section shall 43429
apply both to facilities with more than eight beds and facilities 43430
with eight or fewer beds. The efficiency incentive paid to a 43431
facility with eight or fewer beds shall not exceed three dollars 43432
per patient day, adjusted annually for the inflation rate for the 43433
twelve-month period beginning on the first day of July of the 43434
calendar year preceding the calendar year that precedes the fiscal 43435
year for which the efficiency incentive is determined and ending 43436
on the thirtieth day of the following June, using the consumer 43437
price index for shelter costs for all urban consumers for the 43438
north central region, as published by the United States bureau of 43439
labor statistics. 43440

(C) Cost of ownership payments to intermediate care 43441
facilities for the mentally retarded with more than eight beds 43442
shall not exceed the following limits: 43443

(1) For facilities with dates of licensure prior to January 43444
1, 1958, not exceeding two dollars and fifty cents per patient 43445
day; 43446

(2) For facilities with dates of licensure after December 31, 43447
1957, but prior to January 1, 1968, not exceeding: 43448

(a) Three dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;	43449 43450 43451
(b) Two dollars and fifty cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.	43452 43453 43454
(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding:	43455 43456
(a) Four dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or more per bed;	43457 43458 43459
(b) Three dollars and fifty cents per patient day if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeds three thousand five hundred dollars per bed;	43460 43461 43462 43463
(c) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	43464 43465 43466
(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:	43467 43468
(a) Five dollars and fifty cents per patient day if the cost of construction was six thousand eight hundred dollars or more per bed;	43469 43470 43471
(b) Four dollars and fifty cents per patient day if the cost of construction was less than six thousand eight hundred dollars per bed but exceeds five thousand one hundred fifty dollars per bed;	43472 43473 43474 43475
(c) Three dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or less per bed, but exceeds three thousand five hundred dollars per	43476 43477 43478

bed;	43479
(d) Two dollars and fifty cents per patient day if the cost	43480
of construction was three thousand five hundred dollars or less	43481
per bed.	43482
(5) For facilities with dates of licensure after December 31,	43483
1978, but prior to January 1, 1980, not exceeding:	43484
(a) Six dollars per patient day if the cost of construction	43485
was seven thousand six hundred twenty-five dollars or more per	43486
bed;	43487
(b) Five dollars and fifty cents per patient day if the cost	43488
of construction was less than seven thousand six hundred	43489
twenty-five dollars per bed but exceeds six thousand eight hundred	43490
dollars per bed;	43491
(c) Four dollars and fifty cents per patient day if the cost	43492
of construction was six thousand eight hundred dollars or less per	43493
bed but exceeds five thousand one hundred fifty dollars per bed;	43494
(d) Three dollars and fifty cents per patient day if the cost	43495
of construction was five thousand one hundred fifty dollars or	43496
less but exceeds three thousand five hundred dollars per bed;	43497
(e) Two dollars and fifty cents per patient day if the cost	43498
of construction was three thousand five hundred dollars or less	43499
per bed.	43500
(6) For facilities with dates of licensure after December 31,	43501
1979, but prior to January 1, 1981, not exceeding:	43502
(a) Twelve dollars per patient day if the beds were	43503
originally licensed as residential facility beds by the department	43504
of mental retardation and developmental disabilities;	43505
(b) Six dollars per patient day if the beds were originally	43506
licensed as nursing home beds by the department of health.	43507
(7) For facilities with dates of licensure after December 31,	43508

1980, but prior to January 1, 1982, not exceeding:	43509
(a) Twelve dollars per patient day if the beds were	43510
originally licensed as residential facility beds by the department	43511
of mental retardation and developmental disabilities;	43512
(b) Six dollars and forty-five cents per patient day if the	43513
beds were originally licensed as nursing home beds by the	43514
department of health.	43515
(8) For facilities with dates of licensure after December 31,	43516
1981, but prior to January 1, 1983, not exceeding:	43517
(a) Twelve dollars per patient day if the beds were	43518
originally licensed as residential facility beds by the department	43519
of mental retardation and developmental disabilities;	43520
(b) Six dollars and seventy-nine cents per patient day if the	43521
beds were originally licensed as nursing home beds by the	43522
department of health.	43523
(9) For facilities with dates of licensure after December 31,	43524
1982, but prior to January 1, 1984, not exceeding:	43525
(a) Twelve dollars per patient day if the beds were	43526
originally licensed as residential facility beds by the department	43527
of mental retardation and developmental disabilities;	43528
(b) Seven dollars and nine cents per patient day if the beds	43529
were originally licensed as nursing home beds by the department of	43530
health.	43531
(10) For facilities with dates of licensure after December	43532
31, 1983, but prior to January 1, 1985, not exceeding:	43533
(a) Twelve dollars and twenty-four cents per patient day if	43534
the beds were originally licensed as residential facility beds by	43535
the department of mental retardation and developmental	43536
disabilities;	43537
(b) Seven dollars and twenty-three cents per patient day if	43538

the beds were originally licensed as nursing home beds by the 43539
department of health. 43540

(11) For facilities with dates of licensure after December 43541
31, 1984, but prior to January 1, 1986, not exceeding: 43542

(a) Twelve dollars and fifty-three cents per patient day if 43543
the beds were originally licensed as residential facility beds by 43544
the department of mental retardation and developmental 43545
disabilities; 43546

(b) Seven dollars and forty cents per patient day if the beds 43547
were originally licensed as nursing home beds by the department of 43548
health. 43549

(12) For facilities with dates of licensure after December 43550
31, 1985, but prior to January 1, 1987, not exceeding: 43551

(a) Twelve dollars and seventy cents per patient day if the 43552
beds were originally licensed as residential facility beds by the 43553
department of mental retardation and developmental disabilities; 43554

(b) Seven dollars and fifty cents per patient day if the beds 43555
were originally licensed as nursing home beds by the department of 43556
health. 43557

(13) For facilities with dates of licensure after December 43558
31, 1986, but prior to January 1, 1988, not exceeding: 43559

(a) Twelve dollars and ninety-nine cents per patient day if 43560
the beds were originally licensed as residential facility beds by 43561
the department of mental retardation and developmental 43562
disabilities; 43563

(b) Seven dollars and sixty-seven cents per patient day if 43564
the beds were originally licensed as nursing home beds by the 43565
department of health. 43566

(14) For facilities with dates of licensure after December 43567
31, 1987, but prior to January 1, 1989, not exceeding thirteen 43568

dollars and twenty-six cents per patient day;	43569
(15) For facilities with dates of licensure after December 31, 1988, but prior to January 1, 1990, not exceeding thirteen dollars and forty-six cents per patient day;	43570 43571 43572
(16) For facilities with dates of licensure after December 31, 1989, but prior to January 1, 1991, not exceeding thirteen dollars and sixty cents per patient day;	43573 43574 43575
(17) For facilities with dates of licensure after December 31, 1990, but prior to January 1, 1992, not exceeding thirteen dollars and forty-nine cents per patient day;	43576 43577 43578
(18) For facilities with dates of licensure after December 31, 1991, but prior to January 1, 1993, not exceeding thirteen dollars and sixty-seven cents per patient day;	43579 43580 43581
(19) For facilities with dates of licensure after December 31, 1992, not exceeding fourteen dollars and twenty-eight cents per patient day.	43582 43583 43584
(D) Beginning January 1, 1981, regardless of the original date of licensure, the department of job and family services shall pay a rate for the per diem capitalized costs of renovations to intermediate care facilities for the mentally retarded made after January 1, 1981, not exceeding six dollars per patient day using 1980 as the base year and adjusting the amount annually until June 30, 1993, for fluctuations in construction costs calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift. The payment provided for in this division is the only payment that shall be made for the capitalized costs of a nonextensive renovation of an intermediate care facility for the mentally retarded. Nonextensive renovation costs shall not be included in cost of ownership, and a nonextensive renovation shall not affect the date of licensure for purposes of division (C) of this	43585 43586 43587 43588 43589 43590 43591 43592 43593 43594 43595 43596 43597 43598 43599

section. This division applies to nonextensive renovations 43600
regardless of whether they are made by an owner or a lessee. If 43601
the tenancy of a lessee that has made renovations ends before the 43602
depreciation expense for the renovation costs has been fully 43603
reported, the former lessee shall not report the undepreciated 43604
balance as an expense. 43605

For a nonextensive renovation to qualify for payment under 43606
this division, both of the following conditions must be met: 43607

(1) At least five years have elapsed since the date of 43608
licensure or date of an extensive renovation of the portion of the 43609
facility that is proposed to be renovated, except that this 43610
condition does not apply if the renovation is necessary to meet 43611
the requirements of federal, state, or local statutes, ordinances, 43612
rules, or policies. 43613

(2) The provider has obtained prior approval from the 43614
department of job and family services. The provider shall submit a 43615
plan that describes in detail the changes in capital assets to be 43616
accomplished by means of the renovation and the timetable for 43617
completing the project. The time for completion of the project 43618
shall be no more than eighteen months after the renovation begins. 43619
The director of job and family services shall adopt rules in 43620
accordance with Chapter 119. of the Revised Code that specify 43621
criteria and procedures for prior approval of renovation projects. 43622
No provider shall separate a project with the intent to evade the 43623
characterization of the project as a renovation or as an extensive 43624
renovation. No provider shall increase the scope of a project 43625
after it is approved by the department of job and family services 43626
unless the increase in scope is approved by the department. 43627

(E) The amounts specified in divisions (C) and (D) of this 43628
section shall be adjusted beginning July 1, 1993, for the 43629
estimated inflation for the twelve-month period beginning on the 43630
first day of July of the calendar year preceding the calendar year 43631

that precedes the fiscal year for which rate will be paid and 43632
ending on the thirtieth day of the following June, using the 43633
consumer price index for shelter costs for all urban consumers for 43634
the north central region, as published by the United States bureau 43635
of labor statistics. 43636

(F)(1) For facilities of eight or fewer beds that have dates 43637
of licensure or have been granted project authorization by the 43638
department of mental retardation and developmental disabilities 43639
before July 1, 1993, and for facilities of eight or fewer beds 43640
that have dates of licensure or have been granted project 43641
authorization after that date if the facilities demonstrate that 43642
they made substantial commitments of funds on or before that date, 43643
cost of ownership shall not exceed eighteen dollars and thirty 43644
cents per resident per day. The eighteen-dollar and thirty-cent 43645
amount shall be increased by the change in the "Dodge building 43646
cost indexes, northeastern and north central states," published by 43647
Marshall and Swift, during the period beginning June 30, 1990, and 43648
ending July 1, 1993, and by the change in the consumer price index 43649
for shelter costs for all urban consumers for the north central 43650
region, as published by the United States bureau of labor 43651
statistics, annually thereafter. 43652

(2) For facilities with eight or fewer beds that have dates 43653
of licensure or have been granted project authorization by the 43654
department of mental retardation and developmental disabilities on 43655
or after July 1, 1993, for which substantial commitments of funds 43656
were not made before that date, cost of ownership payments shall 43657
not exceed the applicable amount calculated under division (F)(1) 43658
of this section, if the department of job and family services 43659
gives prior approval for construction of the facility or, 43660
regardless of whether the department gives prior approval, if the 43661
facility obtains a residential facility license under section 43662
5123.19 of the Revised Code pursuant to section 5123.1910 of the 43663

Revised Code. If the department does not give prior approval, cost 43664
of ownership payments shall not exceed the amount specified in 43665
division (C) of this section unless the facility obtains a 43666
residential facility license under section 5123.19 of the Revised 43667
Code pursuant to section 5123.1910 of the Revised Code. 43668

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this 43669
section, the total payment for cost of ownership, cost of 43670
ownership efficiency incentive, and capitalized costs of 43671
renovations for an intermediate care facility for the mentally 43672
retarded with eight or fewer beds shall not exceed the sum of the 43673
limitations specified in divisions (C) and (D) of this section. 43674

(G) Notwithstanding any provision of this section or section 43675
5111.24 of the Revised Code, the director of job and family 43676
services may adopt rules in accordance with Chapter 119. of the 43677
Revised Code that provide for a calculation of a combined maximum 43678
payment limit for indirect care costs and cost of ownership for 43679
intermediate care facilities for the mentally retarded with eight 43680
or fewer beds. 43681

(H) ~~After June 30, 1980, the owner of an intermediate care~~ 43682
~~facility for the mentally retarded operating under a provider~~ 43683
~~agreement shall provide written notice to the department of job~~ 43684
~~and family services at least forty five days prior to entering~~ 43685
~~into any contract of sale for the facility or voluntarily~~ 43686
~~terminating participation in the medical assistance program.~~ After 43687
the date on which a transaction of sale of an intermediate care 43688
facility for the mentally retarded is closed, the owner shall 43689
refund to the department the amount of excess depreciation paid to 43690
the facility by the department for each year the owner has 43691
operated the facility under a provider agreement and prorated 43692
according to the number of medicaid patient days for which the 43693
facility has received payment. If an intermediate care facility 43694
for the mentally retarded is sold after five or fewer years of 43695

operation under a provider agreement, the refund to the department 43696
shall be equal to the excess depreciation paid to the facility. If 43697
an intermediate care facility for the mentally retarded is sold 43698
after more than five years but less than ten years of operation 43699
under a provider agreement, the refund to the department shall 43700
equal the excess depreciation paid to the facility multiplied by 43701
twenty per cent, multiplied by the number of years less than ten 43702
that a facility was operated under a provider agreement. If an 43703
intermediate care facility for the mentally retarded is sold after 43704
ten or more years of operation under a provider agreement, the 43705
owner shall not refund any excess depreciation to the department. 43706
For the purposes of this division, "depreciation paid to the 43707
facility" means the amount paid to the intermediate care facility 43708
for the mentally retarded for cost of ownership pursuant to this 43709
section less any amount paid for interest costs. For the purposes 43710
of this division, "excess depreciation" is the intermediate care 43711
facility for the mentally retarded's depreciated basis, which is 43712
the owner's cost less accumulated depreciation, subtracted from 43713
the purchase price but not exceeding the amount of depreciation 43714
paid to the facility. 43715

~~A cost report shall be filed with the department within 43716
ninety days after the date on which the transaction of sale is 43717
closed or participation is voluntarily terminated for an 43718
intermediate care facility for the mentally retarded subject to 43719
this division. The report shall show the accumulated depreciation, 43720
the sales price, and other information required by the department. 43721
The department shall provide for a bank, trust company, or savings 43722
and loan association to hold in escrow the amount of the last two 43723
monthly payments to an intermediate care facility for the mentally 43724
retarded made pursuant to division (A)(1) of section 5111.22 of 43725
the Revised Code before a sale or voluntary termination of 43726
participation or, if the owner fails, within the time required by 43727
this division, to notify the department before entering into a 43728~~

~~contract of sale for the facility, the amount of the first two 43729
monthly payments made to the facility after the department learns 43730
of the contract, regardless of whether a new owner is in 43731
possession of the facility. If the amount the owner will be 43732
required to refund under this section is likely to be less than 43733
the amount of the two monthly payments otherwise put into escrow 43734
under this division, the department shall take one of the 43735
following actions instead of withholding the amount of the two 43736
monthly payments: 43737~~

~~(1) In the case of an owner that owns other facilities that 43738
participate in the medical assistance program, obtain a promissory 43739
note in an amount sufficient to cover the amount likely to be 43740
refunded; 43741~~

~~(2) In the case of all other owners, withhold the amount of 43742
the last monthly payment to the intermediate care facility for the 43743
mentally retarded or, if the owner fails, within the time required 43744
by this division, to notify the department before entering into a 43745
contract of sale for the facility, the amount of the first monthly 43746
payment made to the facility after the department learns of the 43747
contract, regardless of whether a new owner is in possession of 43748
the facility. 43749~~

~~The department shall, within ninety days following the filing 43750
of the cost report, audit the report and issue an audit report to 43751
the owner. The department also may audit any other cost reports 43752
for the facility that have been filed during the previous three 43753
years. In the audit report, the department shall state its 43754
findings and the amount of any money owed to the department by the 43755
intermediate care facility for the mentally retarded. The findings 43756
shall be subject to an adjudication conducted in accordance with 43757
Chapter 119. of the Revised Code. No later than fifteen days after 43758
the owner agrees to a settlement, any funds held in escrow less 43759
any amounts due to the department shall be released to the owner 43760~~

~~and amounts due to the department shall be paid to the department.~~ 43761
~~If the amounts in escrow are less than the amounts due to the~~ 43762
~~department, the balance shall be paid to the department within~~ 43763
~~fifteen days after the owner agrees to a settlement. If the~~ 43764
~~department does not issue its audit report within the ninety day~~ 43765
~~period, the department shall release any money held in escrow to~~ 43766
~~the owner.~~ For the purposes of this section, a transfer of 43767
corporate stock, the merger of one corporation into another, or a 43768
consolidation does not constitute a sale. 43769

~~If an intermediate care facility for the mentally retarded is~~ 43770
~~not sold or its participation is not terminated after notice is~~ 43771
~~provided to the department under this division, the department~~ 43772
~~shall order any payments held in escrow released to the facility~~ 43773
~~upon receiving written notice from the owner that there will be no~~ 43774
~~sale or termination of participation. After written notice is~~ 43775
~~received from an intermediate care facility for the mentally~~ 43776
~~retarded that a sale or termination of participation will not take~~ 43777
~~place, the facility shall provide notice to the department at~~ 43778
~~least forty five days prior to entering into any contract of sale~~ 43779
~~or terminating participation at any future time.~~ 43780

(I) The department of job and family services shall pay each 43781
eligible proprietary intermediate care facility for the mentally 43782
retarded a return on the facility's net equity computed at the 43783
rate of one and one-half times the average of interest rates on 43784
special issues of public debt obligations issued to the federal 43785
hospital insurance trust fund for the cost reporting period. No 43786
facility's return on net equity paid under this division shall 43787
exceed one dollar per patient day. 43788

In calculating the rate for return on net equity, the 43789
department shall use the greater of the facility's inpatient days 43790
during the applicable cost reporting period or the number of 43791
inpatient days the facility would have had during that period if 43792

its occupancy rate had been ninety-five per cent. 43793

(J)(1) Except as provided in division (J)(2) of this section, 43794
if a provider leases or transfers an interest in a facility to 43795
another provider who is a related party, the related party's 43796
allowable cost of ownership shall include the lesser of the 43797
following: 43798

(a) The annual lease expense or actual cost of ownership, 43799
whichever is applicable; 43800

(b) The reasonable cost to the lessor or provider making the 43801
transfer. 43802

(2) If a provider leases or transfers an interest in a 43803
facility to another provider who is a related party, regardless of 43804
the date of the lease or transfer, the related party's allowable 43805
cost of ownership shall include the annual lease expense or actual 43806
cost of ownership, whichever is applicable, subject to the 43807
limitations specified in divisions (B) to (I) of this section, if 43808
all of the following conditions are met: 43809

(a) The related party is a relative of owner; 43810

(b) In the case of a lease, if the lessor retains any 43811
ownership interest, it is, except as provided in division 43812
(J)(2)(d)(ii) of this section, in only the real property and any 43813
improvements on the real property; 43814

(c) In the case of a transfer, the provider making the 43815
transfer retains, except as provided in division (J)(2)(d)(iv) of 43816
this section, no ownership interest in the facility; 43817

(d) The department of job and family services determines that 43818
the lease or transfer is an arm's length transaction pursuant to 43819
rules the department shall adopt in accordance with Chapter 119. 43820
of the Revised Code no later than December 31, 2000. The rules 43821
shall provide that a lease or transfer is an arm's length 43822

transaction if all of the following, as applicable, apply: 43823

(i) In the case of a lease, once the lease goes into effect, 43824
the lessor has no direct or indirect interest in the lessee or, 43825
except as provided in division (J)(2)(b) of this section, the 43826
facility itself, including interest as an owner, officer, 43827
director, employee, independent contractor, or consultant, but 43828
excluding interest as a lessor. 43829

(ii) In the case of a lease, the lessor does not reacquire an 43830
interest in the facility except through the exercise of a lessor's 43831
rights in the event of a default. If the lessor reacquires an 43832
interest in the facility in this manner, the department shall 43833
treat the facility as if the lease never occurred when the 43834
department calculates its reimbursement rates for capital costs. 43835

(iii) In the case of a transfer, once the transfer goes into 43836
effect, the provider that made the transfer has no direct or 43837
indirect interest in the provider that acquires the facility or 43838
the facility itself, including interest as an owner, officer, 43839
director, employee, independent contractor, or consultant, but 43840
excluding interest as a creditor. 43841

(iv) In the case of a transfer, the provider that made the 43842
transfer does not reacquire an interest in the facility except 43843
through the exercise of a creditor's rights in the event of a 43844
default. If the provider reacquires an interest in the facility in 43845
this manner, the department shall treat the facility as if the 43846
transfer never occurred when the department calculates its 43847
reimbursement rates for capital costs. 43848

(v) The lease or transfer satisfies any other criteria 43849
specified in the rules. 43850

(e) Except in the case of hardship caused by a catastrophic 43851
event, as determined by the department, or in the case of a lessor 43852
or provider making the transfer who is at least sixty-five years 43853

of age, not less than twenty years have elapsed since, for the 43854
same facility, allowable cost of ownership was determined most 43855
recently under this division. 43856

Sec. 5111.262. (A) For costs incurred during calendar year 43857
2000 and thereafter, costs reported in nursing facilities' cost 43858
reports for purchased nursing services shall be allowable direct 43859
care costs up to ~~twenty~~ a per cent specified in division (B) of 43860
this section of the nursing facility's costs specified in the cost 43861
report for services provided that year by registered nurses, 43862
licensed practical nurses, and nurse aides who are employees of 43863
the facility, plus one-half of the amount by which the reported 43864
costs for purchased nursing services exceed ~~that~~ the applicable 43865
percentage. 43866

(B) For the second half of calendar year 2003 and the first 43867
half of calendar year 2004, the per cent shall be fifteen. For the 43868
second half of calendar year 2004 and the first half of calendar 43869
year 2005, the per cent shall be ten. For other calendar years, 43870
the per cent shall be twenty. 43871

Sec. 5111.28. (A) If a provider properly amends its cost 43872
report under section 5111.27 of the Revised Code and the amended 43873
report shows that the provider received a lower rate under the 43874
original cost report than it was entitled to receive, the 43875
department shall adjust the provider's rate prospectively to 43876
reflect the corrected information. The department shall pay the 43877
adjusted rate beginning two months after the first day of the 43878
month after the provider files the amended cost report. If the 43879
department finds, from an exception review of resident assessment 43880
information conducted after the effective date of the rate for 43881
direct care costs that is based on the assessment information, 43882
that inaccurate assessment information resulted in the provider 43883
receiving a lower rate than it was entitled to receive, the 43884

department prospectively shall adjust the provider's rate 43885
accordingly and shall make payments using the adjusted rate for 43886
the remainder of the calendar quarter for which the assessment 43887
information is used to determine the rate, beginning one month 43888
after the first day of the month after the exception review is 43889
completed. 43890

(B) If the provider properly amends its cost report under 43891
section 5111.27 of the Revised Code, the department makes a 43892
finding based on an audit under that section, or the department 43893
makes a finding based on an exception review of resident 43894
assessment information conducted under that section after the 43895
effective date of the rate for direct care costs that is based on 43896
the assessment information, any of which results in a 43897
determination that the provider has received a higher rate than it 43898
was entitled to receive, the department shall recalculate the 43899
provider's rate using the revised information. The department 43900
shall apply the recalculated rate to the periods when the provider 43901
received the incorrect rate to determine the amount of the 43902
overpayment. The provider shall refund the amount of the 43903
overpayment. 43904

In addition to requiring a refund under this division, the 43905
department may charge the provider interest at the applicable rate 43906
specified in this division from the time the overpayment was made. 43907

(1) If the overpayment resulted from costs reported for 43908
calendar year 1993, the interest shall be no greater than one and 43909
one-half times the average bank prime rate. 43910

(2) If the overpayment resulted from costs reported for 43911
subsequent calendar years: 43912

(a) The interest shall be no greater than two times the 43913
average bank prime rate if the overpayment was equal to or less 43914
than one per cent of the total medicaid payments to the provider 43915

for the fiscal year for which the incorrect information was used 43916
to establish a rate. 43917

(b) The interest shall be no greater than two and one-half 43918
times the current average bank prime rate if the overpayment was 43919
greater than one per cent of the total medicaid payments to the 43920
provider for the fiscal year for which the incorrect information 43921
was used to establish a rate. 43922

(C) The department also may impose the following penalties: 43923

(1) If a provider does not furnish invoices or other 43924
documentation that the department requests during an audit within 43925
sixty days after the request, no more than the greater of one 43926
thousand dollars per audit or twenty-five per cent of the 43927
cumulative amount by which the costs for which documentation was 43928
not furnished increased the total medicaid payments to the 43929
provider during the fiscal year for which the costs were used to 43930
establish a rate; 43931

(2) If an ~~owner~~ exiting operator fails to provide a properly 43932
completed notice of ~~sale of the facility or closure,~~ voluntary 43933
termination, voluntary withdrawal of participation ~~in the medical~~ 43934
~~assistance program, or change of operator,~~ as required by section 43935
~~5111.25~~ 5111.66 or ~~5111.251~~ 5111.67 of the Revised Code, no more 43936
than the current average bank prime rate plus four per cent of ~~the~~ 43937
~~last~~ an amount equal to two times the average amount of monthly 43938
payments to the exiting operator under the medicaid program for 43939
the twelve-month period immediately preceding the month that 43940
includes the last day the exiting operator's provider agreement is 43941
in effect or, in the case of a voluntary withdrawal of 43942
participation, the effective date of the voluntary withdrawal of 43943
participation. 43944

(D) If the provider continues to participate in the ~~medical~~ 43945
~~assistance~~ medicaid program, the department shall deduct any 43946

amount that the provider is required to refund under this section, 43947
and the amount of any interest charged or penalty imposed under 43948
this section, from the next available payment from the department 43949
to the provider. The department and the provider may enter into an 43950
agreement under which the amount, together with interest, is 43951
deducted in installments from payments from the department to the 43952
provider. If the provider does not continue to participate in the 43953
medicaid program, the department shall collect any amount that the 43954
provider owes to the department under this section from the 43955
withholding, security, or both that the department makes or 43956
requires under section 5111.681 of the Revised Code. 43957

(E) The department shall transmit refunds and penalties to 43958
the treasurer of state for deposit in the general revenue fund. 43959

(F) For the purpose of this section, the department shall 43960
determine the average bank prime rate using statistical release 43961
H.15, "selected interest rates," a weekly publication of the 43962
federal reserve board, or any successor publication. If 43963
statistical release H.15, or its successor, ceases to contain the 43964
bank prime rate information or ceases to be published, the 43965
department shall request a written statement of the average bank 43966
prime rate from the federal reserve bank of Cleveland or the 43967
federal reserve board. 43968

Sec. 5111.29. (A) The director of job and family services 43969
shall adopt rules in accordance with Chapter 119. of the Revised 43970
Code that establish a process under which a nursing facility or 43971
intermediate care facility for the mentally retarded, or a group 43972
or association of facilities, may seek reconsideration of rates 43973
established under sections 5111.23 to 5111.28 of the Revised Code, 43974
including a rate for direct care costs recalculated before the 43975
effective date of the rate as a result of an exception review of 43976
resident assessment information conducted under section 5111.27 of 43977

the Revised Code. 43978

(1) Except as provided in divisions (A)(2) to (4) of this 43979
section, the only issue that a facility, group, or association may 43980
raise in the rate reconsideration shall be whether the rate was 43981
calculated in accordance with sections 5111.23 to 5111.28 of the 43982
Revised Code and the rules adopted under those sections. The rules 43983
shall permit a facility, group, or association to submit written 43984
arguments or other materials that support its position. The rules 43985
shall specify time frames within which the facility, group, or 43986
association and the department must act. If the department 43987
determines, as a result of the rate reconsideration, that the rate 43988
established for one or more facilities is less than the rate to 43989
which it is entitled, the department shall increase the rate. If 43990
the department has paid the incorrect rate for a period of time, 43991
the department shall pay the facility the difference between the 43992
amount it was paid for that period and the amount it should have 43993
been paid. 43994

(2) The rules shall provide that during a fiscal year, the 43995
department, by means of the rate reconsideration process, may 43996
increase a facility's rate as calculated under sections 5111.23 to 43997
5111.28 of the Revised Code if the facility demonstrates that its 43998
actual, allowable costs have increased because of extreme 43999
circumstances. A facility may qualify for a rate increase only if 44000
its per diem, actual, allowable costs have increased to a level 44001
that exceeds its total rate, including any efficiency incentive 44002
and return on equity payment. The rules shall specify the 44003
circumstances that would justify a rate increase under division 44004
(A)(2) of this section. In the case of nursing facilities, the 44005
rules shall provide that the extreme circumstances include 44006
increased security costs for an inner-city nursing facility and an 44007
increase in workers' compensation experience rating of greater 44008
than five per cent for a facility that has an appropriate claims 44009

management program but do not include a change of ownership that 44010
results from bankruptcy, foreclosure, or findings of violations of 44011
certification requirements by the department of health. In the 44012
case of intermediate care facilities for the mentally retarded, 44013
the rules shall provide that the extreme circumstances include, 44014
but are not limited to, renovations approved under division (D) of 44015
section 5111.251 of the Revised Code, an increase in workers' 44016
compensation experience rating of greater than five per cent for a 44017
facility that has an appropriate claims management program, 44018
increased security costs for an inner-city facility, and a change 44019
of ownership that results from bankruptcy, foreclosure, or 44020
findings of violations of certification requirements by the 44021
department of health. An increase under division (A)(2) of this 44022
section is subject to any rate limitations or maximum rates 44023
established by sections 5111.23 to 5111.28 of the Revised Code for 44024
specific cost centers. Any rate increase granted under division 44025
(A)(2) of this section shall take effect on the first day of the 44026
first month after the department receives the request. 44027

(3) The rules shall provide that the department, through the 44028
rate reconsideration process, may increase a facility's rate as 44029
calculated under sections 5111.23 to 5111.28 of the Revised Code 44030
if the department, in its sole discretion, determines that the 44031
rate as calculated under those sections works an extreme hardship 44032
on the facility. 44033

(4) The rules shall provide that when beds certified for the 44034
medical assistance program are added to an existing facility, 44035
replaced at the same site, or subject to a change of ownership or 44036
lease, the department, through the rate reconsideration process, 44037
shall increase the facility's rate for capital costs 44038
proportionately, as limited by any applicable limitation under 44039
section 5111.25 or 5111.251 of the Revised Code, to account for 44040
the costs of the beds that are added, replaced, or subject to a 44041

change of ownership or lease. The department shall make this 44042
increase one month after the first day of the month after the 44043
department receives sufficient documentation of the costs. Any 44044
rate increase granted under division (A)(4) of this section after 44045
June 30, 1993, shall remain in effect until the effective date of 44046
a rate calculated under section 5111.25 or 5111.251 of the Revised 44047
Code that includes costs incurred for a full calendar year for the 44048
bed addition, bed replacement, or change of ownership or lease. 44049
The facility shall report double accumulated depreciation in an 44050
amount equal to the depreciation included in the rate adjustment 44051
on its cost report for the first year of operation. During the 44052
term of any loan used to finance a project for which a rate 44053
adjustment is granted under division (A)(4) of this section, if 44054
the facility is operated by the same provider, the facility shall 44055
subtract from the interest costs it reports on its cost report an 44056
amount equal to the difference between the following: 44057

(a) The actual, allowable interest costs for the loan during 44058
the calendar year for which the costs are being reported; 44059

(b) The actual, allowable interest costs attributable to the 44060
loan that were used to calculate the rates paid to the facility 44061
during the same calendar year. 44062

(5) The department's decision at the conclusion of the 44063
reconsideration process shall not be subject to any administrative 44064
proceedings under Chapter 119. or any other provision of the 44065
Revised Code. 44066

(B) Any All of the following are subject to an adjudication 44067
conducted in accordance with Chapter 119. of the Revised Code: 44068

(1) Any audit disallowance that the department makes as the 44069
result of an audit under section 5111.27 of the Revised Code, ~~any~~ 44070

(2) Any adverse finding that results from an exception review 44071
of resident assessment information conducted under ~~that~~ section 44072

5111.27 of the Revised Code after the effective date of the 44073
facility's rate that is based on the assessment information, ~~and~~ 44074
~~any~~ 44075

(3) Any penalty the department imposes under division (C) of 44076
section 5111.28 of the Revised Code ~~shall be subject to an~~ 44077
~~adjudication conducted in accordance with Chapter 119. or section~~ 44078
5111.684 of the Revised Code. 44079

Sec. 5111.30. The department of job and family services shall 44080
terminate the provider agreement with an operator of a nursing 44081
facility or intermediate care facility for the mentally retarded 44082
that does not comply with the requirements of section 3721.071 of 44083
the Revised Code for the installation of fire extinguishing and 44084
fire alarm systems. 44085

Sec. 5111.31. (A) Every provider agreement with an operator 44086
of a nursing facility or intermediate care facility for the 44087
mentally retarded shall: 44088

(1) Prohibit the facility from failing or refusing to retain 44089
as a patient any person because the person is, becomes, or may, as 44090
a patient in the facility, become a recipient of assistance under 44091
the medical assistance program. For the purposes of this division, 44092
a recipient of medical assistance who is a patient in a facility 44093
shall be considered a patient in the facility during any hospital 44094
stays totaling less than twenty-five days during any twelve-month 44095
period. Recipients who have been identified by the department of 44096
job and family services or its designee as requiring the level of 44097
care of an intermediate care facility for the mentally retarded 44098
shall not be subject to a maximum period of absences during which 44099
they are considered patients if prior authorization of the 44100
department for visits with relatives and friends and participation 44101
in therapeutic programs is obtained under rules adopted under 44102

section 5111.02 of the Revised Code. 44103

(2) Include any part of the facility that meets standards for 44104
certification of compliance with federal and state laws and rules 44105
for participation in the medical assistance program, except that 44106
nursing facilities that, during the period beginning July 1, 1987, 44107
and ending July 1, 1993, added beds licensed as nursing home beds 44108
under Chapter 3721. of the Revised Code are not required to 44109
include those beds under a provider agreement unless otherwise 44110
required by federal law. Once added to the provider agreement, 44111
however, those nursing home beds may not be removed unless the 44112
facility withdraws from the medical assistance program in its 44113
entirety. 44114

(3) Prohibit the facility from discriminating against any 44115
patient on the basis of race, color, sex, creed, or national 44116
origin. 44117

(4) Except as otherwise prohibited under section 5111.55 of 44118
the Revised Code, prohibit the facility from failing or refusing 44119
to accept a patient because the patient is, becomes, or may, as a 44120
patient in the facility, become a recipient of assistance under 44121
the medical assistance program if less than eighty per cent of the 44122
patients in the facility are recipients of medical assistance. 44123

(B) Nothing in this section shall bar any religious or 44124
denominational nursing facility or intermediate care facility for 44125
the mentally retarded that is operated, supervised, or controlled 44126
by a religious organization from giving preference to persons of 44127
the same religion or denomination. Nothing in this section shall 44128
bar any facility from giving preference to persons with whom it 44129
has contracted to provide continuing care. 44130

(C) Nothing in this section shall bar any county home 44131
organized under Chapter 5155. of the Revised Code from admitting 44132
residents exclusively from the county in which the county home is 44133

located. 44134

(D) No operator of a nursing facility or intermediate care 44135
facility for the mentally retarded with which a provider agreement 44136
is in effect shall violate the provider contract obligations 44137
imposed under this section. 44138

(E) Nothing in divisions (A) and (B) of this section shall 44139
bar any nursing facility or intermediate care facility for the 44140
mentally retarded from retaining patients who have resided in the 44141
facility for not less than one year as private pay patients and 44142
who subsequently become recipients of assistance under the 44143
medicaid program, but refusing to accept as a patient any person 44144
who is or may, as a patient in the facility, become a recipient of 44145
assistance under the medicaid program, if all of the following 44146
apply: 44147

(1) The facility does not refuse to retain any patient who 44148
has resided in the facility for not less than one year as a 44149
private pay patient because the patient becomes a recipient of 44150
assistance under the medicaid program, except as necessary to 44151
comply with division (E)(2) of this section; 44152

(2) The number of medicaid recipients retained under this 44153
division does not at any time exceed ten per cent of all the 44154
patients in the facility; 44155

(3) On July 1, 1980, all the patients in the facility were 44156
private pay patients. 44157

Sec. 5111.34. (A) There is hereby created the nursing 44158
facility reimbursement study council consisting of the following 44159
seventeen members: 44160

(1) The director of job and family services; 44161

(2) The deputy director of the office of Ohio health plans of 44162
the department of job and family services; 44163

(3) An employee of the governor's office;	44164
(4) The director of health;	44165
(5) The director of aging;	44166
(6) Three members of the house of representatives, not more than two of whom are members of the same political party, appointed by the speaker of the house of representatives;	44167 44168 44169
(7) Three members of the senate, not more than two of whom are members of the same political party, appointed by the president of the senate;	44170 44171 44172
(8) Two representatives of each of the following organizations, appointed by their respective governing bodies:	44173 44174
(a) The Ohio academy of nursing homes;	44175
(b) The association of Ohio philanthropic homes and housing for the aging;	44176 44177
(c) The Ohio health care association.	44178
Initial appointments of members described in divisions	44179
(A)(6), (7), and (8) of this section shall be made no later than ninety days after June 6, 2001, except that the initial appointments of the two additional members described in divisions (A)(6) and (7) of this section added by <u>Am.</u> Sub. H.B. 405 of the 124th general assembly shall be made not later than ninety days after the effective date of this amendment <u>March 14, 2002</u> .	44180 44181 44182 44183 44184 44185
Vacancies in any of those appointments shall be filled in the same manner as original appointments. The members described in divisions (A)(6), (7), and (8) of this section shall serve at the pleasure of the official or governing body appointing the member. The members described in divisions (A)(1), (2), (3), (4), and (5) of this section shall serve for as long as they hold the position that qualifies them for membership on the council. The speaker of the house of representatives and the president of the senate	44186 44187 44188 44189 44190 44191 44192 44193

jointly shall appoint the chairperson of the council. Members of 44194
the council shall serve without compensation. 44195

(B) The council shall review, on an ongoing basis, the system 44196
established by sections 5111.20 to 5111.32 of the Revised Code for 44197
reimbursing nursing facilities under the medical assistance 44198
program. The council shall recommend any changes it determines are 44199
necessary. The council shall issue a report of its activities, 44200
findings, and recommendations to the governor, the speaker of the 44201
house of representatives, and the president of the senate not 44202
later than July 30, 2004. Thereafter, the council periodically 44203
shall report its activities, findings, and recommendations to the 44204
governor, the speaker of the house of representatives, and the 44205
president of the senate. 44206

(C) The council shall meet quarterly. Its first quarterly 44207
meeting after the effective date of this amendment shall be held 44208
not later than August 1, 2003. 44209

Sec. 5111.65. As used in sections 5111.65 to 5111.6810 of the 44210
Revised Code: 44211

(A) "Change of operator" means an entering operator becoming 44212
the operator of a nursing facility or intermediate care facility 44213
for the mentally retarded in the place of the exiting operator. 44214

(1) Actions that constitute a change of operator include, but 44215
are not limited to, the following: 44216

(a) A change in an exiting operator's form of legal 44217
organization, including the formation of a partnership or 44218
corporation from a sole proprietorship; 44219

(b) A transfer of all the exiting operator's ownership 44220
interest in the operation of the facility to the entering 44221
operator, regardless of whether ownership of any or all of the 44222
real property or personal property associated with the facility is 44223

<u>also transferred;</u>	44224
<u>(c) A lease of the facility to the entering operator or the exiting operator's termination of the lease;</u>	44225
	44226
<u>(d) If the exiting operator is a partnership, dissolution of the partnership;</u>	44227
	44228
<u>(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:</u>	44229
	44230
<u>(i) The change in composition does not cause the partnership's dissolution under state law.</u>	44231
	44232
<u>(ii) The partners agree that the change in composition does not constitute a change in operator.</u>	44233
	44234
<u>(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.</u>	44235
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	44238
<u>(2) The following, alone, do not constitute a change of operator:</u>	44239
	44240
<u>(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;</u>	44241
	44242
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	44244
<u>(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;</u>	44245
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<u>(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.</u>	44250
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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. 44254
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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. 44257
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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. 44261
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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. 44264
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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. 44269
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(G) "Exiting operator" means any of the following: 44273

(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; 44274
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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; 44277
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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; 44280
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(4) An operator of a nursing facility that is undergoing or 44283

<u>has undergone a voluntary withdrawal of participation.</u>	44284
<u>(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:</u>	44285
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	44290
<u>(1) The operator completely or partially replacing the facility by constructing a new facility or transferring the facility's license to another facility;</u>	44291
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<u>(2) The facility's residents relocating to another of the operator's facilities;</u>	44294
	44295
<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>	44296
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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>	44301
	44302
<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>	44303
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	44305
<u>(I) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.</u>	44306
	44307
<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>	44308
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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</u>	44311
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retarded for the provision of nursing facility services or 44314
intermediate care facility services for the mentally retarded 44315
under the medical assistance program. 44316

(L) "Voluntary termination" means an operator's voluntary 44317
election to terminate the participation of an intermediate care 44318
facility for the mentally retarded in the medicaid program but to 44319
continue to provide service of the type provided by a residential 44320
facility as defined in section 5123.19 of the Revised Code. 44321

(M) "Voluntary withdrawal of participation" means an 44322
operator's voluntary election to terminate the participation of a 44323
nursing facility in the medicaid program but to continue to 44324
provide service of the type provided by nursing facilities. 44325

Sec. 5111.66. An exiting operator or owner of a nursing 44326
facility or intermediate care facility for the mentally retarded 44327
participating in the medicaid program shall provide the department 44328
of job and family services written notice of a facility closure, 44329
voluntary termination, or voluntary withdrawal of participation 44330
not less than ninety days before the effective date of the 44331
facility closure, voluntary termination, or voluntary withdrawal 44332
of participation. The written notice shall include all of the 44333
following: 44334

(A) The name of the exiting operator and, if any, the exiting 44335
operator's authorized agent; 44336

(B) The name of the nursing facility or intermediate care 44337
facility for the mentally retarded that is the subject of the 44338
facility closure, voluntary termination, or voluntary withdrawal 44339
of participation; 44340

(C) The exiting operator's medicaid provider agreement 44341
number; 44342

(D) The effective date of the facility closure, voluntary 44343

<u>termination, or voluntary withdrawal of participation;</u>	44344
<u>(E) The signature of the exiting operator's or owner's representative.</u>	44345 44346
<u>Sec. 5111.661. An operator shall comply with section 1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396r(c)(2)(F) if the operator's nursing facility undergoes a voluntary withdrawal of participation.</u>	44347 44348 44349 44350
<u>Sec. 5111.67. (A) An exiting operator or owner and entering operator shall provide the department of job and family services written notice of a change of operator if the nursing facility or intermediate care facility for the mentally retarded participates in the medicaid program and the entering operator seeks to continue the facility's participation. The written notice shall be provided to the department not later than forty-five days before the effective date of the change of operator if the change of operator does not entail the relocation of residents. The written notice shall be provided to the department not later than ninety days before the effective date of the change of operator if the change of operator entails the relocation of residents. The written notice shall include all of the following:</u>	44351 44352 44353 44354 44355 44356 44357 44358 44359 44360 44361 44362 44363
<u>(1) The name of the exiting operator and, if any, the exiting operator's authorized agent;</u>	44364 44365
<u>(2) The name of the nursing facility or intermediate care facility for the mentally retarded that is the subject of the change of operator;</u>	44366 44367 44368
<u>(3) The exiting operator's medicaid provider agreement number;</u>	44369 44370
<u>(4) The name of the entering operator;</u>	44371
<u>(5) The effective date of the change of operator;</u>	44372

(6) The manner in which the entering operator becomes the facility's operator, including through sale, lease, merger, or other action; 44373
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(7) If the manner in which the entering operator becomes the facility's operator involves more than one step, a description of each step; 44376
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(8) Written authorization from the exiting operator or owner and entering operator for the department to process a provider agreement for the entering operator; 44379
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(9) The signature of the exiting operator's or owner's representative. 44382
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(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: 44384
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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; 44388
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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. 44394
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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 44400
44401
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<u>of operator if all of the following requirements are met:</u>	44403
<u>(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.</u>	44404 44405 44406
<u>(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.</u>	44407 44408 44409 44410 44411
<u>(C) The entering operator is eligible for medicaid payments as provided in section 5111.21 of the Revised Code.</u>	44412 44413
Sec. 5111.672. <u>(A) 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 date determined under division (B) of this section if all of the following are the case:</u>	44414 44415 44416 44417
<u>(1) The department receives a properly completed written notice required by section 5111.67 of the Revised Code.</u>	44418 44419
<u>(2) 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 change of operator.</u>	44420 44421 44422 44423
<u>(3) The requirement of division (A)(1) of this section is met after the time required by section 5111.67 of the Revised Code, the requirement of division (A)(2) of this section is met more than ten days after the effective date of the change of operator, or both.</u>	44424 44425 44426 44427 44428
<u>(4) The entering operator is eligible for medicaid payments as provided in section 5111.21 of the Revised Code.</u>	44429 44430
<u>(B) The department shall determine the date a provider agreement entered into under this section is to go into effect as</u>	44431 44432

follows: 44433

(1) The effective date shall give the department sufficient time to process the change of operator, assure no duplicate payments are made, make the withholding required by section 5111.681 of the Revised Code, and withhold the final payment to the exiting operator until the following: 44434
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44436
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(a) Ninety days after the exiting operator submits to the department a properly completed cost report under section 5111.683 of the Revised Code; 44439
44440
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(b) One hundred eighty days after the department waives the cost report requirement of section 5111.683 of the Revised Code. 44442
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(2) The effective date shall be not earlier than the later of the effective date of the change of operator or the date that the exiting operator or owner and entering operator comply with section 5111.67 of the Revised Code. 44444
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(3) The effective date shall be not later than the following after the later of the dates specified in division (B)(2) of this section: 44448
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(a) Forty-five days if the change of operator does not entail the relocation of residents; 44451
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(b) Ninety days if the change of operator entails the relocation of residents. 44453
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Sec. 5111.673. A provider agreement that the department of job and family services enters into with an entering operator under section 5111.671 or 5111.672 of the Revised Code shall satisfy all of the following requirements: 44455
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(A) Comply with all applicable federal statutes and regulations; 44459
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(B) Comply with section 5111.22 of the Revised Code and all 44461

<u>other applicable state statutes and rules;</u>	44462
<u>(C) Include all the terms and conditions of the exiting</u>	44463
<u>operator's provider agreement, including, but not limited to, all</u>	44464
<u>of the following:</u>	44465
<u>(1) Any plan of correction;</u>	44466
<u>(2) Compliance with health and safety standards;</u>	44467
<u>(3) Compliance with the ownership and financial interest</u>	44468
<u>disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;</u>	44469
<u>(4) Compliance with the civil rights requirements of 45</u>	44470
<u>C.F.R. parts 80, 84, and 90;</u>	44471
<u>(5) Compliance with additional requirements imposed by the</u>	44472
<u>department;</u>	44473
<u>(6) Any sanctions relating to remedies for violation of the</u>	44474
<u>provider agreement, including deficiencies, compliance periods,</u>	44475
<u>accountability periods, monetary penalties, notification for</u>	44476
<u>correction of contract violations, and history of deficiencies.</u>	44477
<u>(D) Require the entering operator to assume the exiting</u>	44478
<u>operator's remaining debt to the department and United States</u>	44479
<u>centers for medicare and medicaid services that the department is</u>	44480
<u>unable to collect from the exiting operator;</u>	44481
<u>(E) Have a different provider agreement number than the</u>	44482
<u>exiting operator's provider agreement.</u>	44483
<u>Sec. 5111.674. In the case of a change of operator, the</u>	44484
<u>exiting operator shall be considered to be the operator of the</u>	44485
<u>nursing facility or intermediate care facility for the mentally</u>	44486
<u>retarded for purposes of the medicaid program, including medicaid</u>	44487
<u>payments, until the effective date of the entering operator's</u>	44488
<u>provider agreement if the provider agreement is entered into under</u>	44489
<u>section 5111.671 or 5111.672 of the Revised Code.</u>	44490

Sec. 5111.675. The department of job and family services may 44491
enter into a provider agreement as provided in section 5111.22 of 44492
the Revised Code, rather than section 5111.671 or 5111.672 of the 44493
Revised Code, with an entering operator if the entering operator 44494
does not agree to a provider agreement that satisfies the 44495
requirements of division (C) or (D) of section 5111.673 of the 44496
Revised Code. The department may not enter into the provider 44497
agreement unless the department of health certifies the nursing 44498
facility or intermediate care facility for the mentally retarded 44499
under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 44500
42 U.S.C.A. 1396, as amended. The effective date of the provider 44501
agreement shall not precede any of the following: 44502

(A) The date that the department of health certifies the 44503
facility; 44504

(B) The effective date of the change of operator; 44505

(C) The date the requirement of section 5111.67 of the 44506
Revised Code is satisfied. 44507

Sec. 5111.676. The director of job and family services may 44508
adopt rules in accordance with Chapter 119. of the Revised Code 44509
governing adjustments to the medicaid reimbursement rate for a 44510
nursing facility or intermediate care facility for the mentally 44511
retarded that undergoes a change of operator. No rate adjustment 44512
resulting from a change of operator shall be effective before the 44513
effective date of the entering operator's provider agreement. This 44514
is the case regardless of whether the provider agreement is 44515
entered into under section 5111.671, section 5111.672, or, 44516
pursuant to section 5111.675, section 5111.22 of the Revised Code. 44517

Sec. 5111.677. Neither of the following shall affect the 44518
department of job and family services' determination of whether or 44519

when a change of operator occurs or the effective date of an 44520
entering operator's provider agreement under section 5111.671, 44521
section 5111.672, or, pursuant to section 5111.675, section 44522
5111.22 of the Revised Code: 44523

(A) The department of health's determination that a change of 44524
operator has or has not occurred for purposes of licensure under 44525
Chapter 3721. of the Revised Code; 44526

(B) The department of mental retardation and developmental 44527
disabilities' determination that a change of operator has or has 44528
not occurred for purposes of licensure under section 5123.19 of 44529
the Revised Code. 44530

Sec. 5111.68. (A) On receipt of a written notice under 44531
section 5111.66 of the Revised Code of a facility closure, 44532
voluntary termination, or voluntary withdrawal of participation or 44533
a written notice under section 5111.67 of the Revised Code of a 44534
change of operator, the department of job and family services 44535
shall determine the amount of any overpayments made under the 44536
medicaid program to the exiting operator, including overpayments 44537
the exiting operator disputes, and other actual and potential 44538
debts the exiting operator owes or may owe to the department and 44539
United States centers for medicare and medicaid services under the 44540
medicaid program. In determining the exiting operator's other 44541
actual and potential debts to the department under the medicaid 44542
program, the department shall include all of the following that 44543
the department determines is applicable: 44544

(1) Refunds due the department under division (G) of section 44545
5111.25 of the Revised Code or division (H) of section 5111.251 of 44546
the Revised Code; 44547

(2) Interest owed to the department and United States centers 44548
for medicare and medicaid services; 44549

(3) Final civil monetary and other penalties for which all 44550
right of appeal has been exhausted; 44551

(4) Third-party liabilities; 44552

(5) Money owed the department and United States centers for 44553
medicare and medicaid services from any outstanding final fiscal 44554
audit, including a final fiscal audit for the last fiscal year or 44555
portion thereof in which the exiting operator participated in the 44556
medicaid program. 44557

(B) If the department is unable to determine the amount of 44558
the overpayments and other debts for any period before the 44559
effective date of the entering operator's provider agreement or 44560
the effective date of the facility closure, voluntary termination, 44561
or voluntary withdrawal of participation, the department shall 44562
make a reasonable estimate of the overpayments and other debts for 44563
the period. The department shall make the estimate using 44564
information available to the department, including prior 44565
determinations of overpayments and other debts. 44566

Sec. 5111.681. (A) The department of job and family services 44567
shall withhold the greater of the following from payment due an 44568
exiting operator under the medicaid program: 44569

(1) The total amount of any overpayments made under the 44570
medicaid program to the exiting operator, including overpayments 44571
the exiting operator disputes, and other actual and potential 44572
debts, including any unpaid penalties, the exiting operator owes 44573
or may owe to the department and United States centers for 44574
medicare and medicaid services under the medicaid program; 44575

(2) An amount equal to the average amount of monthly payments 44576
to the exiting operator under the medicaid program for the 44577
twelve-month period immediately preceding the month that includes 44578
the last day the exiting operator's provider agreement is in 44579

effect or, in the case of a voluntary withdrawal of participation, 44580
the effective date of the voluntary withdrawal of participation. 44581

(B) The department may transfer the amount withheld under 44582
division (A) of this section to an escrow account with a bank, 44583
trust company, or savings and loan association. 44584

(C) If payment due an exiting operator under the medicaid 44585
program is less than the amount the department is required to 44586
withhold under division (A) of this section, the department shall 44587
require that the exiting operator provide the difference in the 44588
form of a security. 44589

(D) The department shall release to the exiting operator the 44590
actual amount withheld under division (A) of this section if the 44591
department allows the exiting operator to provide the department a 44592
security in the amount the department is required to withhold 44593
under division (A) of this section, less any of that amount 44594
provided to the department in the form of a security under 44595
division (C) of this section. 44596

(E) Security provided to the department under division (C) or 44597
(D) of this section shall be in either or both of the following 44598
forms: 44599

(1) In the case of a change of operator, the entering 44600
operator's nontransferable, unconditional, written agreement to 44601
pay the department any debt the exiting operator owes the 44602
department under the medicaid program; 44603

(2) In the case of a change of operator, facility closure, 44604
voluntary termination, or voluntary withdrawal of participation, a 44605
form of collateral or security acceptable to the department that 44606
satisfies both of the following conditions: 44607

(a) Is at least equal to the amount the department is 44608
required to withhold under division (A) of this section, less any 44609
amounts the department has received through actual withholding or 44610

one or more other forms of security under this division; 44611

(b) Is payable to the department if the exiting operator 44612
fails to pay any debt owed the department under the medicaid 44613
program within fifteen days of receiving the department's written 44614
demand for payment of the debt. 44615

Sec. 5111.682. An entering operator that provides the 44616
department of job and family services a security in the form 44617
provided by division (E)(1) of section 5111.681 of the Revised 44618
Code shall also provide the department a list of the entering 44619
operator's assets and liabilities. The department shall determine 44620
whether the assets are sufficient for the purpose of the security. 44621

Sec. 5111.683. (A) Except as provided in division (B) of this 44622
section, an exiting operator shall file with the department of job 44623
and family services a cost report not later than ninety days after 44624
the last day the exiting operator's provider agreement is in 44625
effect or, in the case of a voluntary withdrawal of participation, 44626
the effective date of the voluntary withdrawal of participation. 44627
The cost report shall cover the period that begins with the day 44628
after the last day covered by the operator's most recent previous 44629
cost report required by section 5111.26 of the Revised Code and 44630
ends on the last day the exiting operator's provider agreement is 44631
in effect or, in the case of a voluntary withdrawal of 44632
participation, the effective date of the voluntary withdrawal of 44633
participation. The cost report shall include, as applicable, all 44634
of the following: 44635

(1) The sale price of the nursing facility or intermediate 44636
care facility for the mentally retarded; 44637

(2) A final depreciation schedule that shows which assets are 44638
transferred to the buyer and which assets are not transferred to 44639
the buyer; 44640

(3) Any other information the department requires. 44641

(B) The department, at its sole discretion, may waive the requirement that an exiting operator file a cost report in accordance with division (A) of this section. 44642
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Sec. 5111.684. If an exiting operator required by section 5111.683 of the Revised Code to file a cost report with the department of job and family services fails to file the cost report in accordance with that section, all payments under the medicaid program for the period the cost report is required to cover are deemed overpayments until the date the department receives the properly completed cost report. The department may impose on the exiting operator a penalty of one hundred dollars for each calendar day the properly completed cost report is late. 44645
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Sec. 5111.685. The department of job and family services may not provide an exiting operator final payment under the medicaid program until the department receives all properly completed cost reports the exiting operator is required to file under sections 5111.26 and 5111.683 of the Revised Code. 44654
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Sec. 5111.686. The department of job and family services shall determine the actual amount of debt an exiting operator owes the department under the medicaid program by completing all final fiscal audits not already completed and performing all other appropriate actions the department determines to be necessary. The department shall issue a report on this matter not later than ninety days after the date the exiting operator files the properly completed cost report required by section 5111.683 of the Revised Code with the department or, if the department waives the cost report requirement for the exiting operator, one hundred eighty days after the date the department waives the cost report requirement. The report shall include the department's findings 44659
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and the amount of debt the department determines the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program. Only the parts of the report that are subject to an adjudication as specified in division (B) of section 5111.29 of the Revised Code are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code. 44671
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Sec. 5111.687. The department of job and family services shall release the actual amount withheld under division (A) of section 5111.681 of the Revised Code, and any security provided to 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: 44678
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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; 44685
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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; 44691
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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 44697
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requirement; 44702

(D) Not later than fifteen days after the exiting operator 44703
agrees to a final fiscal audit resulting from the report required 44704
by section 5111.686 of the Revised Code if the department issues 44705
the report not later than one hundred eighty days after the date 44706
the department waives the cost report requirement of section 44707
5111.683 of the Revised Code. 44708

Sec. 5111.688. If the actual amount the department of job and 44709
family services withholds from an exiting operator under division 44710
(A) of section 5111.681 of the Revised Code, and any security 44711
provided to the department under that section, is inadequate to 44712
pay the exiting operator's debt to the department and United 44713
States centers for medicare and medicaid services under the 44714
medicaid program or the department is required to release the 44715
withholdings and security under section 5111.687 of the Revised 44716
Code before the department is paid the exiting operator's debt, 44717
the department shall collect the debt as follows: 44718

(A) From the exiting operator; 44719

(B) From the entering operator if the department is unable to 44720
collect the entire debt from the exiting operator and the entering 44721
operator entered into a provider agreement under section 5111.671 44722
or 5111.672 of the Revised Code. The department may collect the 44723
remaining debt by withholding the amount due from payments to the 44724
entering operator under the medicaid program. The department may 44725
enter into an agreement with the entering operator under which the 44726
entering operator pays the remaining debt, with applicable 44727
interest, in installments from withholdings from the entering 44728
operator's payments under the medicaid program. 44729

Sec. 5111.689. The department of job and family services, at 44730
its sole discretion, may release the amount withheld under 44731

division (A) of section 5111.681 of the Revised Code, and any 44732
security provided to the department under that section, if the 44733
exiting operator submits to the department written notice of a 44734
postponement of a change of operator, facility closure, voluntary 44735
termination, or voluntary withdrawal of participation and the 44736
transactions leading to the change of operator, facility closure, 44737
voluntary termination, or voluntary withdrawal of participation 44738
are postponed for at least thirty days but less than ninety days 44739
after the date originally proposed for the change of operator, 44740
facility closure, voluntary termination, or voluntary withdrawal 44741
of participation as reported in the written notice required by 44742
section 5111.66 or 5111.67 of the Revised Code. The department 44743
shall release the amount withheld and security if the exiting 44744
operator submits to the department written notice of a 44745
cancellation or postponement of a change of operator, facility 44746
closure, voluntary termination, or voluntary withdrawal of 44747
participation and the transactions leading to the change of 44748
operator, facility closure, voluntary termination, or voluntary 44749
withdrawal of participation are canceled, or postponed for more 44750
than ninety days after the date originally proposed for the change 44751
of operator, facility closure, voluntary termination, or voluntary 44752
withdrawal of participation as reported in the written notice 44753
required by section 5111.66 or 5111.67 of the Revised Code. 44754

After the department receives a written notice regarding a 44755
cancellation or postponement of a facility closure, voluntary 44756
termination, or voluntary withdrawal of participation, the exiting 44757
operator or owner shall provide new written notice to the 44758
department under section 5111.66 of the Revised Code regarding any 44759
transactions leading to a facility closure, voluntary termination, 44760
or voluntary withdrawal of participation at a future time. After 44761
the department receives a written notice regarding a cancellation 44762
or postponement of a change of operator, the exiting operator or 44763
owner and entering operator shall provide new written notice to 44764

the department under section 5111.67 of the Revised Code regarding 44765
any transactions leading to a change of operator at a future time. 44766

Sec. 5111.6810. The director of job and family services may 44767
adopt rules in accordance with Chapter 119. of the Revised Code to 44768
implement sections 5111.65 to 5111.6810 of the Revised Code, 44769
including rules applicable to an exiting operator that provides 44770
written notification under section 5111.66 of the Revised Code of 44771
a voluntary withdrawal of participation. Rules adopted under this 44772
section shall comply with section 1919(c)(2)(F) of the "Social 44773
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396r(c)(2)(F), 44774
regarding restrictions on transfers or discharges of nursing 44775
facility residents in the case of a voluntary withdrawal of 44776
participation. The rules may prescribe a medicaid reimbursement 44777
methodology and other procedures that are applicable after the 44778
effective date of a voluntary withdrawal of participation that 44779
differ from the reimbursement methodology and other procedures 44780
that would otherwise apply. 44781

Sec. 5111.81. There is hereby established the pharmacy and 44782
therapeutics committee of the department of job and family 44783
services. The committee shall consist of eight members and shall 44784
be appointed by the director of job and family services. The 44785
membership of the committee shall include: two pharmacists 44786
licensed under Chapter 4729. of the Revised Code; two doctors of 44787
medicine and two doctors of osteopathy licensed under Chapter 44788
4731. of the Revised Code; a registered nurse licensed under 44789
Chapter 4723. of the Revised Code; and a pharmacologist who has a 44790
doctoral degree. The committee shall elect one of its members as 44791
chairperson. 44792

The committee shall accept any written or oral testimony 44793
presented at any public meeting of the committee. 44794

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:

(1) Eligibility requirements for the medicaid waiver components;

(2) The type, amount, duration, and scope of services the medicaid waiver components provide;

(3) The conditions under which the medicaid waiver components cover services;

(4) The amount the medicaid waiver components pay for services or the method by which the amount is determined;

(5) The manner in which the medicaid waiver components pay for services;

(6) Safeguards for the health and welfare of medicaid recipients receiving services under a medicaid waiver component;

(7) Procedures for enforcing the rules, including establishing corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules. Sanctions shall include terminating medicaid provider agreements. The procedures shall include due process protections.

(8) Other policies necessary for the efficient administration of the medicaid waiver components. 44824
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(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. 44826
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(D) The director of job and family services may conduct reviews of the medicaid waiver components. The reviews may include physical inspections of records and sites where services are provided under the medicaid waiver components and interviews of providers and recipients of the services. If the director determines pursuant to a review that a person or government entity has violated a rule governing a medicaid waiver component, the director may establish a corrective action plan for the violator and impose fiscal, administrative, or both types of sanctions on the violator in accordance with rules adopted under division (B) of this section. 44830
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Sec. 5111.87. (A) As used in this section and section 5111.871 of the Revised Code, "intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code. 44841
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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 ~~one~~ both of the following: 44845
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(1) One or more medicaid waivers under which home and community-based services are provided to individuals with mental retardation or other developmental disability as an alternative to placement in an intermediate care facility for the mentally retarded; 44848
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(2) One or more medicaid waivers that operate for three to 44853

four years each and under which home and community-based services 44854
are provided in the form of either or both of the following: 44855

(a) Early intervention services for children under three 44856
years of age that are provided or arranged by county boards of 44857
mental retardation and developmental disabilities; 44858

(b) Therapeutic services for children with autism. Before the 44859
director applies 44860

(C) The director of mental retardation and developmental 44861
disabilities may request that the director of job and family 44862
services apply for one or more medicaid waivers under this 44863
section. 44864

(D) Before applying for a waiver under this section, the 44865
director of job and family services shall seek, accept, and 44866
consider public comments. 44867

Sec. 5111.871. The department of job and family services 44868
shall enter into a contract with the department of mental 44869
retardation and developmental disabilities under section 5111.91 44870
of the Revised Code with regard to the ~~component~~ components of the 44871
medicaid program established by the department of job and family 44872
services under ~~one or more the medicaid~~ waivers from the United 44873
States ~~secretary of health and human services pursuant to section~~ 44874
~~1915 of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 44875
~~U.S.C.A. 1396n, as amended, to provide eligible medicaid~~ 44876
~~recipients with home and community based services as an~~ 44877
~~alternative to placement in an intermediate care facility for the~~ 44878
~~mentally retarded~~ sought under section 5111.87 of the Revised 44879
Code. The contract shall provide for the department of mental 44880
retardation and developmental disabilities to administer the 44881
~~component~~ components in accordance with the terms of the ~~waiver~~ 44882
wavers. The directors of job and family services and mental 44883
retardation and developmental disabilities shall adopt rules in 44884

accordance with Chapter 119. of the Revised Code governing the 44885
~~component~~ components. 44886

If the department of mental retardation and developmental 44887
disabilities or the department of job and family services denies 44888
an individual's application for home and community-based services 44889
provided under ~~this~~ any of these medicaid ~~component~~ components, 44890
the department that denied the services shall give timely notice 44891
to the individual that the individual may request a hearing under 44892
section 5101.35 of the Revised Code. 44893

The departments of mental retardation and developmental 44894
disabilities and job and family services may approve, reduce, 44895
deny, or terminate a service included in the individualized 44896
service plan developed for a medicaid recipient eligible for home 44897
and community-based services provided under ~~this~~ any of these 44898
medicaid ~~component~~ components. The departments shall consider the 44899
recommendations a county board of mental retardation and 44900
developmental disabilities makes under division (A)(1)(c) of 44901
section 5126.055 of the Revised Code. If either department 44902
approves, reduces, denies, or terminates a service, that 44903
department shall give timely notice to the medicaid recipient that 44904
the recipient may request a hearing under section 5101.35 of the 44905
Revised Code. 44906

If supported living or residential services, as defined in 44907
section 5126.01 of the Revised Code, are to be provided under ~~this~~ 44908
~~component~~ any of these components, any person or government entity 44909
with a current, valid medicaid provider agreement and a current, 44910
valid license under section 5123.19 or certificate under section 44911
5123.045 or 5126.431 of the Revised Code may provide the services. 44912

Sec. 5111.872. When the department of mental retardation and 44913
developmental disabilities allocates enrollment numbers to a 44914
county board of mental retardation and developmental disabilities 44915

for home and community-based services provided under the component 44916
of the medicaid program that the department administers under 44917
section 5111.871 of the Revised Code, the department shall 44918
consider all of the following: 44919

(A) The number of individuals with mental retardation or 44920
other developmental disability who are on a waiting list the 44921
county board establishes under division (C) of section 5126.042 of 44922
the Revised Code for those services and are given priority on the 44923
waiting list pursuant to division (D) or (E) of that section; 44924

(B) The implementation component required by division (A)(4) 44925
of section 5126.054 of the Revised Code of the county board's plan 44926
approved under section 5123.046 of the Revised Code; 44927

(C) Anything else the department considers necessary to 44928
enable county boards to provide those services to individuals in 44929
accordance with the priority requirements of ~~division~~ divisions 44930
(D) and (E) of section 5126.042 of the Revised Code. 44931

Sec. 5111.873. (A) Not later than the effective date of the 44932
first of any medicaid waivers the United States secretary of 44933
health and human services grants pursuant to a request made under 44934
section 5111.87 of the Revised Code, the director of job and 44935
family services shall adopt rules in accordance with Chapter 119. 44936
of the Revised Code establishing statewide fee schedules for home 44937
and community-based services provided under the component of the 44938
medicaid program authorized by that waiver that the department of 44939
mental retardation and developmental disabilities administers 44940
under section 5111.871 of the Revised Code. The rules shall 44941
provide for all of the following: 44942

(1) The department of mental retardation and developmental 44943
disabilities arranging for the initial and ongoing collection of 44944
cost information from a comprehensive, statistically valid sample 44945
of persons and government entities providing the services at the 44946

time the information is obtained; 44947

(2) The collection of consumer-specific information through 44948
an assessment instrument the department of mental retardation and 44949
developmental disabilities shall provide to the department of job 44950
and family services; 44951

(3) With the information collected pursuant to divisions 44952
(A)(1) and (2) of this section, an analysis of that information, 44953
and other information the director determines relevant, methods 44954
and standards for calculating the fee schedules that do all of the 44955
following: 44956

(a) Assure that the fees are consistent with efficiency, 44957
economy, and quality of care; 44958

(b) Consider the intensity of consumer resource need; 44959

(c) Recognize variations in different geographic areas 44960
regarding the resources necessary to assure the health and welfare 44961
of consumers; 44962

(d) Recognize variations in environmental supports available 44963
to consumers. 44964

(B) As part of the process of adopting rules under this 44965
section, the director shall consult with the director of mental 44966
retardation and developmental disabilities, representatives of 44967
county boards of mental retardation and developmental 44968
disabilities, persons who provide the home and community-based 44969
services, and other persons and government entities the director 44970
identifies. 44971

(C) The directors of job and family services and mental 44972
retardation and developmental disabilities shall review the rules 44973
adopted under this section at times they determine to ensure that 44974
the methods and standards established by the rules for calculating 44975
the fee schedules continue to do everything that division (A)(3) 44976

of this section requires. 44977

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: 44978
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(A) In the case of a contract with the department of mental health, that section 5111.912 of the Revised Code be complied with; 44984
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(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; 44987
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(C) How providers will be paid for providing the services; 44990

(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. 44991
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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. 44995
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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 45002
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alcohol, drug addiction, and mental health services shall pay the 45006
nonfederal share of any medicaid payment to a provider for 45007
services under the component, or aspect of the component, the 45008
department of alcohol and drug addiction services administers. 45009

Sec. 5111.94. (A) As used in this section, "vendor offset" 45010
means a reduction of a medicaid payment to a medicaid provider to 45011
correct a previous, incorrect medicaid payment to that provider. 45012

(B) There is hereby created in the state treasury the health 45013
care services administration fund. Except as provided in division 45014
(C) of this section, all the following shall be deposited into the 45015
fund: 45016

(1) Amounts deposited into the fund pursuant to sections 45017
5111.92 and 5111.93 of the Revised Code; 45018

(2) The amount of the state share of all money the department 45019
of job and family services, in fiscal year 2003 and each fiscal 45020
year thereafter, recovers pursuant to a tort action under the 45021
department's right of recovery under section 5101.58 of the 45022
Revised Code that exceeds the state share of all money the 45023
department, in fiscal year 2002, recovers pursuant to a tort 45024
action under that right of recovery; 45025

(3) Subject to division (D) of this section, the amount of 45026
the state share of all money the department of job and family 45027
services, in fiscal year 2003 and each fiscal year thereafter, 45028
recovers through audits of medicaid providers that exceeds the 45029
state share of all money the department, in fiscal year 2002, 45030
recovers through such audits; 45031

(4) ~~Until October 16, 2003, amounts~~ Amounts from assessments 45032
on hospitals under section 5112.06 of the Revised Code and 45033
intergovernmental transfers by governmental hospitals under 45034
section 5112.07 of the Revised Code that are deposited into the 45035

fund in accordance with the law. 45036

(C) No funds shall be deposited into the health care services 45037
administration fund in violation of federal statutes or 45038
regulations. 45039

(D) In determining under division (B)(3) of this section the 45040
amount of money the department, in a fiscal year, recovers through 45041
audits of medicaid providers, the amount recovered in the form of 45042
vendor offset shall be excluded. 45043

(E) The director of job and family services shall use funds 45044
available in the health care services administration fund to pay 45045
for costs associated with the administration of the medicaid 45046
program. 45047

Sec. 5111.95. (A) As used in this section: 45048

(1) "Applicant" means a person who is under final 45049
consideration for employment or, after the effective date of this 45050
section, an existing employee with a waiver agency in a full-time, 45051
part-time, or temporary position that involves providing home and 45052
community-based waiver services to a person with disabilities. 45053
"Applicant" also means an existing employee with a waiver agency 45054
in a full-time, part-time, or temporary position that involves 45055
providing home and community-based waiver services to a person 45056
with disabilities after the effective date of this section. 45057

(2) "Criminal records check" has the same meaning as in 45058
section 109.572 of the Revised Code. 45059

(3) "Waiver agency" means a person or government entity that 45060
is not certified under the medicare program and is accredited by 45061
the community health accreditation program or the joint commission 45062
on accreditation of health care organizations or a company that 45063
provides home and community-based waiver services to persons with 45064
disabilities through any department of job and family services 45065

administered home and community-based waiver services. "Waiver agency" does not include a person or government entity that provides home and community-based waiver services through components of the medicaid program being administered by the department of mental retardation and developmental disabilities pursuant to a contract entered into with the department of job and family services under section 5111.871 of the Revised Code. 45066
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(4) "Home and community-based waiver services" means services furnished under the provision of 42 C.F.R. 441, subpart G, that permit individuals to live in a home setting rather than a nursing facility or hospital. Home and community-based waiver services are approved by the county medical services section of the department of job and family services for specific populations and are not otherwise available under the medicaid state plan. 45073
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(B)(1) The chief administrator of a waiver agency shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each applicant. If an applicant for whom a criminal records check request is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the applicant. Even if an applicant for whom a criminal records check request is required under this division presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the 45080
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criminal records check. 45098

(2) A person required by division (B)(1) of this section to 45099
request a criminal records check shall do both of the following: 45100

(a) Provide to each applicant for whom a criminal records 45101
check request is required under division (B)(1) of this section a 45102
copy of the form prescribed pursuant to division (C)(1) of section 45103
109.572 of the Revised Code and a standard fingerprint impression 45104
sheet prescribed pursuant to division (C)(2) of that section, and 45105
obtain the completed form and impression sheet from the applicant; 45106

(b) Forward the completed form and impression sheet to the 45107
superintendent of the bureau of criminal identification and 45108
investigation. 45109

(3) An applicant provided the form and fingerprint impression 45110
sheet under division (B)(2)(a) of this section who fails to 45111
complete the form or provide fingerprint impressions shall not be 45112
employed in any position in a waiver agency for which a criminal 45113
records check is required by this section. 45114

(C)(1) Except as provided in rules adopted by the department 45115
of job and family services in accordance with division (F) of this 45116
section and subject to division (C)(2) of this section, no waiver 45117
agency shall employ a person in a position that involves providing 45118
home and community-based waiver services to persons with 45119
disabilities if the person has been convicted of or pleaded guilty 45120
to any of the following: 45121

(a) A violation of section 2903.01, 2903.02, 2903.03, 45122
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 45123
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 45124
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 45125
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 45126
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 45127
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 45128

2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 45129
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 45130
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 45131
Revised Code, felonious sexual penetration in violation of former 45132
section 2907.12 of the Revised Code, a violation of section 45133
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 45134
violation of section 2919.23 of the Revised Code that would have 45135
been a violation of section 2905.04 of the Revised Code as it 45136
existed prior to July 1, 1996, had the violation been committed 45137
prior to that date; 45138

(b) An existing or former law of this state, any other state, 45139
or the United States that is substantially equivalent to any of 45140
the offenses listed in division (C)(1)(a) of this section. 45141

(2)(a) A waiver agency may employ conditionally an applicant 45142
for whom a criminal records check request is required under 45143
division (B) of this section prior to obtaining the results of a 45144
criminal records check regarding the individual, provided that the 45145
agency shall request a criminal records check regarding the 45146
individual in accordance with division (B)(1) of this section not 45147
later than five business days after the individual begins 45148
conditional employment. 45149

(b) A waiver agency that employs an individual conditionally 45150
under authority of division (C)(2)(a) of this section shall 45151
terminate the individual's employment if the results of the 45152
criminal records check request under division (B) of this section, 45153
other than the results of any request for information from the 45154
federal bureau of investigation, are not obtained within the 45155
period ending sixty days after the date the request is made. 45156
Regardless of when the results of the criminal records check are 45157
obtained, if the results indicate that the individual has been 45158
convicted of or pleaded guilty to any of the offenses listed or 45159
described in division (C)(1) of this section, the agency shall 45160

terminate the individual's employment unless the agency chooses to 45161
employ the individual pursuant to division (F) of this section. 45162
Termination of employment under this division shall be considered 45163
just cause for discharge for purposes of division (D)(2) of 45164
section 4141.29 of the Revised Code if the individual makes any 45165
attempt to deceive the agency about the individual's criminal 45166
record. 45167

(D)(1) Each waiver agency shall pay to the bureau of criminal 45168
identification and investigation the fee prescribed pursuant to 45169
division (C)(3) of section 109.572 of the Revised Code for each 45170
criminal records check conducted pursuant to a request made under 45171
division (B) of this section. 45172

(2) A waiver agency may charge an applicant a fee not 45173
exceeding the amount the agency pays under division (D)(1) of this 45174
section. An agency may collect a fee only if the agency notifies 45175
the person at the time of initial application for employment of 45176
the amount of the fee and that, unless the fee is paid, the person 45177
will not be considered for employment. 45178

(E) The report of any criminal records check conducted 45179
pursuant to a request made under this section is not a public 45180
record for the purposes of section 149.43 of the Revised Code and 45181
shall not be made available to any person other than the 45182
following: 45183

(1) The individual who is the subject of the criminal records 45184
check or the individual's representative; 45185

(2) The chief administrator of the agency requesting the 45186
criminal records check or the administrator's representative; 45187

(3) A court, hearing officer, or other necessary individual 45188
involved in a case dealing with a denial of employment of the 45189
applicant or dealing with employment or unemployment benefits of 45190
the applicant. 45191

(F) 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 a waiver agency may employ a person 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. 45192
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(G) The chief administrator of a waiver agency shall inform each person, at the time of initial application for a position that involves providing home and community-based waiver services to a person with a disability, that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person comes under final consideration for employment. 45198
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(H)(1) A person who, on the effective date of this section, 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 shall comply with this section within sixty days after the effective date of this section unless division (H)(2) of this section applies. 45205
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(2) This section shall not apply to a person to whom both of the following apply: 45212
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(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. 45214
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(b) The person previously had been the subject of a criminal background check relating to that position; 45218
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(c) The person has been continuously employed in that position since that criminal background check had been conducted. 45220
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<u>Sec. 5111.96. (A) As used in this section:</u>	45222
<u>(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.</u>	45223 45224 45225
<u>(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.</u>	45226 45227
<u>(3) "The department" means the department of job and family services or its designee.</u>	45228 45229
<u>(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. "Independent provider" does not include a person providing home and community-based waiver services through components of the medicaid program being administered by the department of mental retardation and developmental disabilities pursuant to a contract entered into with the department of job and family services under section 5111.871 of the Revised Code.</u>	45230 45231 45232 45233 45234 45235 45236 45237 45238 45239 45240 45241
<u>(5) "Home and community-based waiver services" has the same meaning as in section 5111.95 of the Revised Code.</u>	45242 45243
<u>(B)(1) The department shall inform each independent provider, at the time of initial application for a provider agreement that involves providing home and community-based waiver services to consumers with disabilities, that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person is to become an independent provider in a department administered home and community-based services program.</u>	45244 45245 45246 45247 45248 45249 45250 45251

(2) Beginning on the effective date of this section, the 45252
department shall inform each enrolled medicaid independent 45253
provider on or before time of the anniversary date of the provider 45254
agreement that involves providing home and community-based waiver 45255
services to consumers with disabilities that the independent 45256
provider is required to provide a set of fingerprint impressions 45257
and that a criminal records check is required to be conducted. 45258

(C)(1) The department shall require the independent provider 45259
to complete a criminal records check prior to entering into a 45260
provider agreement with the independent provider and at least 45261
annually thereafter. If an independent provider for whom a 45262
criminal records check is required under this division does not 45263
present proof of having been a resident of this state for the 45264
five-year period immediately prior to the date the criminal 45265
records check is requested or provide evidence that within that 45266
five-year period the superintendent has requested information 45267
about the applicant from the federal bureau of investigation in a 45268
criminal records check, the department shall request the 45269
independent provider obtain through the superintendent a criminal 45270
records request from the federal bureau of investigation as part 45271
of the criminal records check of the independent provider. Even if 45272
an independent provider for whom a criminal records check request 45273
is required under this division presents proof of having been a 45274
resident of this state for the five-year period, the department 45275
may request that the independent provider obtain information 45276
through the superintendent from the federal bureau of 45277
investigation in the criminal records check. 45278

(2) The department shall do both of the following: 45279

(a) Provide information to each independent provider for whom 45280
a criminal records check request is required under division (C)(1) 45281
of this section about requesting a copy of the form prescribed 45282
pursuant to division (C)(1) of section 109.572 of the Revised Code 45283

and a standard fingerprint impression sheet prescribed pursuant to 45284
division (C)(2) of that section, and obtain the completed form and 45285
impression sheet and fee from the independent provider; 45286

(b) Forward the completed form, impression sheet, and fee to 45287
the superintendent of the bureau of criminal identification and 45288
investigation. 45289

(3) An independent provider given information about obtaining 45290
the form and fingerprint impression sheet under division (C)(2)(a) 45291
of this section who fails to complete the form or provide 45292
fingerprint impressions shall not be approved as an independent 45293
provider. 45294

(D) Except as provided in rules adopted by the department in 45295
accordance with division (G) of this section, the department shall 45296
not issue a new provider agreement to, and shall terminate an 45297
existing provider agreement of, an independent provider if the 45298
person has been convicted of or pleaded guilty to any of the 45299
following: 45300

(1) A violation of section 2903.01, 2903.02, 2903.03, 45301
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 45302
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 45303
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 45304
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 45305
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 45306
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 45307
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 45308
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 45309
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 45310
Revised Code, felonious sexual penetration in violation of former 45311
section 2907.12 of the Revised Code, a violation of section 45312
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 45313
violation of section 2919.23 of the Revised Code that would have 45314
been a violation of section 2905.04 of the Revised Code as it 45315

existed prior to July 1, 1996, had the violation been committed 45316
prior to that date; 45317

(2) An existing or former law of this state, any other state, 45318
or the United States that is substantially equivalent to any of 45319
the offenses listed in division (D)(1) of this section. 45320

(E) Each independent provider shall pay to the bureau of 45321
criminal identification and investigation the fee prescribed 45322
pursuant to division (C)(3) of section 109.572 of the Revised Code 45323
for each criminal records check conducted pursuant to a request 45324
made under division (C) of this section. 45325

(F) The report of any criminal records check conducted by the 45326
bureau of criminal identification and investigation in accordance 45327
with section 109.572 of the Revised Code and pursuant to a request 45328
made under division (C) of this section is not a public record for 45329
the purposes of section 149.43 of the Revised Code and shall not 45330
be made available to any person other than the following: 45331

(1) The person who is the subject of the criminal records 45332
check or the person's representative; 45333

(2) The administrator at the department who is requesting the 45334
criminal records check or the administrator's representative; 45335

(3) Any court, hearing officer, or other necessary individual 45336
involved in a case dealing with a denial or termination of a 45337
provider agreement related to the criminal records check. 45338

(G) The department shall adopt rules in accordance with 45339
Chapter 119. of the Revised Code to implement this section. The 45340
rules shall specify circumstances under which the department may 45341
issue a provider agreement to an independent provider who has been 45342
convicted of or pleaded guilty to an offense listed or described 45343
in division (C)(1) of this section but meets personal character 45344
standards set by the department. 45345

Sec. 5111.97. (A) The director of job and family services may 45346
submit a request to the United States secretary of health and 45347
human services pursuant to section 1915 of the "Social Security 45348
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended, to obtain 45349
waivers of federal medicaid requirements that would otherwise be 45350
violated in the creation and implementation of two medicaid home 45351
and community-based services programs to replace the Ohio home 45352
care program being operated pursuant to rules adopted under 45353
sections 5111.01 and 5111.02 of the Revised Code and a medicaid 45354
waiver granted prior to the effective date of this section. In the 45355
request, the director may specify the following: 45356

(1) That one of the replacement programs will provide home 45357
and community-based services to individuals in need of nursing 45358
facility care, including individuals enrolled in the Ohio home 45359
care program; 45360

(2) That the other replacement program will provide services 45361
to individuals in need of hospital care, including individuals 45362
enrolled in the Ohio home care program; 45363

(3) That there will be a maximum number of individuals who 45364
may be enrolled in the replacement programs in addition to the 45365
number of individuals to be transferred from the Ohio home care 45366
program; 45367

(4) That there will be a maximum amount the department may 45368
expend each year for each individual enrolled in the replacement 45369
programs; 45370

(5) That there will be a maximum aggregate amount the 45371
department may expend each year for all individuals enrolled in 45372
the replacement programs; 45373

(6) Any other requirement the director selects for the 45374
replacement programs. 45375

(B) If the secretary grants the medicaid waivers requested, 45376
the director may create and implement the replacement programs in 45377
accordance with the provisions of the waivers granted. The 45378
department of job and family services shall administer the 45379
replacement programs. 45380

As the replacement programs are implemented, the director 45381
shall reduce the maximum number of individuals who may be enrolled 45382
in the Ohio home care program by the number of individuals who are 45383
transferred to the replacement programs. When all individuals who 45384
are eligible to be transferred to the replacement programs have 45385
been transferred, the director may submit to the secretary an 45386
amendment to the state medicaid plan to provide for the 45387
elimination of the Ohio home care program. 45388

Sec. 5112.03. (A) The director of job and family services 45389
shall adopt, and may amend and rescind, rules in accordance with 45390
Chapter 119. of the Revised Code for the purpose of administering 45391
sections 5112.01 to 5112.21 of the Revised Code, including rules 45392
that do all of the following: 45393

(1) Define as a "disproportionate share hospital" any 45394
hospital included under subsection (b) of section 1923 of the 45395
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 45396
1396r-4(b), as amended, and any other hospital the director 45397
determines appropriate; 45398

(2) Prescribe the form for submission of cost reports under 45399
section 5112.04 of the Revised Code; 45400

(3) Establish, in accordance with division (A) of section 45401
5112.06 of the Revised Code, the assessment rate or rates to be 45402
applied to hospitals under that section; 45403

(4) Establish schedules for hospitals to pay installments on 45404
their assessments under section 5112.06 of the Revised Code and 45405

for governmental hospitals to pay installments on their 45406
intergovernmental transfers under section 5112.07 of the Revised 45407
Code; 45408

(5) Establish procedures to notify hospitals of adjustments 45409
made under division (B)(2)(b) of section 5112.06 of the Revised 45410
Code in the amount of installments on their assessment; 45411

(6) Establish procedures to notify hospitals of adjustments 45412
made under division (D) of section 5112.09 of the Revised Code in 45413
the total amount of their assessment and to adjust for the 45414
remainder of the program year the amount of the installments on 45415
the assessments; 45416

(7) Establish, in accordance with section 5112.08 of the 45417
Revised Code, the methodology for paying hospitals under that 45418
section. 45419

The director shall consult with hospitals when adopting the 45420
rules required by divisions (A)(4) and (5) of this section in 45421
order to minimize hospitals' cash flow difficulties. 45422

(B) Rules adopted under this section may provide that "total 45423
facility costs" excludes costs associated with any of the 45424
following: 45425

(1) Recipients of the medical assistance program; 45426

(2) Recipients of financial assistance provided under Chapter 45427
5115. of the Revised Code; 45428

(3) Recipients of ~~disability assistance~~ medical assistance 45429
provided under Chapter 5115. of the Revised Code; 45430

~~(3)~~(4) Recipients of the program for medically handicapped 45431
children established under section 3701.023 of the Revised Code; 45432

~~(4)~~(5) Recipients of the medicare program established under 45433
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 45434
U.S.C.A. 301, as amended: 45435

(5) (6) Recipients of Title V of the "Social Security Act";	45436
(6) (7) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act" and the rules adopted under that title.	45437 45438 45439
Sec. 5112.08. The director of job and family services shall adopt rules under section 5112.03 of the Revised Code establishing a methodology to pay hospitals that is sufficient to expend all money in the indigent care pool. Under the rules:	45440 45441 45442 45443
(A) The department of job and family services may classify similar hospitals into groups and allocate funds for distribution within each group.	45444 45445 45446
(B) The department shall establish a method of allocating funds to hospitals, taking into consideration the relative amount of indigent care provided by each hospital or group of hospitals. The amount to be allocated shall be based on any combination of the following indicators of indigent care that the director considers appropriate:	45447 45448 45449 45450 45451 45452
(1) Total costs, volume, or proportion of services to recipients of the medical assistance program, including recipients enrolled in health insuring corporations;	45453 45454 45455
(2) Total costs, volume, or proportion of services to low-income patients in addition to recipients of the medical assistance program, which may include recipients of Title V of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and disability <u>recipients of financial or medical assistance established provided</u> under Chapter 5115. of the Revised Code;	45456 45457 45458 45459 45460 45461 45462
(3) The amount of uncompensated care provided by the hospital or group of hospitals;	45463 45464
(4) Other factors that the director considers to be	45465

appropriate indicators of indigent care. 45466

(C) The department shall distribute funds to each hospital or 45467
group of hospitals in a manner that first may provide for an 45468
additional distribution to individual hospitals that provide a 45469
high proportion of indigent care in relation to the total care 45470
provided by the hospital or in relation to other hospitals. The 45471
department shall establish a formula to distribute the remainder 45472
of the funds. The formula shall be consistent with section 1923 of 45473
the "Social Security Act," 42 U.S.C.A. 1396r-4, as amended, shall 45474
be based on any combination of the indicators of indigent care 45475
listed in division (B) of this section that the director considers 45476
appropriate. 45477

(D) The department shall distribute funds to each hospital in 45478
installments not later than ten working days after the deadline 45479
established in rules for each hospital to pay an installment on 45480
its assessment under section 5112.06 of the Revised Code. In the 45481
case of a governmental hospital that makes intergovernmental 45482
transfers, the department shall pay an installment under this 45483
section not later than ten working days after the earlier of that 45484
deadline or the deadline established in rules for the governmental 45485
hospital to pay an installment on its intergovernmental transfer. 45486
If the amount in the hospital care assurance program fund and the 45487
hospital care assurance match fund created under section 5112.18 45488
of the Revised Code is insufficient to make the total 45489
distributions for which hospitals are eligible to receive in any 45490
period, the department shall reduce the amount of each 45491
distribution by the percentage by which the amount is 45492
insufficient. The department shall distribute to hospitals any 45493
amounts not distributed in the period in which they are due as 45494
soon as moneys are available in the funds. 45495

Sec. 5112.17. (A) As used in this section: 45496

(1) "Federal poverty guideline" means the official poverty guideline as revised annually by the United States secretary of health and human services in accordance with section 673 of the "Community Service Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(2) "Third-party payer" means any private or public entity or program that may be liable by law or contract to make payment to or on behalf of an individual for health care services. "Third-party payer" does not include a hospital.

(B) Each hospital that receives funds distributed under sections 5112.01 to 5112.21 of the Revised Code shall provide, without charge to the individual, basic, medically necessary hospital-level services to individuals who are residents of this state, are not recipients of the medical assistance program, and whose income is at or below the federal poverty guideline. Recipients of disability financial assistance and recipients of disability medical assistance provided under Chapter 5115. of the Revised Code qualify for services under this section. The director of job and family services shall adopt rules under section 5112.03 of the Revised Code specifying the hospital services to be provided under this section.

(C) Nothing in this section shall be construed to prevent a hospital from requiring an individual to apply for eligibility under the medical assistance program before the hospital processes an application under this section. Hospitals may bill any third-party payer for services rendered under this section. Hospitals may bill the medical assistance program, in accordance with Chapter 5111. of the Revised Code and the rules adopted under that chapter, for services rendered under this section if the individual becomes a recipient of the program. Hospitals may bill individuals for services under this section if all of the

following apply: 45529

(1) The hospital has an established post-billing procedure 45530
for determining the individual's income and canceling the charges 45531
if the individual is found to qualify for services under this 45532
section. 45533

(2) The initial bill, and at least the first follow-up bill, 45534
is accompanied by a written statement that does all of the 45535
following: 45536

(a) Explains that individuals with income at or below the 45537
federal poverty guideline are eligible for services without 45538
charge; 45539

(b) Specifies the federal poverty guideline for individuals 45540
and families of various sizes at the time the bill is sent; 45541

(c) Describes the procedure required by division (C)(1) of 45542
this section. 45543

(3) The hospital complies with any additional rules the 45544
department adopts under section 5112.03 of the Revised Code. 45545

Notwithstanding division (B) of this section, a hospital 45546
providing care to an individual under this section is subrogated 45547
to the rights of any individual to receive compensation or 45548
benefits from any person or governmental entity for the hospital 45549
goods and services rendered. 45550

(D) Each hospital shall collect and report to the department, 45551
in the form and manner prescribed by the department, information 45552
on the number and identity of patients served pursuant to this 45553
section. 45554

(E) This section applies beginning May 22, 1992, regardless 45555
of whether the department has adopted rules specifying the 45556
services to be provided. Nothing in this section alters the scope 45557
or limits the obligation of any governmental entity or program, 45558

including the program awarding reparations to victims of crime 45559
under sections 2743.51 to 2743.72 of the Revised Code and the 45560
program for medically handicapped children established under 45561
section 3701.023 of the Revised Code, to pay for hospital services 45562
in accordance with state or local law. 45563

Sec. 5112.31. The department of job and family services 45564
shall: 45565

(A) For the purpose of providing home and community-based 45566
services for mentally retarded and developmentally disabled 45567
persons, annually assess each intermediate care facility for the 45568
mentally retarded a franchise permit fee equal to nine dollars and 45569
~~twenty-four~~ sixty-three cents multiplied by the product of the 45570
following: 45571

(1) The number of beds certified under Title XIX of the 45572
"Social Security Act" on the first day of May of the calendar year 45573
in which the assessment is determined pursuant to division (A) of 45574
section 5112.33 of the Revised Code; 45575

(2) The number of days in the fiscal year beginning on the 45576
first day of July of the same calendar year. 45577

(B) ~~Not later than~~ Beginning July 1, ~~1996~~ 2005, and the first 45578
day of each July thereafter, adjust fees determined under division 45579
(A) of this section in accordance with the composite inflation 45580
factor established in rules adopted under section 5112.39 of the 45581
Revised Code. 45582

If the United States secretary of health and human services 45583
determines that the franchise permit fee established by sections 45584
5112.30 to 5112.39 of the Revised Code would be an impermissible 45585
health care-related tax under section 1903(w) of the "Social 45586
Security Act," 42 U.S.C.A. 1396b(w), as amended, the department 45587
shall take all necessary actions to cease implementation of those 45588

sections in accordance with rules adopted under section 5112.39 of 45589
the Revised Code. 45590

Sec. 5112.99. (A) The director of job and family services 45591
shall impose a penalty ~~of one hundred dollars~~ for each day that a 45592
hospital fails to report the information required under section 45593
5112.04 of the Revised Code on or before the dates specified in 45594
that section. The amount of the penalty shall be established by 45595
the director in rules adopted under section 5112.03 of the Revised 45596
Code. 45597

(B) In addition to any other remedy available to the 45598
department of job and family services under law to collect unpaid 45599
assessments and transfers, the director shall impose a penalty of 45600
ten per cent of the amount due, ~~not to exceed twenty thousand~~ 45601
~~dollars,~~ on any hospital that fails to pay assessments or make 45602
intergovernmental transfers by the dates required by rules adopted 45603
under section 5112.03 of the Revised Code. 45604

(C) The director shall waive the penalties provided for in 45605
divisions (A) and (B) of this section for good cause shown by the 45606
hospital. 45607

(D) All penalties imposed under this section shall be 45608
deposited into the ~~general revenue~~ health care administration fund 45609
created by section 5111.94 of the Revised Code. 45610

Sec. 5115.01. (A) ~~There is hereby established~~ The director of 45611
job and family services shall establish the disability financial 45612
assistance program. ~~Except as provided in division (D) of this~~ 45613
~~section, a disability assistance recipient shall receive financial~~ 45614
~~assistance. Except as provided in section 5115.11 of the Revised~~ 45615
~~Code, a disability assistance recipient also shall receive~~ 45616
~~disability assistance medical assistance.~~ 45617

~~Except as provided by division (B) of this section, a person~~ 45618

~~who meets all of the following requirements is (B) Subject to all other eligibility requirements established by this chapter and the rules adopted under it for the disability financial assistance program, a person may be eligible for disability financial assistance only if one of the following applies:~~

~~(1) The person is ineligible to participate in the Ohio works first program established under Chapter 5107. of the Revised Code and to receive supplemental security income provided pursuant to Title XVI of the Social Security Act, 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended;~~

~~(2) The person is at least one of the following:~~

~~(a) Under age eighteen;~~

~~(b) Age sixty or older;~~

~~(c) Pregnant;~~

~~(d) Unable unable to do any substantial or gainful activity by reason of a medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for not less than nine months;~~

~~(e) A resident of a residential treatment center certified as an alcohol or drug addiction program by the department of alcohol and drug addiction services under section 3793.06 of the Revised Code.~~

~~(f) Medication dependent as determined by a physician, as defined in section 4730.01 of the Revised Code, who has certified to the county department of job and family services that the person is receiving ongoing treatment for a chronic medical condition requiring continuous prescription medication for an indefinite, long term period of time and for whom the loss of the medication would result in a significant risk of medical emergency and loss of employability lasting at least nine months.~~

~~(3) The (2) On the day before the effective date of this amendment, the person meets the eligibility requirements established in rules adopted under section 5115.05 of the Revised Code was sixty years of age or older and one of the following is the case:~~ 45649
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~~(a) The person was receiving or was scheduled to begin receiving financial assistance under this chapter on the basis of being sixty years of age or older;~~ 45654
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~~(b) An eligibility determination was pending regarding the person's application to receive financial assistance under this chapter on the basis of being sixty years of age or older and, on or after the effective date of this amendment, the person receives a determination of eligibility based on that application.~~ 45657
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~~(B)(1) A person is ineligible for disability assistance if the person is ineligible to participate in the Ohio works first program because of any of the following:~~ 45662
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~~(a) Section 5101.83, 5107.14, or 5107.16 of the Revised Code;~~ 45665

~~(b) The time limit established by section 5107.18 of the Revised Code;~~ 45666
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~~(c) Failure to comply with an application or verification procedure;~~ 45668
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~~(d) The fraud control program established pursuant to 45 C.F.R. 235.112, as in effect July 1, 1996.~~ 45670
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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~~ 45672
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~~(E)(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.~~ 45679
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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)(e) 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.~~ 45682
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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.~~ 45689
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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 terms and establishing standards for determining whether a person meets a condition of disability assistance eligibility pursuant to this section.~~ 45692
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Sec. 5115.04 5115.02. (A) An individual is not eligible for disability financial assistance under this chapter if either any of the following apply: 45697
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(A)(1) The individual is eligible to participate in the Ohio works first program established under Chapter 5107. of the Revised Code; eligible to receive supplemental security income provided pursuant to Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1383, as amended; or eligible to participate in or receive assistance through another state or federal program that provides financial assistance similar to disability financial assistance, as determined by the director of job and family services; 45700
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<u>(2) The individual is ineligible to participate in the Ohio works first program because of any of the following:</u>	45709
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<u>(a) The time limit established by section 5107.18 of the Revised Code;</u>	45711
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<u>(b) Failure to comply with an application or verification procedure;</u>	45713
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<u>(c) The fraud control provisions of section 5101.83 of the Revised Code or the fraud control program established pursuant to 45 C.F.R. 235.112, as in effect July 1, 1996;</u>	45715
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<u>(d) The self-sufficiency contract provisions of sections 5107.14 and 5107.16 of the Revised Code;</u>	45718
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<u>(e) The minor parent provisions of section 5107.24 of the Revised Code;</u>	45720
	45721
<u>(f) The provisions of section 5107.26 of the Revised Code regarding termination of employment without just cause.</u>	45722
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<u>(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;</u>	45724
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<u>(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;</u>	45727
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<u>(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;</u>	45733
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<u>(8) The individual reside in a county home, city infirmary, jail, or public institution;</u>	45737
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(9) The individual is a fugitive felon as defined in section 45739
5101.26 of the Revised Code; 45740

~~(B)(10) The individual is violating a condition of probation, 45741~~
~~a community control sanction, parole, or a post-release control 45742~~
~~sanction imposed under federal or state law. 45743~~

(B)(1) As used in division (B)(2) of this section, 45744
"assistance group" has the same meaning as in section 5107.02 of 45745
the Revised Code. 45746

(2) Ineligibility under division (A)(2)(c) or (d) of this 45747
section applies as follows: 45748

(a) In the case of an individual who is under eighteen years 45749
of age, the individual is ineligible only if the individual caused 45750
the assistance group to be ineligible to participate in the Ohio 45751
works first program or resides with an individual eighteen years 45752
of age or older who was a member of the same ineligible assistance 45753
group. 45754

(b) In the case of an individual who is eighteen years of age 45755
or older, the individual is ineligible regardless of whether the 45756
individual caused the assistance group to be ineligible to 45757
participate in the Ohio works first program. 45758

Sec. 5115.03. (A) The director of job and family services 45759
shall do both of the following: 45760

~~(A) Adopt adopt rules in accordance with section 111.15 of 45761~~
~~the Revised Code governing the administration of disability 45762~~
~~assistance, including the administration of financial assistance 45763~~
~~and disability assistance medical assistance program. The rules 45764~~
~~shall be binding on county departments of job and family services. 45765~~

~~(B) Make investigations to determine whether disability 45766~~
~~assistance is being administered in compliance with the Revised 45767~~
~~Code and rules adopted by the director. may establish or specify 45768~~

<u>any or all of the following:</u>	45769
<u>(1) Maximum payment amounts under the disability financial assistance program, based on state appropriations for the program;</u>	45770
<u>(2) Limits on the length of time an individual may receive disability financial assistance;</u>	45771
<u>(3) Limits on the total number of individuals in the state who may receive disability financial assistance;</u>	45772
<u>(4) Income, resource, citizenship, age, residence, living arrangement, and other eligibility requirements for disability financial assistance;</u>	45773
<u>(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;</u>	45774
<u>(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.</u>	45775
<u>(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.</u>	45776
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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. 45799
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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: 45808
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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 established or specified in the rules adopted by the director; 45811
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(2) Suspend acceptance of applications for disability financial assistance. While a suspension is in effect, no person shall receive a determination or redetermination of eligibility for disability financial 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. 45815
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Sec. 5115.02 5115.04. (A) The department of job and family services shall supervise and administer the disability financial assistance program, except that the department may require county departments of job and family services to perform any 45826
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administrative function specified in rules adopted by the director 45830
of job and family services, ~~including making determinations of~~ 45831
~~financial eligibility and initial determinations of whether an~~ 45832
~~applicant meets a condition of eligibility under division~~ 45833
~~(A)(2)(d) of section 5115.01 of the Revised Code, distributing~~ 45834
~~financial assistance payments, reimbursing providers of medical~~ 45835
~~services for services provided to disability assistance~~ 45836
~~recipients, and any other function specified in the rules. The~~ 45837
~~department may also require county departments to make a final~~ 45838
~~determination of whether an applicant meets a condition for~~ 45839
~~eligibility under division (A)(2)(a), (b), (c), (e), or (f) of~~ 45840
~~section 5115.01 of the Revised Code. The department shall make the~~ 45841
~~final determination of whether an applicant meets a condition of~~ 45842
~~eligibility under division (A)(2)(d) of section 5115.01 of the~~ 45843
~~Revised Code.~~ 45844

(B) If the department requires county departments to perform 45845
administrative functions under this section, the director shall 45846
adopt rules in accordance with section 111.15 of the Revised Code 45847
governing the performance of the functions to be performed by 45848
county departments. County departments shall perform the functions 45849
in accordance with the rules. The director shall conduct 45850
investigations to determine whether disability financial 45851
assistance is being administered in compliance with the Revised 45852
Code and rules adopted by the director. 45853

(C) If disability financial assistance payments ~~or medical~~ 45854
~~services reimbursements~~ are made by the county department of job 45855
and family services, the department shall advance sufficient funds 45856
to provide the county treasurer with the amount estimated for the 45857
payments ~~or reimbursements~~. Financial assistance payments shall be 45858
distributed in accordance with sections 117.45, 319.16, and 329.03 45859
of the Revised Code. 45860

Sec. 5115.05. (A) The director of job and family services 45861
shall adopt rules in accordance with section 111.15 of the Revised 45862
Code establishing application and verification procedures, 45863
reapplication procedures, and ~~income, resource, citizenship, age,~~ 45864
~~residence, living arrangement, assistance group composition, and~~ 45865
other eligibility requirements the director considers necessary in 45866
the administration of the application process for disability 45867
financial assistance. The rules may ~~provide for disregarding~~ 45868
~~amounts of earned and unearned income for the purpose of~~ 45869
~~determining whether an assistance group is eligible for assistance~~ 45870
~~and the amount of assistance provided under this chapter. The~~ 45871
rules also may provide that the income and resources, or a certain 45872
amount of the income and resources, of a member of an assistance 45873
group's family group will be included in determining whether the 45874
assistance group is eligible for aid and the amount of aid 45875
provided under this chapter. 45876

~~If financial assistance under this chapter is to be paid by~~ 45877
~~the auditor of state through the medium of direct deposit, the~~ 45878
~~application shall be accompanied by information the auditor needs~~ 45879
~~to make direct deposits.~~ 45880

~~The department of job and family services may require~~ 45881
recipients of disability financial assistance to participate in a 45882
reapplication process two months after initial approval for 45883
assistance has been determined and at such other times as 45884
specified in the department requires rules. 45885

~~If a recipient of disability assistance, or the spouse of or~~ 45886
~~member of the assistance group of a recipient, becomes possessed~~ 45887
~~of resources or income in excess of the amount allowed under rules~~ 45888
~~adopted under this section, or if other changes occur that affect~~ 45889
~~the person's eligibility or need for assistance, the recipient~~ 45890
shall notify the department or county department of job and family 45891

~~services within the time limits specified in the rules. Failure of 45892
a recipient to report possession of excess resources or income or 45893
a change affecting eligibility or need within those time limits 45894
shall be considered prima facie evidence of intent to defraud 45895
under section 5115.15 of the Revised Code. 45896~~

~~Each applicant for or recipient of disability assistance 45897
shall make reasonable efforts to secure support from persons 45898
responsible for the applicant's or recipient's support, and from 45899
other sources, as a means of preventing or reducing the provision 45900
of disability assistance at public expense. The department or 45901
county department may provide assistance to the applicant or 45902
recipient in securing other forms of financial or medical 45903
assistance. 45904~~

~~Notwithstanding section 3109.01 of the Revised Code, when a 45905
disability assistance applicant or recipient who is at least 45906
eighteen but under twenty two years of age resides with the 45907
applicant's or recipient's parents, the income of the parents 45908
shall be taken into account in determining the applicant's or 45909
recipient's financial eligibility. The director shall adopt rules 45910
for determining the amount of income to be attributed to the 45911
assistance group of applicants in this age category. 45912~~

~~(B) Any person who applies for disability financial 45913
assistance under this section shall receive a voter registration 45914
application under section 3503.10 of the Revised Code. 45915~~

~~**Sec. 5115.07** **5115.06.** Financial assistance Assistance under 45916
the disability financial assistance program may be given by 45917
warrant, direct deposit, or, if provided by the director of job 45918
and family services pursuant to section 5101.33 of the Revised 45919
Code, by electronic benefit transfer. It shall be inalienable 45920
whether by way of assignment, charge, or otherwise, and is exempt 45921
from attachment, garnishment, or other like process. ~~Any~~ 45922~~

Any direct deposit shall be made to a financial institution 45923
and account designated by the recipient. ~~The~~ If disability 45924
financial assistance is to be paid by the auditor of state through 45925
direct deposit, the application for assistance shall be 45926
accompanied by information the auditor needs to make direct 45927
deposits. 45928

The director of job and family services may adopt rules for 45929
designation of financial institutions and accounts. ~~No~~ 45930

No financial institution shall impose any charge for direct 45931
deposit of disability ~~assistance~~ financial assistance payments 45932
that it does not charge all customers for similar services. 45933

~~The department of job and family services shall establish~~ 45934
~~financial assistance payment amounts based on state~~ 45935
~~appropriations.~~ 45936

~~Disability assistance may be given to persons living in their~~ 45937
~~own homes or other suitable quarters, but shall not be given to~~ 45938
~~persons who reside in a county home, city infirmary, jail, or~~ 45939
~~public institution. Disability assistance shall not be given to an~~ 45940
~~unemancipated child unless the child lives with the child's~~ 45941
~~parents, guardians, or other persons standing in place of parents.~~ 45942
~~For the purpose of this section, a child is emancipated if the~~ 45943
~~child is married, serving in the armed forces, or has been~~ 45944
~~emancipated by court order.~~ 45945

~~No person shall be eligible for disability assistance if, for~~ 45946
~~the purpose of avoiding consideration of property in~~ 45947
~~determinations of the person's eligibility for disability~~ 45948
~~assistance or a greater amount of assistance, the person has~~ 45949
~~transferred property during the two years preceding application~~ 45950
~~for or most recent redetermination of eligibility for disability~~ 45951
~~assistance.~~ 45952

~~Sec. 5115.13~~ 5115.07. The acceptance of ~~disability financial~~ disability financial assistance under ~~this chapter~~ the disability financial assistance program constitutes an assignment to the department of job and family services of any rights an individual receiving ~~disability~~ the assistance has to financial support from any other person, ~~excluding medical support assigned pursuant to section 5101.59 of the Revised Code.~~ The rights to support assigned to the department pursuant to this section constitute an obligation of the person responsible for providing the support to the state for the amount of disability financial assistance payments to the recipient or recipients whose needs are included in determining the amount of ~~disability~~ assistance received. Support payments assigned to the state pursuant to this section shall be collected by the county department of job and family services and reimbursements for disability financial assistance payments shall be credited to the state treasury.

~~Sec. 5115.10.~~ (A) The director of job and family services shall establish a disability ~~assistance~~ medical assistance program shall ~~consist of a system of managed primary care. Until July 1, 1992, the program shall also include limited hospital services, except that if prior to that date hospitals are required by section 5112.17 of the Revised Code to provide medical services without charge to persons specified in that section, the program shall cease to include hospital services at the time the requirement of section 5112.17 of the Revised Code takes effect.~~

~~The department of job and family services may require disability assistance medical assistance recipients to enroll in health insuring corporations or other managed care programs, or may limit the number or type of health care providers from which a recipient may receive services.~~

~~The director of job and family services shall adopt rules governing the disability assistance medical assistance program established under this division. The rules shall specify all of the following:~~

~~(1) Services that will be provided under the system of managed primary care;~~

~~(2) Hospital services that will be provided during the period that hospital services are provided under the program;~~

~~(3) The maximum authorized amount, scope, duration, or limit of payment for services.~~

~~(B) The director of job and family services shall designate medical services providers for the disability assistance medical assistance program. The first such designation shall be made not 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;~~ 46013
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~~(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.~~ 46015
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~~(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 department. If, at the request of the hospital, the county department designates an employee of the hospital to conduct the interview, the interview shall be conducted by the hospital employee.~~ 46019
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~~(E) The department of job and family services may assume responsibility for peer review of expenditures for disability assistance medical assistance~~ 46032
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(B) Subject to all other eligibility requirements established by this chapter and the rules adopted under it for the disability medical assistance program, a person may be eligible for disability medical assistance only if the person is medication dependent, as determined by the department of job and family services. 46034
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(C) The director shall adopt rules under section 111.15 of the Revised Code for purposes of implementing division (B) of this section. The rules may specify or establish any or all of the following: 46040
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(1) Standards for determining whether a person is medication dependent, including standards under which a person may qualify as being medication dependent only if it is determined that both of the following are the case: 46044
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(a) The person is receiving ongoing treatment for a chronic medical condition that requires continuous prescription medication for an indefinite, long-term period of time; 46048
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(b) Loss of the medication would result in a significant risk of medical emergency and loss of employability lasting at least nine months. 46051
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(2) A requirement that a person's medical condition be certified by an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 46054
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(3) Limitations on the chronic medical conditions and prescription medications that may qualify a person as being medication dependent. 46058
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~~Sec. 5115.11. If a member of an assistance group receiving disability assistance under this chapter~~ An individual who 46061
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qualifies for the medical assistance program established under 46063
Chapter 5111. of the Revised Code, ~~the member~~ shall receive 46064
medical assistance through that program rather than through the 46065
disability ~~assistance~~ medical assistance program. 46066

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. 46067
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Sec. 5115.12. (A) The director of job and family services 46074
shall adopt rules in accordance with section 111.15 of the Revised 46075
Code governing the disability medical assistance program. The 46076
rules may establish or specify any or all of the following: 46077

(1) Income, resource, citizenship, age, residence, living 46078
arrangement, and other eligibility requirements; 46079

(2) Health services to be included in the program; 46080

(3) The maximum authorized amount, scope, duration, or limit 46081
of payment for services; 46082

(4) Limits on the length of time an individual may receive 46083
disability medical assistance; 46084

(5) Limits on the total number of individuals in the state 46085
who may receive disability medical assistance. 46086

(B) For purposes of limiting the cost of the disability 46087
medical assistance program, the director may do either of the 46088
following: 46089

(1) Adopt rules in accordance with section 111.15 of the 46090
Revised Code that revise the program's eligibility requirements; 46091
the maximum authorized amount, scope, duration, or limit of 46092
payment for services included in the program; or any other 46093
requirement or standard established or specified by rules adopted 46094
under division (A) of this section or under section 5115.10 of the 46095
Revised Code; 46096

(2) Suspend acceptance of applications for disability medical 46097
assistance. While a suspension is in effect, no person shall 46098
receive a determination or redetermination of eligibility for 46099
disability medical assistance unless the person was receiving the 46100
assistance during the month immediately preceding the suspension's 46101
effective date or the person submitted an application prior to the 46102
suspension's effective date and receives a determination of 46103

eligibility based on that application. The director may adopt 46104
rules in accordance with section 111.15 of the Revised Code 46105
establishing requirements and specifying procedures applicable to 46106
the suspension of acceptance of new applications. 46107

Sec. 5115.13. (A) The department of job and family services 46108
shall supervise and administer the disability medical program, 46109
except as follows: 46110

(1) The department may require county departments of job and 46111
family services to perform any administrative function specified 46112
in rules adopted by the director of job and family services. 46113

(2) The director may contract with any private or public 46114
entity in this state to perform any administrative function or to 46115
administer any or all of the program. 46116

(B) If the department requires county departments to perform 46117
administrative functions, the director of job and family services 46118
shall adopt rules in accordance with section 111.15 of the Revised 46119
Code governing the performance of the functions to be performed by 46120
county departments. County departments shall perform the functions 46121
in accordance with the rules. 46122

If the director contracts with a private or public entity to 46123
perform administrative functions or to administer any or all of 46124
the program, the director may either adopt rules in accordance 46125
with section 111.15 of the Revised Code or include provisions in 46126
the contract governing the performance of the functions by the 46127
private or public entity. Entities under contract shall perform 46128
the functions in accordance with the requirements established by 46129
the director. 46130

(C) Whenever division (A)(1) or (2) of this section is 46131
implemented, the director shall conduct investigations to 46132
determine whether disability medical assistance is being 46133

administered in compliance with the Revised Code and rules adopted 46134
by the director or in accordance with the terms of the contract. 46135

Sec. 5115.14. (A) The director of job and family services 46136
shall adopt rules in accordance with section 111.15 of the Revised 46137
Code establishing application and verification procedures, 46138
reapplication procedures, and other requirements the director 46139
considers necessary in the administration of the application 46140
process for disability medical assistance. 46141

(B) Any person who applies for disability medical assistance 46142
shall receive a voter registration application under section 46143
3503.10 of the Revised Code. 46144

Sec. 5115.20. (A) The department of job and family services 46145
shall establish a disability advocacy program and each county 46146
department of job and family services shall establish a disability 46147
advocacy program unit or join with other county departments of job 46148
and family services to establish a joint county disability 46149
advocacy program unit. Through the program the department and 46150
county departments shall cooperate in efforts to assist applicants 46151
for and recipients of assistance under ~~this chapter~~ the disability 46152
financial assistance program and the disability medical assistance 46153
program, who might be eligible for supplemental security income 46154
benefits under Title XVI of the "Social Security Act," 86 Stat. 46155
1475 (1972), 42 U.S.C.A. 1383, as amended, in applying for those 46156
benefits. The 46157

As part of their disability advocacy programs, the state 46158
department and county departments may enter into contracts for the 46159
services ~~to applicants for and recipients of assistance under this~~ 46160
~~chapter who might be eligible for supplemental security income~~ 46161
~~benefits with~~ of persons and governmental government entities that 46162
in the judgment of the department or county department have 46163

demonstrated expertise in representing persons seeking 46164
supplemental security income benefits. Each contract shall require 46165
the person or entity with which a department contracts to assess 46166
each person referred to it by the department to determine whether 46167
the person appears to be eligible for supplemental security income 46168
benefits, and, if the person appears to be eligible, assist the 46169
person in applying and represent the person in any proceeding of 46170
the social security administration, including any appeal or 46171
reconsideration of a denial of benefits. The department or county 46172
department shall provide to the person or entity with which it 46173
contracts all records in its possession relevant to the 46174
application for supplemental security income benefits. The 46175
department shall require a county department with relevant records 46176
to submit them to the person or entity. 46177

(B) Each applicant for or recipient of disability financial 46178
assistance or disability medical assistance ~~under this chapter~~ 46179
who, in the judgment of the department or a county department 46180
might be eligible for supplemental security benefits, ~~must~~ shall, 46181
as a condition of eligibility for assistance, apply for such 46182
benefits if directed to do so by the department or county 46183
department. 46184

(C) ~~Each~~ With regard to applicants for and recipients of 46185
disability financial assistance or disability medical assistance, 46186
each county department of job and family services shall do all of 46187
the following: 46188

(1) Identify applicants ~~for~~ and recipients of ~~assistance~~ 46189
~~under this chapter~~ who might be eligible for supplemental security 46190
income benefits; 46191

(2) Assist applicants ~~for~~ and recipients of ~~assistance under~~ 46192
~~this chapter~~ in securing documentation of disabling conditions or 46193
refer them for such assistance to a person or government ~~agency~~ 46194
entity with which the department or county department has 46195

contracted under division (A) of this section; 46196

(3) Inform applicants ~~for~~ and recipients ~~of assistance under~~ 46197
~~this chapter~~ of available sources of representation, which may 46198
include a person or government entity with which the department or 46199
county department has contracted under division (A) of this 46200
section, and of their right to represent themselves in 46201
reconsiderations and appeals of social security administration 46202
decisions that deny them supplemental security income benefits. 46203
The county department may require the applicants and recipients, 46204
as a condition of eligibility for assistance, to pursue 46205
reconsiderations and appeals of social security administration 46206
decisions that deny them supplemental security income benefits, 46207
and shall assist applicants and recipients as necessary to obtain 46208
such benefits or refer them to a person or government ~~agency~~ 46209
entity with which the department or county department has 46210
contracted under division (A) of this section. 46211

(4) Require applicants ~~for~~ and recipients ~~of assistance under~~ 46212
~~this chapter~~ who, in the judgment of the county department, are or 46213
may be aged, blind, or disabled, to apply for medical assistance 46214
under Chapter 5111. of the Revised Code, make determinations when 46215
appropriate as to eligibility for medical assistance, and refer 46216
their applications when necessary to the disability determination 46217
unit established in accordance with division (F) of this section 46218
for expedited review; 46219

(5) Require each applicant ~~for~~ and ~~each~~ recipient ~~of~~ 46220
~~assistance under this chapter~~ who in the judgment of the 46221
department or the county department might be eligible for 46222
supplemental security income benefits, as a condition of 46223
eligibility for disability financial assistance or disability 46224
medical assistance ~~under this chapter~~, to execute a written 46225
authorization for the secretary of health and human services to 46226
withhold benefits due that individual and pay to the director of 46227

job and family services or the director's designee an amount 46228
sufficient to reimburse the state and county shares of interim 46229
assistance furnished to the individual. For the purposes of 46230
division (C)(5) of this section, "benefits" and "interim 46231
assistance" have the meanings given in Title XVI of the "Social 46232
Security Act." 46233

(D) The director of job and family services shall adopt rules 46234
in accordance with ~~Chapter 119.~~ section 111.15 of the Revised Code 46235
for the effective administration of the disability advocacy 46236
program. The rules shall include all of the following: 46237

(1) Methods to be used in collecting information from and 46238
disseminating it to county departments, including the following: 46239

(a) The number of individuals in the county who are disabled 46240
recipients of disability financial assistance or disability 46241
medical assistance ~~under this chapter in the county;~~ 46242

(b) The final decision made either by the social security 46243
administration or by a court for each application or 46244
reconsideration in which an individual was assisted pursuant to 46245
this section. 46246

(2) The type and process of training to be provided by the 46247
department of job and family services to the employees of the 46248
county department of job and family services who perform duties 46249
under this section; 46250

(3) Requirements for the written authorization required by 46251
division (C)(5) of this section. 46252

(E) The department shall provide basic and continuing 46253
training to employees of the county department of job and family 46254
services who perform duties under this section. Training shall 46255
include but not be limited to all processes necessary to obtain 46256
federal disability benefits, and methods of advocacy. 46257

(F) The department shall establish a disability determination unit and develop guidelines for expediting reviews of applications for medical assistance under Chapter 5111. of the Revised Code for persons who have been referred to the unit under division (C)(4) of this section. The department shall make determinations of eligibility for medical assistance for any such person within the time prescribed by federal regulations.

(G) The department may, under rules the director of job and family services adopts in accordance with section 111.15 of the Revised Code, pay a portion of the federal reimbursement described in division (C)(5) of this section to persons or ~~agencies~~ government entities that assist or represent assistance recipients in reconsiderations and appeals of social security administration decisions denying them supplemental security income benefits.

(H) The director shall conduct investigations to determine whether disability advocacy programs are being administered in compliance with the Revised Code and the rules adopted by the director pursuant to this section.

Sec. 5115.22. (A) If a recipient of disability financial assistance or disability medical assistance, or an individual whose income and resources are included in determining the recipient's eligibility for the assistance, becomes possessed of resources or income in excess of the amount allowed to retain eligibility, or if other changes occur that affect the recipient's eligibility or need for assistance, the recipient shall notify the state or county department of job and family services within the time limits specified in rules adopted by the director of job and family services in accordance with section 111.15 of the Revised Code. Failure of a recipient to report possession of excess resources or income or a change affecting eligibility or need within those time limits shall be considered prima-facie evidence

of intent to defraud under section 5115.23 of the Revised Code. 46289

(B) As a condition of eligibility for disability financial 46290
assistance or disability medical assistance, and as a means of 46291
preventing or reducing the provision of assistance at public 46292
expense, each applicant for or recipient of the assistance shall 46293
make reasonable efforts to secure support from persons responsible 46294
for the applicant's or recipient's support, and from other 46295
sources, including any federal program designed to provide 46296
assistance to individuals with disabilities. The state or county 46297
department of job and family services may provide assistance to 46298
the applicant or recipient in securing other forms of financial 46299
assistance. 46300

Sec. 5115.15 5115.23. As used in this section, "erroneous 46301
payments" means disability financial assistance payments, 46302
~~including~~ or disability ~~assistance~~ medical assistance payments, 46303
made to persons who are not entitled to receive them, including 46304
payments made as a result of misrepresentation or fraud, and 46305
payments made due to an error by the recipient or by the county 46306
department of job and family services that made the payment. 46307

The department of job and family services shall adopt rules 46308
in accordance with section 111.15 of the Revised Code specifying 46309
the circumstances under which action is to be taken under this 46310
section to recover erroneous payments. The department, or a county 46311
department of job and family services at the request of the 46312
department, shall take action to recover erroneous payments in the 46313
circumstances specified in the rules. The department or county 46314
department may institute a civil action to recover erroneous 46315
payments. 46316

Whenever disability financial assistance or disability 46317
medical assistance has been furnished to a recipient for whose 46318
support another person is responsible, the other person shall, in 46319

addition to the liability otherwise imposed, as a consequence of 46320
failure to support the recipient, be liable for all disability 46321
assistance furnished the recipient. The value of the assistance so 46322
furnished may be recovered in a civil action brought by the county 46323
department of job and family services. 46324

Each county department of job and family services shall 46325
retain fifty per cent of the erroneous payments it recovers under 46326
this section. The department of job and family services shall 46327
receive the remaining fifty per cent. 46328

Sec. 5119.61. Any provision in this chapter that refers to a 46329
board of alcohol, drug addiction, and mental health services also 46330
refers to the community mental health board in an alcohol, drug 46331
addiction, and mental health service district that has a community 46332
mental health board. 46333

The director of mental health with respect to all facilities 46334
and programs established and operated under Chapter 340. of the 46335
Revised Code for mentally ill and emotionally disturbed persons, 46336
shall do all of the following: 46337

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 46338
that may be necessary to carry out the purposes of Chapter 340. 46339
and sections 5119.61 to 5119.63 of the Revised Code. 46340

(1) The rules shall include all of the following: 46341

(a) Rules governing a community mental health agency's 46342
services under section 340.091 of the Revised Code to an 46343
individual referred to the agency under division (C)(2) of section 46344
173.35 of the Revised Code; 46345

(b) For the purpose of division (A)(16) of section 340.03 of 46346
the Revised Code, rules governing the duties of mental health 46347
agencies and boards of alcohol, drug addiction, and mental health 46348
services under section 3722.18 of the Revised Code regarding 46349

referrals of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The rules shall do at least the following:

(i) Provide for agencies and boards to participate fully in the procedures owners and managers of adult care facilities must follow under division (A)(2) of section 3722.18 of the Revised Code;

(ii) Specify the manner in which boards are accountable for ensuring that ongoing mental health services are effectively arranged for individuals with mental illness or severe mental disability who are referred by the board or mental health agency under contract with the board to an adult care facility.

(c) Rules governing a board of alcohol, drug addiction, and mental health services when making a report to the director of health under section 3722.17 of the Revised Code regarding the quality of care and services provided by an adult care facility to a person with mental illness or a severe mental disability.

(2) Rules may be adopted to govern the method of paying a community mental health facility ~~described, as defined in division (B) of~~ section 5111.022 of the Revised Code, for providing services ~~established by~~ listed in division ~~(A)(B)~~ of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under ~~division (E) of that~~ section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.

(B) Review and evaluate, and, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program and the requirements and priorities of the state

mental health plan, including the needs of residents of the 46381
district now residing in state mental institutions, approve and 46382
allocate funds to support community programs, and make 46383
recommendations for needed improvements to boards of alcohol, drug 46384
addiction, and mental health services; 46385

(C) Withhold state and federal funds for any program, in 46386
whole or in part, from a board of alcohol, drug addiction, and 46387
mental health services in the event of failure of that program to 46388
comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, 46389
or 5119.62 of the Revised Code or rules of the department of 46390
mental health. The director shall identify the areas of 46391
noncompliance and the action necessary to achieve compliance. The 46392
director shall offer technical assistance to the board to achieve 46393
compliance. The director shall give the board a reasonable time 46394
within which to comply or to present its position that it is in 46395
compliance. Before withholding funds, a hearing shall be conducted 46396
to determine if there are continuing violations and that either 46397
assistance is rejected or the board is unable to achieve 46398
compliance. Subsequent to the hearing process, if it is determined 46399
that compliance has not been achieved, the director may allocate 46400
all or part of the withheld funds to a public or private agency to 46401
provide the services not in compliance until the time that there 46402
is compliance. The director shall establish rules pursuant to 46403
Chapter 119. of the Revised Code to implement this division. 46404

(D) Withhold state or federal funds from a board of alcohol, 46405
drug addiction, and mental health services that denies available 46406
service on the basis of religion, race, color, creed, sex, 46407
national origin, age, disability as defined in section 4112.01 of 46408
the Revised Code, developmental disability, or the inability to 46409
pay; 46410

(E) Provide consultative services to community mental health 46411
agencies with the knowledge and cooperation of the board of 46412

alcohol, drug addiction, and mental health services; 46413

(F) Provide to boards of alcohol, drug addiction, and mental 46414
health services state or federal funds, in addition to those 46415
allocated under section 5119.62 of the Revised Code, for special 46416
programs or projects the director considers necessary but for 46417
which local funds are not available; 46418

(G) Establish criteria by which a board of alcohol, drug 46419
addiction, and mental health services reviews and evaluates the 46420
quality, effectiveness, and efficiency of services provided 46421
through its community mental health plan. The criteria shall 46422
include requirements ensuring appropriate service utilization. The 46423
department shall assess a board's evaluation of services and the 46424
compliance of each board with this section, Chapter 340. or 46425
section 5119.62 of the Revised Code, and other state or federal 46426
law and regulations. The department, in cooperation with the 46427
board, periodically shall review and evaluate the quality, 46428
effectiveness, and efficiency of services provided through each 46429
board. The department shall collect information that is necessary 46430
to perform these functions. 46431

(H) Develop and operate a community mental health information 46432
system. 46433

Boards of alcohol, drug abuse, and mental health services 46434
shall submit information requested by the department in the form 46435
and manner prescribed by the department. Information collected by 46436
the department shall include, but not be limited to, all of the 46437
following: 46438

(1) Information regarding units of services provided in whole 46439
or in part under contract with a board, including diagnosis and 46440
special needs, demographic information, the number of units of 46441
service provided, past treatment, financial status, and service 46442
dates in accordance with rules adopted by the department in 46443

accordance with Chapter 119. of the Revised Code; 46444

(2) Financial information other than price or price-related 46445
data regarding expenditures of boards and community mental health 46446
agencies, including units of service provided, budgeted and actual 46447
expenses by type, and sources of funds. 46448

Boards shall submit the information specified in division 46449
(H)(1) of this section no less frequently than annually for each 46450
client, and each time the client's case is opened or closed. The 46451
department shall not collect any information for the purpose of 46452
identifying by name any person who receives a service through a 46453
board of alcohol, drug addiction, and mental health services, 46454
except as required by state or federal law to validate appropriate 46455
reimbursement. For the purposes of division (H)(1) of this 46456
section, the department shall use an identification system that is 46457
consistent with applicable nationally recognized standards. 46458

(I) Review each board's community mental health plan 46459
submitted pursuant to section 340.03 of the Revised Code and 46460
approve or disapprove it in whole or in part. Periodically, in 46461
consultation with representatives of boards and after considering 46462
the recommendations of the medical director, the director shall 46463
issue criteria for determining when a plan is complete, criteria 46464
for plan approval or disapproval, and provisions for conditional 46465
approval. The factors that the director considers may include, but 46466
are not limited to, the following: 46467

(1) The mental health needs of all persons residing within 46468
the board's service district, especially severely mentally 46469
disabled children, adolescents, and adults; 46470

(2) The demonstrated quality, effectiveness, efficiency, and 46471
cultural relevance of the services provided in each service 46472
district, the extent to which any services are duplicative of 46473
other available services, and whether the services meet the needs 46474

identified above; 46475

(3) The adequacy of the board's accounting for the 46476
expenditure of funds. 46477

If the director disapproves all or part of any plan, the 46478
director shall provide the board an opportunity to present its 46479
position. The director shall inform the board of the reasons for 46480
the disapproval and of the criteria that must be met before the 46481
plan may be approved. The director shall give the board a 46482
reasonable time within which to meet the criteria, and shall offer 46483
technical assistance to the board to help it meet the criteria. 46484

If the approval of a plan remains in dispute thirty days 46485
prior to the conclusion of the fiscal year in which the board's 46486
current plan is scheduled to expire, the board or the director may 46487
request that the dispute be submitted to a mutually agreed upon 46488
third-party mediator with the cost to be shared by the board and 46489
the department. The mediator shall issue to the board and the 46490
department recommendations for resolution of the dispute. Prior to 46491
the conclusion of the fiscal year in which the current plan is 46492
scheduled to expire, the director, taking into consideration the 46493
recommendations of the mediator, shall make a final determination 46494
and approve or disapprove the plan, in whole or in part. 46495

Sec. 5119.611. (A) A board of alcohol, drug addiction, and 46496
mental health services may not contract with a community mental 46497
health agency under division (A)(8)(a) of section 340.03 of the 46498
Revised Code to provide community mental health services included 46499
in the board's community mental health plan unless the services 46500
are certified by the director of mental health under this section. 46501

A community mental health agency that seeks the director's 46502
certification of its community mental health services shall submit 46503
an application to the director. On receipt of the application, the 46504
director may visit and shall evaluate the agency to determine 46505

whether its services satisfy the standards established by rules 46506
adopted under division (C) of this section. The director shall 46507
make the evaluation, and, if the director visits the agency, shall 46508
make the visit, in cooperation with the board of alcohol, drug 46509
addiction, and mental health services with which the agency seeks 46510
to contract. 46511

If the director determines that a community mental health 46512
agency's services satisfy the standards, the director shall 46513
certify the services. 46514

If the director determines that a community mental health 46515
agency's services do not satisfy the standards, the director shall 46516
identify the areas of noncompliance, specify what action is 46517
necessary to satisfy the standards, and offer technical assistance 46518
to the board of alcohol, drug addiction, and mental health 46519
services so that the board may assist the agency in satisfying the 46520
standards. The director shall give the agency a reasonable time 46521
within which to demonstrate that its services satisfy the 46522
standards or to bring the services into compliance with the 46523
standards. If the director concludes that the services continue to 46524
fail to satisfy the standards, the director may request that the 46525
board reallocate the funds for the community mental health 46526
services the agency was to provide to another community mental 46527
health agency whose community mental health services satisfy the 46528
standards. If the board does not reallocate those funds in a 46529
reasonable period of time, the director may withhold state and 46530
federal funds for the community mental health services and 46531
allocate those funds directly to a community mental health agency 46532
whose community mental health services satisfy the standards. 46533

(B) Each community mental health agency seeking certification 46534
of its community mental health services under this section shall 46535
pay a fee for the certification review required by this section. 46536
Fees shall be paid into the sale of goods and services fund 46537

created pursuant to section 5119.161 of the Revised Code. 46538

(C) The director shall adopt rules in accordance with Chapter 46539
119. of the Revised Code to implement this section. The rules 46540
shall do all of the following: 46541

(1) Establish certification standards for community mental 46542
health services, including assertive community treatment and 46543
intensive home-based mental health services, that are consistent 46544
with nationally recognized applicable standards and facilitate 46545
participation in federal assistance programs. The rules shall 46546
include as certification standards only requirements that improve 46547
the quality of services or the health and safety of clients of 46548
community mental health services. The standards shall address at a 46549
minimum all of the following: 46550

(a) Reporting major unusual incidents to the director; 46551

(b) Procedures for applicants for and clients of community 46552
mental health services to file grievances and complaints; 46553

(c) Seclusion; 46554

(d) Restraint; 46555

(e) Development of written policies addressing the rights of 46556
clients, including all of the following: 46557

(i) The right to a copy of the written policies addressing 46558
client rights; 46559

(ii) The right at all times to be treated with consideration 46560
and respect for the client's privacy and dignity; 46561

(iii) The right to have access to the client's own 46562
psychiatric, medical, or other treatment records unless access is 46563
specifically restricted in the client's treatment plan for clear 46564
treatment reasons; 46565

(iv) The right to have a client rights officer provided by 46566
the agency or board of alcohol, drug addiction, and mental health 46567

services advise the client of the client's rights, including the 46568
client's rights under Chapter 5122. of the Revised Code if the 46569
client is committed to the agency or board. 46570

(2) Establish standards for qualifications of mental health 46571
professionals as defined in section 340.02 of the Revised Code and 46572
personnel who provide the community mental health services; 46573

(3) Establish the process for certification of community 46574
mental health services; 46575

(4) Set the amount of certification review fees based on a 46576
portion of the cost of performing the review; 46577

(5) Specify the type of notice and hearing to be provided 46578
prior to a decision on whether to reallocate funds. 46579

(D) The rules adopted under division (C)(1) of this section 46580
to establish certification standards for assertive community 46581
treatment and intensive home-based mental health services shall be 46582
adopted not later than July 1, 2004. 46583

Sec. 5123.01. As used in this chapter: 46584

(A) "Chief medical officer" means the licensed physician 46585
appointed by the managing officer of an institution for the 46586
mentally retarded with the approval of the director of mental 46587
retardation and developmental disabilities to provide medical 46588
treatment for residents of the institution. 46589

(B) "Chief program director" means a person with special 46590
training and experience in the diagnosis and management of the 46591
mentally retarded, certified according to division (C) of this 46592
section in at least one of the designated fields, and appointed by 46593
the managing officer of an institution for the mentally retarded 46594
with the approval of the director to provide habilitation and care 46595
for residents of the institution. 46596

(C) "Comprehensive evaluation" means a study, including a 46597

sequence of observations and examinations, of a person leading to 46598
conclusions and recommendations formulated jointly, with 46599
dissenting opinions if any, by a group of persons with special 46600
training and experience in the diagnosis and management of persons 46601
with mental retardation or a developmental disability, which group 46602
shall include individuals who are professionally qualified in the 46603
fields of medicine, psychology, and social work, together with 46604
such other specialists as the individual case may require. 46605

(D) "Education" means the process of formal training and 46606
instruction to facilitate the intellectual and emotional 46607
development of residents. 46608

(E) "Habilitation" means the process by which the staff of 46609
the institution assists the resident in acquiring and maintaining 46610
those life skills that enable the resident to cope more 46611
effectively with the demands of the resident's own person and of 46612
the resident's environment and in raising the level of the 46613
resident's physical, mental, social, and vocational efficiency. 46614
Habilitation includes but is not limited to programs of formal, 46615
structured education and training. 46616

(F) "Habilitation center services" means services provided by 46617
a habilitation center certified by the department of mental 46618
retardation and developmental disabilities under section 5123.041 46619
of the Revised Code and covered by the medicaid program pursuant 46620
to rules adopted under section 5111.041 of the Revised Code. 46621

(G) "Health officer" means any public health physician, 46622
public health nurse, or other person authorized or designated by a 46623
city or general health district. 46624

(H) "Home and community-based services" means medicaid-funded 46625
home and community-based services provided under a the medicaid 46626
~~component~~ components the department of mental retardation and 46627
developmental disabilities administers pursuant to section 46628

5111.871 of the Revised Code. 46629

(I) "Indigent person" means a person who is unable, without 46630
substantial financial hardship, to provide for the payment of an 46631
attorney and for other necessary expenses of legal representation, 46632
including expert testimony. 46633

(J) "Institution" means a public or private facility, or a 46634
part of a public or private facility, that is licensed by the 46635
appropriate state department and is equipped to provide 46636
residential habilitation, care, and treatment for the mentally 46637
retarded. 46638

(K) "Licensed physician" means a person who holds a valid 46639
certificate issued under Chapter 4731. of the Revised Code 46640
authorizing the person to practice medicine and surgery or 46641
osteopathic medicine and surgery, or a medical officer of the 46642
government of the United States while in the performance of the 46643
officer's official duties. 46644

(L) "Managing officer" means a person who is appointed by the 46645
director of mental retardation and developmental disabilities to 46646
be in executive control of an institution for the mentally 46647
retarded under the jurisdiction of the department. 46648

(M) "Medicaid" has the same meaning as in section 5111.01 of 46649
the Revised Code. 46650

(N) "Medicaid case management services" means case management 46651
services provided to an individual with mental retardation or 46652
other developmental disability that the state medicaid plan 46653
requires. 46654

(O) "Mentally retarded person" means a person having 46655
significantly subaverage general intellectual functioning existing 46656
concurrently with deficiencies in adaptive behavior, manifested 46657
during the developmental period. 46658

(P) "Mentally retarded person subject to institutionalization by court order" means a person eighteen years of age or older who is at least moderately mentally retarded and in relation to whom, because of the person's retardation, either of the following conditions exist:

(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's most basic physical needs and that provision for those needs is not available in the community;

(2) The person needs and is susceptible to significant habilitation in an institution.

(Q) "A person who is at least moderately mentally retarded" means a person who is found, following a comprehensive evaluation, to be impaired in adaptive behavior to a moderate degree and to be functioning at the moderate level of intellectual functioning in accordance with standard measurements as recorded in the most current revision of the manual of terminology and classification in mental retardation published by the American association on mental retardation.

(R) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.

"Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code.

(2) It is manifested before age twenty-two.	46689
(3) It is likely to continue indefinitely.	46690
(4) It results in one of the following:	46691
(a) In the case of a person under three years of age, at least one developmental delay or an established risk;	46692 46693
(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;	46694 46695 46696
(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.	46697 46698 46699 46700 46701 46702 46703
(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.	46704 46705 46706 46707
(S) "Developmentally disabled person" means a person with a developmental disability.	46708 46709
(T) "State institution" means an institution that is tax-supported and under the jurisdiction of the department.	46710 46711
(U) "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in Ohio for a period of one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, disability <u>financial</u> assistance under Chapter 5115. of the Revised Code, or assistance from a private agency that maintains records of assistance given. A person having a legal settlement in the	46712 46713 46714 46715 46716 46717 46718

state shall be considered as having legal settlement in the 46719
assistance area in which the person resides. No adult person 46720
coming into this state and having a spouse or minor children 46721
residing in another state shall obtain a legal settlement in this 46722
state as long as the spouse or minor children are receiving public 46723
assistance, care, or support at the expense of the other state or 46724
its subdivisions. For the purpose of determining the legal 46725
settlement of a person who is living in a public or private 46726
institution or in a home subject to licensing by the department of 46727
job and family services, the department of mental health, or the 46728
department of mental retardation and developmental disabilities, 46729
the residence of the person shall be considered as though the 46730
person were residing in the county in which the person was living 46731
prior to the person's entrance into the institution or home. 46732
Settlement once acquired shall continue until a person has been 46733
continuously absent from Ohio for a period of one year or has 46734
acquired a legal residence in another state. A woman who marries a 46735
man with legal settlement in any county immediately acquires the 46736
settlement of her husband. The legal settlement of a minor is that 46737
of the parents, surviving parent, sole parent, parent who is 46738
designated the residential parent and legal custodian by a court, 46739
other adult having permanent custody awarded by a court, or 46740
guardian of the person of the minor, provided that: 46741

(1) A minor female who marries shall be considered to have 46742
the legal settlement of her husband and, in the case of death of 46743
her husband or divorce, she shall not thereby lose her legal 46744
settlement obtained by the marriage. 46745

(2) A minor male who marries, establishes a home, and who has 46746
resided in this state for one year without receiving general 46747
assistance prior to July 17, 1995, under former Chapter 5113. of 46748
the Revised Code, ~~disability~~ financial assistance under Chapter 46749
5115. of the Revised Code, or assistance from a private agency 46750

that maintains records of assistance given shall be considered to 46751
have obtained a legal settlement in this state. 46752

(3) The legal settlement of a child under eighteen years of 46753
age who is in the care or custody of a public or private child 46754
caring agency shall not change if the legal settlement of the 46755
parent changes until after the child has been in the home of the 46756
parent for a period of one year. 46757

No person, adult or minor, may establish a legal settlement 46758
in this state for the purpose of gaining admission to any state 46759
institution. 46760

(V)(1) "Resident" means, subject to division (R)(2) of this 46761
section, a person who is admitted either voluntarily or 46762
involuntarily to an institution or other facility pursuant to 46763
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 46764
Code subsequent to a finding of not guilty by reason of insanity 46765
or incompetence to stand trial or under this chapter who is under 46766
observation or receiving habilitation and care in an institution. 46767

(2) "Resident" does not include a person admitted to an 46768
institution or other facility under section 2945.39, 2945.40, 46769
2945.401, or 2945.402 of the Revised Code to the extent that the 46770
reference in this chapter to resident, or the context in which the 46771
reference occurs, is in conflict with any provision of sections 46772
2945.37 to 2945.402 of the Revised Code. 46773

(W) "Respondent" means the person whose detention, 46774
commitment, or continued commitment is being sought in any 46775
proceeding under this chapter. 46776

(X) "Working day" and "court day" mean Monday, Tuesday, 46777
Wednesday, Thursday, and Friday, except when such day is a legal 46778
holiday. 46779

(Y) "Prosecutor" means the prosecuting attorney, village 46780
solicitor, city director of law, or similar chief legal officer 46781

who prosecuted a criminal case in which a person was found not 46782
guilty by reason of insanity, who would have had the authority to 46783
prosecute a criminal case against a person if the person had not 46784
been found incompetent to stand trial, or who prosecuted a case in 46785
which a person was found guilty. 46786

(Z) "Court" means the probate division of the court of common 46787
pleas. 46788

Sec. 5123.051. (A) If the department of mental retardation 46789
and developmental disabilities determines pursuant to an audit 46790
conducted under section 5123.05 of the Revised Code or a 46791
reconciliation conducted under section 5123.18 or ~~5111.252~~ 46792
5123.199 of the Revised Code that money is owed the state by a 46793
provider of a service or program, the department may enter into a 46794
payment agreement with the provider. The agreement shall include 46795
the following: 46796

(1) A schedule of installment payments whereby the money owed 46797
the state is to be paid in full within a period not to exceed one 46798
year; 46799

(2) A provision that the provider may pay the entire balance 46800
owed at any time during the term of the agreement; 46801

(3) A provision that if any installment is not paid in full 46802
within forty-five days after it is due, the entire balance owed is 46803
immediately due and payable; 46804

(4) Any other terms and conditions that are agreed to by the 46805
department and the provider. 46806

(B) The department may include a provision in a payment 46807
agreement that requires the provider to pay interest on the money 46808
owed the state. The department, in its discretion, shall determine 46809
whether to require the payment of interest and, if it so requires, 46810
the rate of interest. Neither the obligation to pay interest nor 46811

the rate of interest is subject to negotiation between the 46812
department and the provider. 46813

(C) If the provider fails to pay any installment in full 46814
within forty-five days after its due date, the department shall 46815
certify the entire balance owed to the attorney general for 46816
collection under section 131.02 of the Revised Code. The 46817
department may withhold funds from payments made to a provider 46818
under section 5123.18 or ~~5111.252~~ 5123.199 of the Revised Code to 46819
satisfy a judgment secured by the attorney general. 46820

(D) The purchase of service fund is hereby created. Money 46821
credited to the fund shall be used solely for purposes of section 46822
5123.05 of the Revised Code. 46823

Sec. 5123.19. (A) As used in this section and in sections 46824
5123.191, 5123.194, 5123.196, 5123.197, 5123.198, 5123.1910, and 46825
5123.20 of the Revised Code: 46826

(1)(a) "Residential facility" means a home or facility in 46827
which a mentally retarded or developmentally disabled person 46828
resides, except the home of a relative or legal guardian in which 46829
a mentally retarded or developmentally disabled person resides, a 46830
respite care home certified under section 5126.05 of the Revised 46831
Code, a county home or district home operated pursuant to Chapter 46832
5155. of the Revised Code, or a dwelling in which the only 46833
mentally retarded or developmentally disabled residents are in an 46834
independent living arrangement or are being provided supported 46835
living. 46836

(b) "Intermediate care facility for the mentally retarded" 46837
means a residential facility that is considered an intermediate 46838
care facility for the mentally retarded for the purposes of 46839
Chapter 5111. of the Revised Code. 46840

(2) "Political subdivision" means a municipal corporation, 46841

county, or township. 46842

(3) "Independent living arrangement" means an arrangement in 46843
which a mentally retarded or developmentally disabled person 46844
resides in an individualized setting chosen by the person or the 46845
person's guardian, which is not dedicated principally to the 46846
provision of residential services for mentally retarded or 46847
developmentally disabled persons, and for which no financial 46848
support is received for rendering such service from any 46849
governmental agency by a provider of residential services. 46850

(4) "Supported living" has the same meaning as in section 46851
5126.01 of the Revised Code. 46852

(5) "Licensee" means the person or government agency that has 46853
applied for a license to operate a residential facility and to 46854
which the license was issued under this section. 46855

(B) Every person or government agency desiring to operate a 46856
residential facility shall apply for licensure of the facility to 46857
the director of mental retardation and developmental disabilities 46858
unless the residential facility is subject to section 3721.02, 46859
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 46860
Chapter 3721. of the Revised Code, a nursing home that is 46861
certified as an intermediate care facility for the mentally 46862
retarded under Title XIX of the "Social Security Act," 79 Stat. 46863
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 46864
licensure of the portion of the home that is certified as an 46865
intermediate care facility for the mentally retarded. 46866

(C) ~~The~~ Subject to section 5123.196 of the Revised Code, the 46867
director of mental retardation and developmental disabilities 46868
shall license the operation of residential facilities. An initial 46869
license shall be issued for a period that does not exceed one 46870
year, unless the director denies the license under division (D) of 46871
this section. A license shall be renewed for a period that does 46872

not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered.

(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (J) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (G)(2) of this

section. If the suspension of admissions is imposed for a 46905
violation that may result in sanctions under division (D)(1) of 46906
this section, the director may impose the suspension before 46907
providing an opportunity for an adjudication under Chapter 119. of 46908
the Revised Code. The director shall lift an order for the 46909
suspension of admissions when the director determines that the 46910
violation that formed the basis for the order has been corrected. 46911

(4) The director may order the placement of a monitor at a 46912
residential facility for any violation specified in rules adopted 46913
under division (G)(2) of this section. The director shall lift the 46914
order when the director determines that the violation that formed 46915
the basis for the order has been corrected. 46916

(5) If the director determines that two or more residential 46917
facilities owned or operated by the same person or government 46918
entity are not being operated in compliance with a provision of 46919
this chapter that applies to residential facilities or the rules 46920
adopted under such a provision, and the director's findings are 46921
based on the same or a substantially similar action, practice, 46922
circumstance, or incident that creates a substantial risk to the 46923
health and safety of the residents, the director shall conduct a 46924
survey as soon as practicable at each residential facility owned 46925
or operated by that person or government entity. The director may 46926
take any action authorized by this section with respect to any 46927
facility found to be operating in violation of a provision of this 46928
chapter that applies to residential facilities or the rules 46929
adopted under such a provision. 46930

(6) When the director initiates license revocation 46931
proceedings, no opportunity for submitting a plan of correction 46932
shall be given. The director shall notify the licensee by letter 46933
of the initiation of such proceedings. The letter shall list the 46934
deficiencies of the residential facility and inform the licensee 46935
that no plan of correction will be accepted. The director shall 46936

also notify each affected resident, the resident's guardian if the 46937
resident is an adult for whom a guardian has been appointed, the 46938
resident's parent or guardian if the resident is a minor, and the 46939
county board of mental retardation and developmental disabilities. 46940

(7) Pursuant to rules which shall be adopted in accordance 46941
with Chapter 119. of the Revised Code, the director may order the 46942
immediate removal of residents from a residential facility 46943
whenever conditions at the facility present an immediate danger of 46944
physical or psychological harm to the residents. 46945

(8) In determining whether a residential facility is being 46946
operated in compliance with a provision of this chapter that 46947
applies to residential facilities or the rules adopted under such 46948
a provision, or whether conditions at a residential facility 46949
present an immediate danger of physical or psychological harm to 46950
the residents, the director may rely on information obtained by a 46951
county board of mental retardation and developmental disabilities 46952
or other governmental agencies. 46953

(9) In proceedings initiated to deny, refuse to renew, or 46954
revoke licenses, the director may deny, refuse to renew, or revoke 46955
a license regardless of whether some or all of the deficiencies 46956
that prompted the proceedings have been corrected at the time of 46957
the hearing. 46958

(E) The director shall establish a program under which public 46959
notification may be made when the director has initiated license 46960
revocation proceedings or has issued an order for the suspension 46961
of admissions, placement of a monitor, or removal of residents. 46962
The director shall adopt rules in accordance with Chapter 119. of 46963
the Revised Code to implement this division. The rules shall 46964
establish the procedures by which the public notification will be 46965
made and specify the circumstances for which the notification must 46966
be made. The rules shall require that public notification be made 46967
if the director has taken action against the facility in the 46968

eighteen-month period immediately preceding the director's latest 46969
action against the facility and the latest action is being taken 46970
for the same or a substantially similar violation of a provision 46971
of this chapter that applies to residential facilities or the 46972
rules adopted under such a provision. The rules shall specify a 46973
method for removing or amending the public notification if the 46974
director's action is found to have been unjustified or the 46975
violation at the residential facility has been corrected. 46976

(F)(1) Except as provided in division (F)(2) of this section, 46977
appeals from proceedings initiated to impose a sanction under 46978
division (D) of this section shall be conducted in accordance with 46979
Chapter 119. of the Revised Code. 46980

(2) Appeals from proceedings initiated to order the 46981
suspension of admissions to a facility shall be conducted in 46982
accordance with Chapter 119. of the Revised Code, unless the order 46983
was issued before providing an opportunity for an adjudication, in 46984
which case all of the following apply: 46985

(a) The licensee may request a hearing not later than ten 46986
days after receiving the notice specified in section 119.07 of the 46987
Revised Code. 46988

(b) If a timely request for a hearing is made, the hearing 46989
shall commence not later than thirty days after the department 46990
receives the request. 46991

(c) After commencing, the hearing shall continue 46992
uninterrupted, except for Saturdays, Sundays, and legal holidays, 46993
unless other interruptions are agreed to by the licensee and the 46994
director. 46995

(d) If the hearing is conducted by a hearing examiner, the 46996
hearing examiner shall file a report and recommendations not later 46997
than ten days after the close of the hearing. 46998

(e) Not later than five days after the hearing examiner files 46999

the report and recommendations, the licensee may file objections 47000
to the report and recommendations. 47001

(f) Not later than fifteen days after the hearing examiner 47002
files the report and recommendations, the director shall issue an 47003
order approving, modifying, or disapproving the report and 47004
recommendations. 47005

(g) Notwithstanding the pendency of the hearing, the director 47006
shall lift the order for the suspension of admissions when the 47007
director determines that the violation that formed the basis for 47008
the order has been corrected. 47009

(G) In accordance with Chapter 119. of the Revised Code, the 47010
director shall adopt and may amend and rescind rules for licensing 47011
and regulating the operation of residential facilities, including 47012
intermediate care facilities for the mentally retarded. The rules 47013
for intermediate care facilities for the mentally retarded may 47014
differ from those for other residential facilities. The rules 47015
shall establish and specify the following: 47016

(1) Procedures and criteria for issuing and renewing 47017
licenses, including procedures and criteria for determining the 47018
length of the licensing period that the director must specify for 47019
each license when it is issued or renewed; 47020

(2) Procedures and criteria for denying, refusing to renew, 47021
terminating, and revoking licenses and for ordering the suspension 47022
of admissions to a facility, placement of a monitor at a facility, 47023
and the immediate removal of residents from a facility; 47024

(3) Fees for issuing and renewing licenses; 47025

(4) Procedures for surveying residential facilities; 47026

(5) Requirements for the training of residential facility 47027
personnel; 47028

(6) Classifications for the various types of residential 47029

facilities;	47030
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	47031 47032 47033 47034
(8) The maximum number of persons who may be served in a particular type of residential facility;	47035 47036
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	47037 47038
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	47039 47040
(11) Procedures for waiving any provision of any rule adopted under this section.	47041 47042
(H) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there.	47043 47044 47045 47046 47047 47048 47049 47050 47051
In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director or the director's designee in conducting the survey.	47052 47053 47054 47055 47056 47057 47058 47059 47060

Following each survey, unless the director initiates a license revocation proceeding, the director or the director's designee shall provide the licensee with a report listing any deficiencies, specifying a timetable within which the licensee shall submit a plan of correction describing how the deficiencies will be corrected, and, when appropriate, specifying a timetable within which the licensee must correct the deficiencies. After a plan of correction is submitted, the director or the director's designee shall approve or disapprove the plan. A copy of the report and any approved plan of correction shall be provided to any person who requests it.

The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

(I) In addition to any other information which may be required of applicants for a license pursuant to this section and except as provided in section 5123.1910 of the Revised Code, the director shall require each applicant to provide a copy of an approved plan for a proposed residential facility pursuant to section 5123.042 of the Revised Code. This division does not apply to renewal of a license.

(J) A licensee shall notify the owner of the building in which the licensee's residential facility is located of any significant change in the identity of the licensee or management contractor before the effective date of the change if the licensee is not the owner of the building.

Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may require notification to the department of any significant change in the ownership of a residential facility or in the identity of the

licensee or management contractor. If the director determines that 47092
a significant change of ownership is proposed, the director shall 47093
consider the proposed change to be an application for development 47094
by a new operator pursuant to section 5123.042 of the Revised Code 47095
and shall advise the applicant within sixty days of such 47096
notification that the current license shall continue in effect or 47097
a new license will be required pursuant to this section. If the 47098
director requires a new license, the director shall permit the 47099
facility to continue to operate under the current license until 47100
the new license is issued, unless the current license is revoked, 47101
refused to be renewed, or terminated in accordance with Chapter 47102
119. of the Revised Code. 47103

(K) A county board of mental retardation and developmental 47104
disabilities, the legal rights service, and any interested person 47105
may file complaints alleging violations of statute or department 47106
rule relating to residential facilities with the department. All 47107
complaints shall be in writing and shall state the facts 47108
constituting the basis of the allegation. The department shall not 47109
reveal the source of any complaint unless the complainant agrees 47110
in writing to waive the right to confidentiality or until so 47111
ordered by a court of competent jurisdiction. 47112

The department shall adopt rules in accordance with Chapter 47113
119. of the Revised Code establishing procedures for the receipt, 47114
referral, investigation, and disposition of complaints filed with 47115
the department under this division. 47116

(L) The department shall establish procedures for the 47117
notification of interested parties of the transfer or interim care 47118
of residents from residential facilities that are closing or are 47119
losing their license. 47120

(M) Before issuing a license under this section to a 47121
residential facility that will accommodate at any time more than 47122
one mentally retarded or developmentally disabled individual, the 47123

director shall, by first class mail, notify the following: 47124

(1) If the facility will be located in a municipal 47125
corporation, the clerk of the legislative authority of the 47126
municipal corporation; 47127

(2) If the facility will be located in unincorporated 47128
territory, the clerk of the appropriate board of county 47129
commissioners and the clerk of the appropriate board of township 47130
trustees. 47131

The director shall not issue the license for ten days after 47132
mailing the notice, excluding Saturdays, Sundays, and legal 47133
holidays, in order to give the notified local officials time in 47134
which to comment on the proposed issuance. 47135

Any legislative authority of a municipal corporation, board 47136
of county commissioners, or board of township trustees that 47137
receives notice under this division of the proposed issuance of a 47138
license for a residential facility may comment on it in writing to 47139
the director within ten days after the director mailed the notice, 47140
excluding Saturdays, Sundays, and legal holidays. If the director 47141
receives written comments from any notified officials within the 47142
specified time, the director shall make written findings 47143
concerning the comments and the director's decision on the 47144
issuance of the license. If the director does not receive written 47145
comments from any notified local officials within the specified 47146
time, the director shall continue the process for issuance of the 47147
license. 47148

(N) Any person may operate a licensed residential facility 47149
that provides room and board, personal care, habilitation 47150
services, and supervision in a family setting for at least six but 47151
not more than eight persons with mental retardation or a 47152
developmental disability as a permitted use in any residential 47153
district or zone, including any single-family residential district 47154

or zone, of any political subdivision. These residential 47155
facilities may be required to comply with area, height, yard, and 47156
architectural compatibility requirements that are uniformly 47157
imposed upon all single-family residences within the district or 47158
zone. 47159

(O) Any person may operate a licensed residential facility 47160
that provides room and board, personal care, habilitation 47161
services, and supervision in a family setting for at least nine 47162
but not more than sixteen persons with mental retardation or a 47163
developmental disability as a permitted use in any multiple-family 47164
residential district or zone of any political subdivision, except 47165
that a political subdivision that has enacted a zoning ordinance 47166
or resolution establishing planned unit development districts may 47167
exclude these residential facilities from such districts, and a 47168
political subdivision that has enacted a zoning ordinance or 47169
resolution may regulate these residential facilities in 47170
multiple-family residential districts or zones as a conditionally 47171
permitted use or special exception, in either case, under 47172
reasonable and specific standards and conditions set out in the 47173
zoning ordinance or resolution to: 47174

(1) Require the architectural design and site layout of the 47175
residential facility and the location, nature, and height of any 47176
walls, screens, and fences to be compatible with adjoining land 47177
uses and the residential character of the neighborhood; 47178

(2) Require compliance with yard, parking, and sign 47179
regulation; 47180

(3) Limit excessive concentration of these residential 47181
facilities. 47182

(P) This section does not prohibit a political subdivision 47183
from applying to residential facilities nondiscriminatory 47184
regulations requiring compliance with health, fire, and safety 47185

regulations and building standards and regulations. 47186

(Q) Divisions (N) and (O) of this section are not applicable 47187
to municipal corporations that had in effect on June 15, 1977, an 47188
ordinance specifically permitting in residential zones licensed 47189
residential facilities by means of permitted uses, conditional 47190
uses, or special exception, so long as such ordinance remains in 47191
effect without any substantive modification. 47192

(R)(1) The director may issue an interim license to operate a 47193
residential facility to an applicant for a license under this 47194
section if either of the following is the case: 47195

(a) The director determines that an emergency exists 47196
requiring immediate placement of persons in a residential 47197
facility, that insufficient licensed beds are available, and that 47198
the residential facility is likely to receive a permanent license 47199
under this section within thirty days after issuance of the 47200
interim license. 47201

(b) The director determines that the issuance of an interim 47202
license is necessary to meet a temporary need for a residential 47203
facility. 47204

(2) To be eligible to receive an interim license, an 47205
applicant must meet the same criteria that must be met to receive 47206
a permanent license under this section, except for any differing 47207
procedures and time frames that may apply to issuance of a 47208
permanent license. 47209

(3) An interim license shall be valid for thirty days and may 47210
be renewed by the director for a period not to exceed one hundred 47211
fifty days. 47212

(4) The director shall adopt rules in accordance with Chapter 47213
119. of the Revised Code as the director considers necessary to 47214
administer the issuance of interim licenses. 47215

(S) Notwithstanding rules adopted pursuant to this section 47216
establishing the maximum number of persons who may be served in a 47217
particular type of residential facility, a residential facility 47218
shall be permitted to serve the same number of persons being 47219
served by the facility on the effective date of such rules or the 47220
number of persons for which the facility is authorized pursuant to 47221
a current application for a certificate of need with a letter of 47222
support from the department of mental retardation and 47223
developmental disabilities and which is in the review process 47224
prior to April 4, 1986. 47225

(T) The director or the director's designee may enter at any 47226
time, for purposes of investigation, any home, facility, or other 47227
structure that has been reported to the director or that the 47228
director has reasonable cause to believe is being operated as a 47229
residential facility without a license issued under this section. 47230

The director may petition the court of common pleas of the 47231
county in which an unlicensed residential facility is located for 47232
an order enjoining the person or governmental agency operating the 47233
facility from continuing to operate without a license. The court 47234
may grant the injunction on a showing that the person or 47235
governmental agency named in the petition is operating a 47236
residential facility without a license. The court may grant the 47237
injunction, regardless of whether the residential facility meets 47238
the requirements for receiving a license under this section. 47239

(U) Except as provided in section 5123.198 of the Revised 47240
Code, whenever a resident of a residential facility is committed 47241
to a state-operated intermediate care facility for the mentally 47242
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 47243
Code, the department shall reduce by one the maximum number of 47244
residents for which the facility is licensed. 47245

Sec. 5123.196. (A) Except as provided in division (E) of this 47246

section, the director of mental retardation and developmental 47247
disabilities shall not issue a license under section 5123.19 of 47248
the Revised Code on or after July 1, 2003, if issuance will result 47249
in there being more beds in all residential facilities licensed 47250
under that section than is permitted under division (B) of this 47251
section. 47252

(B) The maximum number of beds for the purpose of division 47253
(A) of this section shall not exceed ten thousand eight hundred 47254
thirty-eight minus, except as provided in division (C) of this 47255
section, the number of such beds taken out of service on or after 47256
July 1, 2003, pursuant to section 5123.197 of the Revised Code or 47257
because a residential facility license is revoked, terminated, or 47258
not renewed for any reason or is surrendered. 47259

(C) The director is not required to reduce the maximum number 47260
of beds pursuant to division (B) of this section by a bed taken 47261
out of service if the director determines that the bed is needed 47262
to provide services to an individual with mental retardation or a 47263
developmental disability who resided in the residential facility 47264
in which the bed was located. 47265

(D) The director shall maintain an up-to-date written record 47266
of the maximum number of residential facility beds provided for by 47267
division (B) of this section. 47268

(E) If required by section 5123.1910 of the Revised Code to 47269
issue a license under section 5123.19 of the Revised Code, the 47270
director shall issue the license regardless of whether issuance 47271
will result in there being more beds in all residential facilities 47272
licensed under that section than is permitted under division (B) 47273
of this section. 47274

Sec. 5123.197. A licensee shall take out of service as a 47275
residential facility bed any bed located in the facility that is 47276
converted to use for supported living. The number of residential 47277

facility beds a residential facility is licensed to have shall be 47278
reduced by each bed taken out of service under this section. 47279

Sec. 5123.198. (A) Whenever a resident of an intermediate 47280
care facility for the mentally retarded is committed to a 47281
state-operated intermediate care facility for the mentally 47282
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 47283
Code, the department of mental retardation and developmental 47284
disabilities shall reduce by one the number of residents for which 47285
the facility in which the resident resided is licensed, unless the 47286
facility admits an individual who resides in a state-operated 47287
intermediate care facility for the mentally retarded on the date 47288
of the commitment or another individual determined to need the 47289
level of care provided by such a facility and designated by the 47290
department not later than ninety days after the date of the 47291
commitment. 47292

(B) The department of mental retardation and developmental 47293
disabilities may notify the department of job and family services 47294
of any reduction under this section in the number of residents for 47295
which a facility is licensed. On receiving the notice, the 47296
department of job and family services may transfer to the 47297
department of mental retardation and developmental disabilities 47298
the savings in the nonfederal share of medicaid expenditures for 47299
each fiscal year after the year of the commitment to be used for 47300
costs of the resident's care in the state-operated intermediate 47301
care facility for the mentally retarded. In determining the amount 47302
saved, the department of job and family services shall consider 47303
medicaid payments for the remaining residents of the facility in 47304
which the resident resided. 47305

Sec. 5111.252 5123.199. (A) As used in this section: 47306

(1) "Contractor" means a person or government agency that has 47307

entered into a contract with the department of mental retardation 47308
and developmental disabilities under this section. 47309

(2) "Government agency" and "residential services" have the 47310
same meanings as in section 5123.18 of the Revised Code. 47311

(3) "Intermediate care facility for the mentally retarded" 47312
has the same meaning as in section 5111.20 of the Revised Code. 47313

(4) "Respite care services" has the same meaning as in 47314
section 5123.171 of the Revised Code. 47315

(B) The department of mental retardation and developmental 47316
disabilities may enter into a contract with a person or government 47317
agency to do any of the following: 47318

(1) Provide residential services in an intermediate care 47319
facility for the mentally retarded to an individual who meets the 47320
criteria for admission to such a facility but is not eligible for 47321
assistance under ~~this chapter~~ Chapter 5111. of the Revised Code 47322
due to unliquidated assets subject to final probate action; 47323

(2) Provide respite care services in an intermediate care 47324
facility for the mentally retarded; 47325

(3) Provide residential services in a facility for which the 47326
person or government agency has applied for, but has not received, 47327
certification and payment as an intermediate care facility for the 47328
mentally retarded if the person or government agency is making a 47329
good faith effort to bring the facility into compliance with 47330
requirements for certification and payment as an intermediate care 47331
facility for the mentally retarded. In assigning payment amounts 47332
to such contracts, the department shall take into account costs 47333
incurred in attempting to meet certification requirements. 47334

(4) Reimburse an intermediate care facility for the mentally 47335
retarded for costs not otherwise reimbursed under ~~this chapter~~ 47336
Chapter 5111. of the Revised Code for clothing for individuals who 47337

are mentally retarded or developmentally disabled. Reimbursement 47338
under such contracts shall not exceed a maximum amount per 47339
individual per year specified in rules that the department shall 47340
adopt in accordance with Chapter 119. of the Revised Code. 47341

(C) The amount paid to a contractor under divisions (B)(1) to 47342
(3) of this section shall not exceed the reimbursement that would 47343
be made under ~~this chapter~~ Chapter 5111. of the Revised Code by 47344
the department of job and family services for the same goods and 47345
services. 47346

(D) The department of mental retardation and developmental 47347
disabilities shall adopt rules as necessary to implement this 47348
section, including rules establishing standards and procedures for 47349
the submission of cost reports by contractors and the department's 47350
conduct of audits and reconciliations regarding the contracts. The 47351
rules shall be adopted in accordance with Chapter 119. of the 47352
Revised Code. 47353

Sec. 5123.35. (A) There is hereby created the state planning 47354
council, which shall serve as an advocate for all persons with 47355
developmental disabilities. The council shall act in accordance 47356
with the "Developmental Disabilities Assistance and Bill of Rights 47357
Act," 98 Stat. 2662 (1984), 42 U.S.C. ~~6001~~ 15001, as amended. The 47358
governor shall appoint the members, including a member of the 47359
public, of the council in accordance with 42 U.S.C. ~~6024~~ 15025. 47360

(B) The state planning council shall develop the state plan 47361
required by federal law as a condition of receiving federal 47362
assistance under 42 U.S.C. ~~6021~~ 15021 to ~~6030~~ 15029. The 47363
department of mental retardation and developmental disabilities, 47364
as the state agency selected by the governor for purposes of 47365
receiving the federal assistance, shall receive, account for, and 47366
disburse funds based on the state plan and shall provide 47367
assurances and other administrative support services required as a 47368

condition of receiving the federal assistance. 47369

(C) The federal funds may be disbursed through grants to or 47370
contracts with persons and government agencies for the provision 47371
of necessary or useful goods and services for developmentally 47372
disabled persons. The state planning council may award the grants 47373
or enter into the contracts. 47374

(D) The council may award grants to or enter into contracts 47375
with a member of the council or an entity that the member 47376
represents if all of the following apply: 47377

(1) The member serves on the council as a representative of 47378
one of the principal state agencies concerned with services for 47379
persons with developmental disabilities as specified in 42 U.S.C. 47380
~~6024(b)(3)~~ 15025(c)(5)(G), a representative of a university 47381
affiliated program as defined in 42 U.S.C. ~~6001(18)~~ 15061(a), or a 47382
representative of the legal rights service created under section 47383
5123.60 of the Revised Code; 47384

(2) The council determines that the member or the entity ~~he~~ 47385
the member represents is capable of providing the goods or 47386
services specified under the terms of the grant or contract; 47387

(3) The member has not taken part in any discussion or vote 47388
of the council related to awarding the grant or entering into the 47389
contract, including service as a member of a review panel 47390
established by the council to award grants or enter into contracts 47391
or to make recommendations with regard to awarding grants or 47392
entering into contracts. 47393

(E) A member of the state planning council is not in 47394
violation of Chapter 102. or section 2921.42 of the Revised Code 47395
with regard to receiving a grant or entering into a contract under 47396
this section if the requirements of division (D) of this section 47397
have been met. 47398

Sec. 5123.1910. (A) The director of mental retardation and developmental disabilities shall issue one or more residential facility licenses under section 5123.19 of the Revised Code to an applicant without requiring the applicant to have plans submitted, reviewed, or approved under section 5123.042 of the Revised Code for the residential facility if all of the following requirements are met: 47399
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(1) The applicant satisfies the requirements for the license established by section 5123.19 of the Revised Code and rules adopted under that section, other than any rule that requires an applicant for a residential facility license to have plans submitted, reviewed, or approved under section 5123.042 of the Revised Code for the residential facility. 47406
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(2) The applicant operates at least one residential facility licensed under section 5123.19 of the Revised Code on the effective date of this section. 47412
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(3) The applicant provides services to individuals with mental retardation or a developmental disability who have a chronic, medically complex, or technology-dependent condition that requires special supervision or care, the majority of whom received habilitation services from the applicant before attaining eighteen years of age. 47415
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(4) The applicant has created directly or through a corporate affiliate a research center that has the mission of funding, promoting, and carrying on scientific research in the public interest related to individuals with mental retardation or a developmental disability for the purpose of improving the lives of such individuals. 47421
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(5) If the applicant seeks two or more residential facility licenses, the residential facilities for which a license is sought 47427
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after the effective date of this section are located on the same 47429
or adjoining property sites. 47430

(6) The residential facilities for which the applicant seeks 47431
licensure have not more than eight beds each and forty-eight beds 47432
total. 47433

(7) The applicant, one or more of the applicant's corporate 47434
affiliates, or both employ or contract for, on a full-time basis, 47435
at least one licensed physician who is certified by the American 47436
board of pediatrics or would be eligible for certification from 47437
that board if the physician passed an examination necessary to 47438
obtain certification from that board. 47439

(8) The applicant, one or more of the applicant's corporate 47440
affiliates, or both have educational facilities suitable for the 47441
instruction of individuals under eighteen years of age with mental 47442
retardation or a developmental disability who have a medically 47443
complex or technology-dependent condition. 47444

(9) The applicant has a policy for giving individuals with 47445
mental retardation or a developmental disability who meet all of 47446
the following conditions priority over all others in admissions to 47447
one of the residential facilities licensed under section 5123.19 47448
of the Revised Code that the applicant operates on the effective 47449
date of this section: 47450

(a) Are under eighteen years of age; 47451

(b) Have a chronic, medically complex, or 47452
technology-dependent condition that requires special supervision 47453
or care; 47454

(c) Are eligible for medicaid; 47455

(d) Reside in a nursing home, as defined in section 3721.01 47456
of the Revised Code, or a hospital, as defined in section 3727.01, 47457
prior to being admitted to the residential facility. 47458

(B) The director shall issue one or more residential facility licenses under section 5123.19 of the Revised Code to an applicant who meets all of the requirements of this section regardless of whether the requirements for approval of a plan for a proposed residential facility established by rules adopted under section 5123.042 of the Revised Code are met. 47459
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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. 47465
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(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. 47476
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(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. 47483
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Sec. 5123.60. (A) A legal rights service is hereby created 47490
and established to protect and advocate the rights of mentally ill 47491
persons, mentally retarded persons, developmentally disabled 47492
persons, and other disabled persons who may be represented by the 47493
service pursuant to division (L) of this section; to receive and 47494
act upon complaints concerning institutional and hospital 47495
practices and conditions of institutions for mentally retarded or 47496
developmentally disabled persons and hospitals for the mentally 47497
ill; and to assure that all persons detained, hospitalized, 47498
discharged, or institutionalized, and all persons whose detention, 47499
hospitalization, discharge, or institutionalization is sought or 47500
has been sought under this chapter or Chapter 5122. of the Revised 47501
Code are fully informed of their rights and adequately represented 47502
by counsel in proceedings under this chapter or Chapter 5122. of 47503
the Revised Code and in any proceedings to secure the rights of 47504
those persons. Notwithstanding the definitions of "mentally 47505
retarded person" and "developmentally disabled person" in section 47506
5123.01 of the Revised Code, the legal rights service shall 47507
determine who is a mentally retarded or developmentally disabled 47508
person for purposes of this section and sections 5123.601 to 47509
5123.604 of the Revised Code. 47510

(B) In regard to those persons detained, hospitalized, or 47511
institutionalized under Chapter 5122. of the Revised Code, the 47512
legal rights service shall undertake formal representation only of 47513
those persons who are involuntarily detained, hospitalized, or 47514
institutionalized pursuant to sections 5122.10 to 5122.15 of the 47515
Revised Code, and those voluntarily detained, hospitalized, or 47516
institutionalized who are minors, who have been adjudicated 47517
incompetent, who have been detained, hospitalized, or 47518
institutionalized in a public hospital, or who have requested 47519
representation by the legal rights service. If a person referred 47520
to in division (A) of this section voluntarily requests in writing 47521

that the legal rights service terminate participation in the 47522
person's case, such involvement shall cease. 47523

(C) Any person voluntarily hospitalized or institutionalized 47524
in a public hospital under division (A) of section 5122.02 of the 47525
Revised Code, after being fully informed of the person's rights 47526
under division (A) of this section, may, by written request, waive 47527
assistance by the legal rights service if the waiver is knowingly 47528
and intelligently made, without duress or coercion. 47529

The waiver may be rescinded at any time by the voluntary 47530
patient or resident, or by the voluntary patient's or resident's 47531
legal guardian. 47532

(D)(1) The legal rights service commission is hereby created 47533
for the purposes of appointing an administrator of the legal 47534
rights service, advising the administrator, assisting the 47535
administrator in developing a budget, creating a procedure for 47536
filing and determination of grievances against the legal rights 47537
service, and establishing general policy guidelines, including 47538
guidelines for the commencement of litigation, for the legal 47539
rights service. The commission may adopt rules to carry these 47540
purposes into effect and may receive and act upon appeals of 47541
personnel decisions by the administrator. 47542

(2) The commission shall consist of seven members. One 47543
member, who shall serve as chairperson, shall be appointed by the 47544
chief justice of the supreme court, three members shall be 47545
appointed by the speaker of the house of representatives, and 47546
three members shall be appointed by the president of the senate. 47547
At least two members shall have experience in the field of 47548
developmental disabilities, and at least two members shall have 47549
experience in the field of mental health. No member shall be a 47550
provider or related to a provider of services to mentally 47551
retarded, developmentally disabled, or mentally ill persons. 47552

(3) Terms of office of the members of the commission shall be 47553
for three years, each term ending on the same day of the month of 47554
the year as did the term which it succeeds. Each member shall 47555
serve subsequent to the expiration of the member's term until a 47556
successor is appointed and qualifies, or until sixty days has 47557
elapsed, whichever occurs first. No member shall serve more than 47558
two consecutive terms. 47559

All vacancies in the membership of the commission shall be 47560
filled in the manner prescribed for regular appointments to the 47561
commission and shall be limited to the unexpired terms. 47562

(4) The commission shall meet at least four times each year. 47563
Members shall be reimbursed for their necessary and actual 47564
expenses incurred in the performance of their official duties. 47565

(5) The administrator of the legal rights service shall be 47566
~~appointed for a five year term, subject to removal for mental or~~ 47567
~~physical incapacity to perform the duties of the office,~~ 47568
~~conviction of violation of any law relating to the administrator's~~ 47569
~~powers and duties, or other good cause shown~~ serve at the pleasure 47570
of the commission. 47571

The administrator shall be a person who has had special 47572
training and experience in the type of work with which the legal 47573
rights service is charged. If the administrator is not an 47574
attorney, the administrator shall seek legal counsel when 47575
appropriate. The salary of the administrator shall be established 47576
in accordance with section 124.14 of the Revised Code. 47577

(E) The legal rights service shall be completely independent 47578
of the department of mental health and the department of mental 47579
retardation and developmental disabilities and, notwithstanding 47580
section 109.02 of the Revised Code, shall also be independent of 47581
the office of the attorney general. The administrator of the legal 47582
rights service, staff, and attorneys designated by the 47583

administrator to represent persons detained, hospitalized, or 47584
institutionalized under this chapter or Chapter 5122. of the 47585
Revised Code shall have ready access to the following: 47586

(1) During normal business hours and at other reasonable 47587
times, all records relating to expenditures of state and federal 47588
funds or to the commitment, care, treatment, and habilitation of 47589
all persons represented by the legal rights service, including 47590
those who may be represented pursuant to division (L) of this 47591
section, or persons detained, hospitalized, institutionalized, or 47592
receiving services under this chapter or Chapter 340., 5119., 47593
5122., or 5126. of the Revised Code that are records maintained by 47594
the following entities providing services for those persons: 47595
departments; institutions; hospitals; community residential 47596
facilities; boards of alcohol, drug addiction, and mental health 47597
services; county boards of mental retardation and developmental 47598
disabilities; contract agencies of those boards; and any other 47599
entity providing services to persons who may be represented by the 47600
service pursuant to division (L) of this section; 47601

(2) Any records maintained in computerized data banks of the 47602
departments or boards or, in the case of persons who may be 47603
represented by the service pursuant to division (L) of this 47604
section, any other entity that provides services to those persons; 47605

(3) During their normal working hours, personnel of the 47606
departments, facilities, boards, agencies, institutions, 47607
hospitals, and other service-providing entities; 47608

(4) At any time, all persons detained, hospitalized, or 47609
institutionalized; persons receiving services under this chapter 47610
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 47611
persons who may be represented by the service pursuant to division 47612
(L) of this section. 47613

(F) The administrator of the legal rights service shall do 47614

- the following: 47615
- (1) Administer and organize the work of the legal rights 47616
service and establish administrative or geographic divisions as 47617
the administrator considers necessary, proper, and expedient; 47618
- (2) Adopt and promulgate rules that are not in conflict with 47619
rules adopted by the commission and prescribe duties for the 47620
efficient conduct of the business and general administration of 47621
the legal rights service; 47622
- (3) Appoint and discharge employees, and hire experts, 47623
consultants, advisors, or other professionally qualified persons 47624
as the administrator considers necessary to carry out the duties 47625
of the legal rights service; 47626
- (4) Apply for and accept grants of funds, and accept 47627
charitable gifts and bequests; 47628
- (5) Prepare and submit a budget to the general assembly for 47629
the operation of the legal rights service. At least thirty days 47630
prior to submitting the budget to the general assembly, the 47631
administrator shall provide a copy of the budget to the commission 47632
for review and comment. When submitting the budget to the general 47633
assembly, the administrator shall include a copy of any written 47634
comments returned by the commission to the administrator. 47635
- (6) Enter into contracts and make expenditures necessary for 47636
the efficient operation of the legal rights service; 47637
- (7) Annually prepare a report of activities and submit copies 47638
of the report to the governor, the chief justice of the supreme 47639
court, the president of the senate, the speaker of the house of 47640
representatives, the director of mental health, and the director 47641
of mental retardation and developmental disabilities, and make the 47642
report available to the public; 47643
- (8) Upon request of the commission or of the chairperson of 47644

the commission, report to the commission on specific litigation 47645
issues or activities. 47646

(G)(1) The legal rights service may act directly or contract 47647
with other organizations or individuals for the provision of the 47648
services envisioned under this section. 47649

(2) Whenever possible, the administrator shall attempt to 47650
facilitate the resolution of complaints through administrative 47651
channels. Subject to division (G)(3) of this section, if attempts 47652
at administrative resolution prove unsatisfactory, the 47653
administrator may pursue any legal, administrative, and other 47654
appropriate remedies or approaches that may be necessary to 47655
accomplish the purposes of this section. 47656

(3) The administrator may not pursue a class action lawsuit 47657
under division (G)(2) of this section when attempts at 47658
administrative resolution of a complaint prove unsatisfactory 47659
under that division unless both of the following have first 47660
occurred: 47661

(a) At least four members of the commission, by their 47662
affirmative vote, have consented to the pursuit of the class 47663
action lawsuit; 47664

(b) At least five members of the commission are present at 47665
the meeting of the commission at which that consent is obtained. 47666

(4) ~~Relationships~~ Subject to division (G)(5) of this section, 47667
relationships between personnel and the agents of the legal rights 47668
service and its clients shall be fiduciary relationships, and all 47669
communications shall be confidential, as if between attorney and 47670
client. 47671

(5) Any person who has been represented by the legal rights 47672
service or who has applied for and been denied representation and 47673
who files a grievance with the service concerning the 47674
representation or application may appeal the decision of the 47675

service on the grievance to the commission. The person may appeal 47676
notwithstanding any objections of the person's legal guardian. The 47677
commission may examine any records relevant to the appeal and 47678
shall maintain the confidentiality of any records that are 47679
required to be kept confidential. 47680

(H) The legal rights service, on the order of the 47681
administrator, with the approval by an affirmative vote of at 47682
least four members of the commission, may compel by subpoena the 47683
appearance and sworn testimony of any person the administrator 47684
reasonably believes may be able to provide information or to 47685
produce any documents, books, records, papers, or other 47686
information necessary to carry out its duties. 47687

(I) The legal rights service may conduct public hearings. 47688

(J) The legal rights service may request from any 47689
governmental agency any cooperation, assistance, services, or data 47690
that will enable it to perform its duties. 47691

(K) In any malpractice action filed against the administrator 47692
of the legal rights service, a member of the staff of the legal 47693
rights service, or an attorney designated by the administrator to 47694
perform legal services under division (E) of this section, the 47695
state shall, when the administrator, member, or attorney has acted 47696
in good faith and in the scope of employment, indemnify the 47697
administrator, member, or attorney for any judgment awarded or 47698
amount negotiated in settlement, and for any court costs or legal 47699
fees incurred in defense of the claim. 47700

This division does not limit or waive, and shall not be 47701
construed to limit or waive, any defense that is available to the 47702
legal rights service, its administrator or employees, persons 47703
under a personal services contract with it, or persons designated 47704
under division (E) of this section, including, but not limited to, 47705
any defense available under section 9.86 of the Revised Code. 47706

(L) In addition to providing services to mentally ill, 47707
mentally retarded, or developmentally disabled persons, when a 47708
grant authorizing the provision of services to other individuals 47709
is accepted pursuant to division (F)(4) of this section, the legal 47710
rights service and its ombudsperson section may provide advocacy 47711
or ombudsperson services to those other individuals and exercise 47712
any other authority granted by this section or sections 5123.601 47713
to 5123.604 of the Revised Code on behalf of those individuals. 47714
Determinations of whether an individual is eligible for services 47715
under this division shall be made by the legal rights service. 47716

Sec. 5123.801. If neither a discharged resident, nor a 47717
resident granted trial visit, nor the persons requesting the 47718
resident's trial visit or discharge are financially able to bear 47719
the expense of the resident's trial visit or discharge, the 47720
managing officer of an institution under the control of the 47721
department of mental retardation and developmental disabilities 47722
may then provide actual traveling and escort expenses to the 47723
township of which the resident resided at the time of 47724
institutionalization. The amount payable shall be charged to the 47725
current expense fund of the institution. 47726

The expense of the return of a resident on trial visit from 47727
an institution, if it cannot be paid by the responsible relatives, 47728
shall be borne by the county of institutionalization. 47729

~~The managing officer of the institution shall take all proper 47730
measures for the apprehension of an escaped resident. The expense 47731
of the return of an escaped resident shall be borne by the 47732
institution where the resident is institutionalized. 47733~~

The managing officer of the institution shall provide 47734
sufficient and proper clothing for traveling if neither the 47735
resident nor the persons requesting the resident's trial visit or 47736
discharge are financially able to provide that clothing. 47737

Sec. 5123.851. When a resident institutionalized pursuant to this chapter is discharged from the institution, the managing officer of the institution may provide the resident with all personal items that were purchased in implementing the resident's habilitation plan established pursuant to section 5123.85 of the Revised Code. The personal items may be provided to the resident, regardless of the source of the funds that were used to purchase the items.

Sec. 5126.01. As used in this chapter: 47746

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of mental retardation and developmental disabilities pursuant to Chapter 119. of the Revised Code.

(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills.

(2) "Adult services" includes all of the following: 47761

(a) Adult day habilitation services; 47762

(b) Adult day care; 47763

(c) Prevocational services; 47764

(d) Sheltered employment; 47765

(e) Educational experiences and training obtained through 47766

entities and activities that are not expressly intended for 47767
individuals with mental retardation and developmental 47768
disabilities, including trade schools, vocational or technical 47769
schools, adult education, job exploration and sampling, unpaid 47770
work experience in the community, volunteer activities, and 47771
spectator sports; 47772

(f) Community employment services and supported employment 47773
services. 47774

(B)(1) "Adult day habilitation services" means adult services 47775
that do the following: 47776

(a) Provide access to and participation in typical activities 47777
and functions of community life that are desired and chosen by the 47778
general population, including such activities and functions as 47779
opportunities to experience and participate in community 47780
exploration, companionship with friends and peers, leisure 47781
activities, hobbies, maintaining family contacts, community 47782
events, and activities where individuals without disabilities are 47783
involved; 47784

(b) Provide supports or a combination of training and 47785
supports that afford an individual a wide variety of opportunities 47786
to facilitate and build relationships and social supports in the 47787
community. 47788

(2) "Adult day habilitation services" includes all of the 47789
following: 47790

(a) Personal care services needed to ensure an individual's 47791
ability to experience and participate in vocational services, 47792
educational services, community activities, and any other adult 47793
day habilitation services; 47794

(b) Skilled services provided while receiving adult day 47795
habilitation services, including such skilled services as behavior 47796
management intervention, occupational therapy, speech and language 47797

therapy, physical therapy, and nursing services;	47798
(c) Training and education in self-determination designed to help the individual do one or more of the following: develop self-advocacy skills, exercise the individual's civil rights, acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that enable the individual to become more independent, integrated, or productive in the community;	47799 47800 47801 47802 47803 47804 47805
(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;	47806 47807 47808
(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;	47809 47810 47811 47812 47813
(f) Transportation necessary to access adult day habilitation services;	47814 47815
(g) Habilitation management, as described in section 5126.14 of the Revised Code.	47816 47817
(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.	47818 47819 47820
(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:	47821 47822 47823 47824 47825
(1) Job training resulting in the attainment of competitive work, supported work in a typical work environment, or	47826 47827

self-employment;	47828
(2) Supervised work experience through an employer paid to provide the supervised work experience;	47829 47830
(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;	47831 47832
(4) Ongoing supervision by an employer paid to provide the supervision.	47833 47834
(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.	47835 47836 47837 47838
"Developmental disability" means a severe, chronic disability that is characterized by all of the following:	47839 47840
(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;	47841 47842 47843 47844
(2) It is manifested before age twenty-two;	47845
(3) It is likely to continue indefinitely;	47846
(4) It results in one of the following:	47847
(a) In the case of a person under age three, at least one developmental delay or an established risk;	47848 47849
(b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;	47850 47851
(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	47852 47853 47854 47855 47856

person is at least age sixteen, capacity for economic 47857
self-sufficiency. 47858

(5) It causes the person to need a combination and sequence 47859
of special, interdisciplinary, or other type of care, treatment, 47860
or provision of services for an extended period of time that is 47861
individually planned and coordinated for the person. 47862

(E) "Early childhood services" means a planned program of 47863
habilitation designed to meet the needs of individuals with mental 47864
retardation or other developmental disabilities who have not 47865
attained compulsory school age. 47866

(F)(1) "Environmental modifications" means the physical 47867
adaptations to an individual's home, specified in the individual's 47868
service plan, that are necessary to ensure the individual's 47869
health, safety, and welfare or that enable the individual to 47870
function with greater independence in the home, and without which 47871
the individual would require institutionalization. 47872

(2) "Environmental modifications" includes such adaptations 47873
as installation of ramps and grab-bars, widening of doorways, 47874
modification of bathroom facilities, and installation of 47875
specialized electric and plumbing systems necessary to accommodate 47876
the individual's medical equipment and supplies. 47877

(3) "Environmental modifications" does not include physical 47878
adaptations or improvements to the home that are of general 47879
utility or not of direct medical or remedial benefit to the 47880
individual, including such adaptations or improvements as 47881
carpeting, roof repair, and central air conditioning. 47882

(G) "Family support services" means the services provided 47883
under a family support services program operated under section 47884
5126.11 of the Revised Code. 47885

(H) "Habilitation" means the process by which the staff of 47886
the facility or agency assists an individual with mental 47887

retardation or other developmental disability in acquiring and 47888
maintaining those life skills that enable the individual to cope 47889
more effectively with the demands of the individual's own person 47890
and environment, and in raising the level of the individual's 47891
personal, physical, mental, social, and vocational efficiency. 47892
Habilitation includes, but is not limited to, programs of formal, 47893
structured education and training. 47894

(I) "Habilitation center services" means services provided by 47895
a habilitation center certified by the department of mental 47896
retardation and developmental disabilities under section 5123.041 47897
of the Revised Code and covered by the medicaid program pursuant 47898
to rules adopted under section 5111.041 of the Revised Code. 47899

(J) "Home and community-based services" means medicaid-funded 47900
home and community-based services provided under ~~a~~ the medicaid 47901
~~component~~ components the department of mental retardation and 47902
developmental disabilities administers pursuant to section 47903
5111.871 of the Revised Code. 47904

(K) "Medicaid" has the same meaning as in section 5111.01 of 47905
the Revised Code. 47906

(L) "Medicaid case management services" means case management 47907
services provided to an individual with mental retardation or 47908
other developmental disability that the state medicaid plan 47909
requires. 47910

(M) "Mental retardation" means a mental impairment manifested 47911
during the developmental period characterized by significantly 47912
subaverage general intellectual functioning existing concurrently 47913
with deficiencies in the effectiveness or degree with which an 47914
individual meets the standards of personal independence and social 47915
responsibility expected of the individual's age and cultural 47916
group. 47917

(N) "Residential services" means services to individuals with 47918

mental retardation or other developmental disabilities to provide 47919
housing, food, clothing, habilitation, staff support, and related 47920
support services necessary for the health, safety, and welfare of 47921
the individuals and the advancement of their quality of life. 47922
"Residential services" includes program management, as described 47923
in section 5126.14 of the Revised Code. 47924

(O) "Resources" means available capital and other assets, 47925
including moneys received from the federal, state, and local 47926
governments, private grants, and donations; appropriately 47927
qualified personnel; and appropriate capital facilities and 47928
equipment. 47929

(P) "Service and support administration" means the duties 47930
performed by a service and support administrator pursuant to 47931
section 5126.15 of the Revised Code. 47932

(Q)(1) "Specialized medical, adaptive, and assistive 47933
equipment, supplies, and supports" means equipment, supplies, and 47934
supports that enable an individual to increase the ability to 47935
perform activities of daily living or to perceive, control, or 47936
communicate within the environment. 47937

(2) "Specialized medical, adaptive, and assistive equipment, 47938
supplies, and supports" includes the following: 47939

(a) Eating utensils, adaptive feeding dishes, plate guards, 47940
mylatex straps, hand splints, reaches, feeder seats, adjustable 47941
pointer sticks, interpreter services, telecommunication devices 47942
for the deaf, computerized communications boards, other 47943
communication devices, support animals, veterinary care for 47944
support animals, adaptive beds, supine boards, prone boards, 47945
wedges, sand bags, sidelayers, bolsters, adaptive electrical 47946
switches, hand-held shower heads, air conditioners, humidifiers, 47947
emergency response systems, folding shopping carts, vehicle lifts, 47948
vehicle hand controls, other adaptations of vehicles for 47949

accessibility, and repair of the equipment received. 47950

(b) Nondisposable items not covered by medicaid that are 47951
intended to assist an individual in activities of daily living or 47952
instrumental activities of daily living. 47953

(R) "Supportive home services" means a range of services to 47954
families of individuals with mental retardation or other 47955
developmental disabilities to develop and maintain increased 47956
acceptance and understanding of such persons, increased ability of 47957
family members to teach the person, better coordination between 47958
school and home, skills in performing specific therapeutic and 47959
management techniques, and ability to cope with specific 47960
situations. 47961

(S)(1) "Supported living" means services provided for as long 47962
as twenty-four hours a day to an individual with mental 47963
retardation or other developmental disability through any public 47964
or private resources, including moneys from the individual, that 47965
enhance the individual's reputation in community life and advance 47966
the individual's quality of life by doing the following: 47967

(a) Providing the support necessary to enable an individual 47968
to live in a residence of the individual's choice, with any number 47969
of individuals who are not disabled, or with not more than three 47970
individuals with mental retardation and developmental disabilities 47971
unless the individuals are related by blood or marriage; 47972

(b) Encouraging the individual's participation in the 47973
community; 47974

(c) Promoting the individual's rights and autonomy; 47975

(d) Assisting the individual in acquiring, retaining, and 47976
improving the skills and competence necessary to live successfully 47977
in the individual's residence. 47978

(2) "Supported living" includes the provision of all of the 47979

following:	47980
(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual receiving the services;	47981 47982 47983 47984
(b) A combination of life-long or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;	47985 47986 47987 47988 47989
(c) Personal care services and homemaker services;	47990
(d) Household maintenance that does not include modifications to the physical structure of the residence;	47991 47992
(e) Respite care services;	47993
(f) Program management, as described in section 5126.14 of the Revised Code.	47994 47995
Sec. 5126.042. (A) As used in this section:	47996
(1) <u>"Emergency"</u> , <u>"emergency"</u> means any situation that creates for an individual with mental retardation or developmental disabilities a risk of substantial self-harm or substantial harm to others if action is not taken within thirty days. An "emergency" may include one or more of the following situations:	47997 47998 47999 48000 48001
(a) <u>(1)</u> Loss of present residence for any reason, including legal action;	48002 48003
(b) <u>(2)</u> Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for the individual;	48004 48005 48006 48007
(c) <u>(3)</u> Abuse, neglect, or exploitation of the individual;	48008

~~(d)~~(4) Health and safety conditions that pose a serious risk 48009
to the individual or others of immediate harm or death; 48010

~~(e)~~(5) Change in the emotional or physical condition of the 48011
individual that necessitates substantial accommodation that cannot 48012
be reasonably provided by the individual's existing caretaker. 48013

~~(2) "Medicaid" has the same meaning as in section 5111.01 of~~ 48014
~~the Revised Code.~~ 48015

(B) If a county board of mental retardation and developmental 48016
disabilities determines that available resources are not 48017
sufficient to meet the needs of all individuals who request 48018
programs and services and may be offered the programs and 48019
services, it shall establish waiting lists for services. The board 48020
may establish priorities for making placements on its waiting 48021
lists according to an individual's emergency status and shall 48022
establish priorities in accordance with ~~division~~ divisions (D) and 48023
(E) of this section. 48024

The individuals who may be placed on a waiting list include 48025
individuals with a need for services on an emergency basis and 48026
individuals who have requested services for which resources are 48027
not available. 48028

Except for an individual who is to receive priority for 48029
services pursuant to division (D)(3) of this section, an 48030
individual who currently receives a service but would like to 48031
change to another service shall not be placed on a waiting list 48032
but shall be placed on a service substitution list. The board 48033
shall work with the individual, service providers, and all 48034
appropriate entities to facilitate the change in service as 48035
expeditiously as possible. The board may establish priorities for 48036
making placements on its service substitution lists according to 48037
an individual's emergency status. 48038

In addition to maintaining waiting lists and service 48039

substitution lists, a board shall maintain a long-term service 48040
planning registry for individuals who wish to record their 48041
intention to request in the future a service they are not 48042
currently receiving. The purpose of the registry is to enable the 48043
board to document requests and to plan appropriately. The board 48044
may not place an individual on the registry who meets the 48045
conditions for receipt of services on an emergency basis. 48046

(C) A county board shall establish a separate waiting list 48047
for each of the following categories of services, and may 48048
establish separate waiting lists within the waiting lists: 48049

(1) Early childhood services; 48050

(2) Educational programs for preschool and school age 48051
children; 48052

(3) Adult services; 48053

(4) Service and support administration; 48054

(5) Residential services and supported living; 48055

(6) Transportation services; 48056

(7) Other services determined necessary and appropriate for 48057
persons with mental retardation or a developmental disability 48058
according to their individual habilitation or service plans; 48059

(8) Family support services provided under section 5126.11 of 48060
the Revised Code. 48061

(D) Except as provided in division ~~(F)~~(G) of this section, a 48062
county board shall do, as priorities, all of the following in 48063
accordance with the assessment component, approved under section 48064
5123.046 of the Revised Code, of the county board's plan developed 48065
under section 5126.054 of the Revised Code: 48066

(1) For the purpose of obtaining additional federal medicaid 48067
funds for home and community-based services, medicaid case 48068
management services, and habilitation center services, do both of 48069

the following: 48070

(a) Give an individual who is eligible for home and 48071
community-based services and meets both of the following 48072
requirements priority over any other individual on a waiting list 48073
established under division (C) of this section for home and 48074
community-based services that include supported living, 48075
residential services, or family support services: 48076

(i) Is twenty-two years of age or older; 48077

(ii) Receives supported living or family support services. 48078

(b) Give an individual who is eligible for home and 48079
community-based services and meets both of the following 48080
requirements priority over any other individual on a waiting list 48081
established under division (C) of this section for home and 48082
community-based services that include adult services: 48083

(i) Resides in the individual's own home or the home of the 48084
individual's family and will continue to reside in that home after 48085
enrollment in home and community-based services; 48086

(ii) Receives adult services from the county board. 48087

(2) As federal medicaid funds become available pursuant to 48088
division (D)(1) of this section, give an individual who is 48089
eligible for home and community-based services and meets any of 48090
the following requirements priority for such services over any 48091
other individual on a waiting list established under division (C) 48092
of this section: 48093

(a) Does not receive residential services or supported 48094
living, either needs services in the individual's current living 48095
arrangement or will need services in a new living arrangement, and 48096
has a primary caregiver who is sixty years of age or older; 48097

(b) Is less than twenty-two years of age and has at least one 48098
of the following service needs that are unusual in scope or 48099

intensity:	48100
(i) Severe behavior problems for which a behavior support plan is needed;	48101 48102
(ii) An emotional disorder for which anti-psychotic medication is needed;	48103 48104
(iii) A medical condition that leaves the individual dependent on life-support medical technology;	48105 48106
(iv) A condition affecting multiple body systems for which a combination of specialized medical, psychological, educational, or habilitation services are needed;	48107 48108 48109
(v) A condition the county board determines to be comparable in severity to any condition described in division (D)(2)(b)(i) to (iv) of this section and places the individual at significant risk of institutionalization.	48110 48111 48112 48113
(c) Is twenty-two years of age or older, does not receive residential services or supported living, and is determined by the county board to have intensive needs for home and community-based services on an in-home or out-of-home basis.	48114 48115 48116 48117
(3) In fiscal years 2002 and 2003, give an individual who is eligible for home and community-based services, resides in an intermediate care facility for the mentally retarded or nursing facility, chooses to move to another setting with the help of home and community-based services, and has been determined by the department of mental retardation and developmental disabilities to be capable of residing in the other setting, priority over any other individual on a waiting list established under division (C) of this section for home and community-based services who does not meet these criteria. The department of mental retardation and developmental disabilities shall identify the individuals to receive priority under division (D)(3) of this section, assess the needs of the individuals, and notify the county boards that are to	48118 48119 48120 48121 48122 48123 48124 48125 48126 48127 48128 48129 48130

provide the individuals priority under division (D)(3) of this 48131
section of the individuals identified by the department and the 48132
individuals' assessed needs. 48133

(E) Except as provided in division (G) of this section and 48134
for a number of years and beginning on a date specified in rules 48135
adopted under division (K) of this section, a county board shall 48136
give an individual who is eligible for home and community-based 48137
services, resides in a nursing facility, chooses to move to 48138
another setting with the help of home and community-based 48139
services, and has been determined by the department of mental 48140
retardation and developmental disabilities to be capable of 48141
residing in the other setting, priority over any other individual 48142
on a waiting list established under division (C) of this section 48143
for home and community-based services who does not meet these 48144
criteria. 48145

(F) If two or more individuals on a waiting list established 48146
under division (C) of this section for home and community-based 48147
services have priority for the services pursuant to division 48148
(D)(1) or (2) or (E) of this section, a county board may use, 48149
until December 31, 2003, criteria specified in rules adopted under 48150
division ~~(J)~~(K)(2) of this section in determining the order in 48151
which the individuals with priority will be offered the services. 48152
Otherwise, the county board shall offer the home and 48153
community-based services to such individuals in the order they are 48154
placed on the waiting list. 48155

~~(F)~~(G)(1) No individual may receive priority for services 48156
pursuant to division (D) or (E) of this section over an individual 48157
placed on a waiting list established under division (C) of this 48158
section on an emergency status. 48159

(2) No more than four hundred individuals in the state may 48160
receive priority for services during the 2002 and 2003 biennium 48161
pursuant to division (D)(2)(b) of this section. 48162

(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 specified in rules adopted under division (K) of this section.

(H) Prior to establishing any waiting list under this section, a county board shall develop and implement a policy for waiting lists that complies with this section and rules adopted under division ~~(J)~~(K) of this section.

Prior to placing an individual on a waiting list, the county board shall assess the service needs of the individual in accordance with all applicable state and federal laws. The county board shall place the individual on the appropriate waiting list and may place the individual on more than one waiting list. The county board shall notify the individual of the individual's placement and position on each waiting list on which the individual is placed.

At least annually, the county board shall reassess the service needs of each individual on a waiting list. If it determines that an individual no longer needs a program or service, the county board shall remove the individual from the waiting list. If it determines that an individual needs a program or service other than the one for which the individual is on the waiting list, the county board shall provide the program or service to the individual or place the individual on a waiting list for the program or service in accordance with the board's policy for waiting lists.

When a program or service for which there is a waiting list becomes available, the county board shall reassess the service

needs of the individual next scheduled on the waiting list to 48194
receive that program or service. If the reassessment demonstrates 48195
that the individual continues to need the program or service, the 48196
board shall offer the program or service to the individual. If it 48197
determines that an individual no longer needs a program or 48198
service, the county board shall remove the individual from the 48199
waiting list. If it determines that an individual needs a program 48200
or service other than the one for which the individual is on the 48201
waiting list, the county board shall provide the program or 48202
service to the individual or place the individual on a waiting 48203
list for the program or service in accordance with the board's 48204
policy for waiting lists. The county board shall notify the 48205
individual of the individual's placement and position on the 48206
waiting list on which the individual is placed. 48207

~~(H)~~(I) A child subject to a determination made pursuant to 48208
section 121.38 of the Revised Code who requires the home and 48209
community-based services provided through ~~the~~ a medicaid component 48210
that the department of mental retardation and developmental 48211
disabilities administers under section 5111.871 of the Revised 48212
Code shall receive services through that medicaid component. For 48213
all other services, a child subject to a determination made 48214
pursuant to section 121.38 of the Revised Code shall be treated as 48215
an emergency by the county boards and shall not be subject to a 48216
waiting list. 48217

~~(I)~~(J) Not later than the fifteenth day of March of each 48218
even-numbered year, each county board shall prepare and submit to 48219
the director of mental retardation and developmental disabilities 48220
its recommendations for the funding of services for individuals 48221
with mental retardation and developmental disabilities and its 48222
proposals for reducing the waiting lists for services. 48223

~~(J)~~(K)(1) The department of mental retardation and 48224
developmental disabilities shall adopt rules in accordance with 48225

Chapter 119. of the Revised Code governing waiting lists 48226
established under this section. The rules shall include procedures 48227
to be followed to ensure that the due process rights of 48228
individuals placed on waiting lists are not violated. 48229

(2) As part of the rules adopted under this division, the 48230
department shall adopt, ~~not later than December 31, 2001,~~ rules 48231
establishing criteria a county board may use under division ~~(E)~~(F) 48232
of this section in determining the order in which individuals with 48233
priority for home and community-based services will be offered the 48234
services. The rules shall also specify conditions under which a 48235
county board, when there is no individual with priority for home 48236
and community-based services pursuant to division (D)(1) or (2) or 48237
(E) of this section available and appropriate for the services, 48238
may offer the services to an individual on a waiting list for the 48239
services but not given such priority for the services. The rules 48240
adopted under division ~~(J)~~(K)(2) of this section shall cease to 48241
have effect December 31, 2003. 48242

~~(K)~~(3) As part of the rules adopted under this division, the 48243
department shall adopt rules specifying both of the following for 48244
the priority category established under division (E) of this 48245
section: 48246

(a) The number of years, which shall not exceed five, that 48247
the priority category will be in effect; 48248

(b) The date that the priority category is to go into effect. 48249

(L) The following shall take precedence over the applicable 48250
provisions of this section: 48251

(1) Medicaid rules and regulations; 48252

(2) Any specific requirements that may be contained within a 48253
medicaid state plan amendment or waiver program that a county 48254
board has authority to administer or with respect to which it has 48255
authority to provide services, programs, or supports. 48256

Sec. 5126.12. (A) As used in this section: 48257

(1) "Approved school age class" means a class operated by a 48258
county board of mental retardation and developmental disabilities 48259
and funded by the department of education under section 3317.20 of 48260
the Revised Code. 48261

(2) "Approved preschool unit" means a class or unit operated 48262
by a county board of mental retardation and developmental 48263
disabilities and approved ~~by the state board of education~~ under 48264
division (B) of section 3317.05 of the Revised Code. 48265

(3) "Active treatment" means a continuous treatment program, 48266
which includes aggressive, consistent implementation of a program 48267
of specialized and generic training, treatment, health services, 48268
and related services, that is directed toward the acquisition of 48269
behaviors necessary for an individual with mental retardation or 48270
other developmental disability to function with as much 48271
self-determination and independence as possible and toward the 48272
prevention of deceleration, regression, or loss of current optimal 48273
functional status. 48274

(4) "Eligible for active treatment" means that an individual 48275
with mental retardation or other developmental disability resides 48276
in an intermediate care facility for the mentally retarded 48277
certified under Title XIX of the "Social Security Act," ~~49 79~~ 48278
Stat. ~~620 286~~ (1935 ~~1965~~), 42 U.S.C. ~~301 1396~~, as amended; resides 48279
in a state institution operated by the department of mental 48280
retardation and developmental disabilities; or is enrolled in a 48281
home and community-based services waiver program ~~administered by~~ 48282
~~the department of mental retardation and developmental~~ 48283
~~disabilities as part of the medical assistance program established~~ 48284
~~under section 5111.01 of the Revised Code.~~ 48285

(5) "Community alternative funding system" means the program 48286

under which habilitation center services are reimbursed under the 48287
medicaid program pursuant to section 5111.041 of the Revised Code 48288
and rules adopted under that section. 48289

(6) "Traditional adult services" means vocational and 48290
nonvocational activities conducted within a sheltered workshop or 48291
adult activity center or supportive home services. 48292

(B) Each county board of mental retardation and developmental 48293
disabilities shall certify to the director of mental retardation 48294
and developmental disabilities all of the following: 48295

(1) On or before the fifteenth day of October, the average 48296
daily membership for the first full week of programs and services 48297
during October receiving: 48298

(a) Early childhood services provided pursuant to section 48299
5126.05 of the Revised Code for children who are less than three 48300
years of age on the thirtieth day of September of the academic 48301
year; 48302

(b) Special education for handicapped children in approved 48303
school age classes; 48304

(c) Adult services for persons sixteen years of age and older 48305
operated pursuant to section 5126.05 and division (B) of section 48306
5126.051 of the Revised Code. Separate counts shall be made for 48307
the following: 48308

(i) Persons enrolled in traditional adult services who are 48309
eligible for but not enrolled in active treatment under the 48310
community alternative funding system; 48311

(ii) Persons enrolled in traditional adult services who are 48312
eligible for and enrolled in active treatment under the community 48313
alternative funding system; 48314

(iii) Persons enrolled in traditional adult services but who 48315
are not eligible for active treatment under the community 48316

alternative funding system; 48317

(iv) Persons participating in community employment services. 48318
To be counted as participating in community employment services, a 48319
person must have spent an average of no less than ten hours per 48320
week in that employment during the preceding six months. 48321

(d) Other programs in the county for individuals with mental 48322
retardation and developmental disabilities that have been approved 48323
for payment of subsidy by the department of mental retardation and 48324
developmental disabilities. 48325

The membership in each such program and service in the county 48326
shall be reported on forms prescribed by the department of mental 48327
retardation and developmental disabilities. 48328

The department of mental retardation and developmental 48329
disabilities shall adopt rules defining full-time equivalent 48330
enrollees and for determining the average daily membership 48331
therefrom, except that certification of average daily membership 48332
in approved school age classes shall be in accordance with rules 48333
adopted by the state board of education. The average daily 48334
membership figure shall be determined by dividing the amount 48335
representing the sum of the number of enrollees in each program or 48336
service in the week for which the certification is made by the 48337
number of days the program or service was offered in that week. No 48338
enrollee may be counted in average daily membership for more than 48339
one program or service. 48340

(2) By the fifteenth day of December, the number of children 48341
enrolled in approved preschool units on the first day of December; 48342

(3) On or before the thirtieth day of March, an itemized 48343
report of all income and operating expenditures for the 48344
immediately preceding calendar year, in the format specified by 48345
the department of mental retardation and developmental 48346
disabilities; 48347

(4) By the fifteenth day of February, a report of the total annual cost per enrollee for operation of programs and services in the preceding calendar year. The report shall include a grand total of all programs operated, the cost of the individual programs, and the sources of funds applied to each program.

(5) That each required certification and report is in accordance with rules established by the department of mental retardation and developmental disabilities and the state board of education for the operation and subsidization of the programs and services.

(C) To compute payments under this section to the board for the fiscal year, the department of mental retardation and developmental disabilities shall use the certification of average daily membership required by division (B)(1) of this section exclusive of the average daily membership in any approved school age class and the number in any approved preschool unit.

(D) The department shall pay each county board for each fiscal year an amount equal to nine hundred fifty dollars times the certified number of persons who on the first day of December of the academic year are under three years of age and are not in an approved preschool unit. For persons who are at least age sixteen and are not in an approved school age class, the department shall pay each county board for each fiscal year the following amounts:

(1) One thousand dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment under the community alternative funding system;

(2) One thousand two hundred dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for and enrolled in active treatment

under the community alternative funding system; 48379

(3) No less than one thousand five hundred dollars times the 48380
certified average daily membership of persons enrolled in 48381
traditional adult services but who are not eligible for active 48382
treatment under the community alternative funding system; 48383

(4) No less than one thousand five hundred dollars times the 48384
certified average daily membership of persons participating in 48385
community employment services. 48386

(E) The department shall distribute this subsidy to county 48387
boards in semiannual installments of equal amounts. The 48388
installments shall be made not later than the thirty-first day of 48389
August and the thirty-first day of January. 48390

(F) The director of mental retardation and developmental 48391
disabilities shall make efforts to obtain increases in the 48392
subsidies for early childhood services and adult services so that 48393
the amount of the subsidies is equal to at least fifty per cent of 48394
the statewide average cost of those services minus any applicable 48395
federal reimbursements for those services. The director shall 48396
advise the director of budget and management of the need for any 48397
such increases when submitting the biennial appropriations request 48398
for the department. 48399

(G) In determining the reimbursement of a county board for 48400
the provision of service and support administration, family 48401
support services, and other services required or approved by the 48402
director for which children three through twenty-one years of age 48403
are eligible, the department shall include the average daily 48404
membership in approved school age or preschool units. The 48405
department, in accordance with this section and upon receipt and 48406
approval of the certification required by this section and any 48407
other information it requires to enable it to determine a board's 48408
payments, shall pay the agency providing the specialized training 48409

the amounts payable under this section. 48410

Sec. 5139.36. (A) In accordance with this section and the 48411
rules adopted under it and from funds appropriated to the 48412
department of youth services for the purposes of this section, the 48413
department shall make grants that provide financial resources to 48414
operate community corrections facilities for felony delinquents. 48415

(B)(1) Each community corrections facility that intends to 48416
seek a grant under this section shall file an application with the 48417
department of youth services at the time and in accordance with 48418
the procedures that the department shall establish by rules 48419
adopted in accordance with Chapter 119. of the Revised Code. In 48420
addition to other items required to be included in the 48421
application, a plan that satisfies both of the following shall be 48422
included: 48423

(a) It reduces the number of felony delinquents committed to 48424
the department from the county or counties associated with the 48425
community corrections facility. 48426

(b) It ensures equal access for minority felony delinquents 48427
to the programs and services for which a potential grant would be 48428
used. 48429

(2) The department of youth services shall review each 48430
application submitted pursuant to division (B)(1) of this section 48431
to determine whether the plan described in that division, the 48432
community corrections facility, and the application comply with 48433
this section and the rules adopted under it. 48434

(C) To be eligible for a grant under this section and for 48435
continued receipt of moneys comprising a grant under this section, 48436
a community corrections facility shall satisfy at least all of the 48437
following requirements: 48438

(1) Be constructed, reconstructed, improved, or financed by 48439

the Ohio building authority pursuant to section 307.021 of the Revised Code and Chapter 152. of the Revised Code for the use of the department of youth services and be designated as a community corrections facility;

(2) Have written standardized criteria governing the types of felony delinquents that are eligible for the programs and services provided by the facility;

(3) Have a written standardized intake screening process and an intake committee that at least performs both of the following tasks:

(a) Screens all eligible felony delinquents who are being considered for admission to the facility in lieu of commitment to the department;

(b) Notifies, within ten days after the date of the referral of a felony delinquent to the facility, the committing court whether the felony delinquent will be admitted to the facility.

(4) Comply with all applicable fiscal and program rules that the department adopts in accordance with Chapter 119. of the Revised Code and demonstrate that felony delinquents served by the facility have been or will be diverted from a commitment to the department.

(D) The department of youth services shall determine the method of distribution of the funds appropriated for grants under this section to community corrections facilities.

~~(E) With the consent of a committing court and of a community corrections facility that has received a grant under this section, the department of youth services may place in that facility a felony delinquent who has been committed to the department. During the period in which the felony delinquent is in that facility, the felony delinquent~~ (1) The department of youth services shall adopt rules in accordance with Chapter 119. of the Revised Code to

establish the minimum occupancy threshold of community corrections facilities. 48471
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(2) The department may make referrals for the placement of children in its custody to a community corrections facility if the community corrections facility is not meeting the minimum occupancy threshold established by the department. At least forty-five days prior to the referral of a child, the department shall notify the committing court of its intent to place the child in a community corrections facility. The court shall have thirty days after the receipt of the notice to approve or disapprove the placement. If the court does not respond to the notice of the placement within that thirty-day period, the department shall proceed with the placement and debit the county in accordance with sections 5139.41 to 5139.45 of the Revised Code. A child placed in a community corrections facility pursuant to this division shall remain in the legal custody of the department of youth services during the period in which the child is in the community corrections facility. 48473
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(3) Counties that are not associated with a community corrections facility may refer children to a community corrections facility with the consent of the facility. The department of youth services shall debit the county that makes the referral in accordance with sections 5139.41 to 5139.45 of the Revised Code. 48489
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(F) If the board or other governing body of a community corrections facility establishes an advisory board, the board or other governing authority of the community corrections facility shall reimburse the members of the advisory board for their actual and necessary expenses incurred in the performance of their official duties on the advisory board. The members of advisory boards shall serve without compensation. 48494
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Sec. 5139.41. On and after January 1, 1995, the appropriation 48501

made to the department of youth services for care and custody of 48502
felony delinquents shall be expended in accordance with a formula 48503
that the department shall develop for each year of a biennium. The 48504
formula shall be consistent with sections 5139.41 to 5139.45 of 48505
the Revised Code and shall be developed in accordance with the 48506
following guidelines: 48507

(A) The department shall set aside at least three per cent 48508
but not more than five per cent of the appropriation for purposes 48509
of funding the contingency program described in section 5139.45 of 48510
the Revised Code and of use in accordance with that section. 48511

(B)(1) After setting aside the amount described in division 48512
(A) of this section, the department shall set aside twenty-five 48513
per cent of the remainder of the appropriation and use that amount 48514
for the purpose described in division (B)(2) of this section and 48515
to pay certain of the operational costs associated with, and to 48516
provide cash flow for, the following: 48517

(a) Institutions; 48518

(b) The diagnosis, care, or treatment of felony delinquents 48519
at institutions, facilities, or centers pursuant to contracts 48520
entered into under section 5139.08 of the Revised Code; 48521

(c) Community corrections facilities constructed, 48522
reconstructed, improved, or financed as described in section 48523
5139.36 of the Revised Code for the purpose of providing 48524
alternative placement and services for felony delinquents who have 48525
been diverted from care and custody in institutions. 48526

(2) The department may use a portion of the twenty-five per 48527
cent of the remainder of the appropriation set aside pursuant to 48528
division (B)(1) of this section for administrative expenses 48529
incurred by the department in connection with the felony 48530
delinquent care and custody program described in section 5139.43 48531
of the Revised Code and the associated contingency program 48532

described in section 5139.45 of the Revised Code. 48533

(C) After setting aside the amounts described in divisions 48534
(A) and (B)(1) of this section, the department shall set aside the 48535
amount of the appropriation that is equal to twenty-five per cent 48536
of the amount that is calculated by multiplying the per diem cost 48537
for the care and custody of felony delinquents, as determined 48538
pursuant to division (D) of section 5139.42 of the Revised Code, 48539
by the number of bed days that the department projects for 48540
occupancy in community corrections facilities described in 48541
division (B)(1)(c) of this section. The department shall use the 48542
amount of the appropriation that is set aside pursuant to this 48543
division to pay the percentage of the per diem cost for the care 48544
and custody of felony delinquents who are in the care and custody 48545
of community corrections facilities described in division 48546
(B)(1)(c) of this section for which the department is responsible 48547
under sections 5139.41 to 5139.45 of the Revised Code. 48548

(D) After setting aside the amounts described in divisions 48549
(A) to (C) of this section, the department shall set aside the 48550
amount of the appropriation that is necessary to pay seventy-five 48551
per cent of the per diem cost of public safety beds and shall use 48552
that amount for the purpose of paying that per diem cost. 48553

(E) After setting aside the amounts described in divisions 48554
(A) to (D) of this section, the department shall use the remainder 48555
of the appropriation in connection with the felony delinquent care 48556
and custody program described in section 5139.43 of the Revised 48557
Code, except that, for fiscal year 2002 and fiscal year 2003 and 48558
only for those two fiscal years, the total number of beds 48559
available to all counties via public safety beds and county 48560
allocations shall not be less than the total beds used by all the 48561
counties during fiscal year 2000 funded by care and custody 48562
chargebacks (Line Item 401) and as public safety beds. 48563

~~(F) If the department's appropriation for a fiscal year is 48564~~

~~subsequently revised by law or its expenditures ordered to be 48565
reduced by executive order under section 126.05 of the Revised 48566
Code, the department may adjust the amounts described in divisions 48567
(A) to (E) of this section in a manner consistent with the 48568
revision or reduction. 48569~~

Sec. 5139.87. (A) The department of youth services shall 48570
serve as the state agent for the administration of all federal 48571
juvenile justice grants awarded to the state. 48572

(B) There are hereby created in the state treasury the 48573
federal juvenile justice programs funds. A separate fund shall be 48574
established each federal fiscal year. All federal grants and other 48575
moneys received for federal juvenile programs shall be deposited 48576
into the funds. All receipts deposited into the funds shall be 48577
used for federal juvenile programs. All investment earnings on the 48578
cash balance in a federal juvenile program fund shall be credited 48579
to that fund for the appropriate federal fiscal year. 48580

(C) All rules, orders, and determinations of the office of 48581
criminal justice services regarding the administration of federal 48582
juvenile justice grants that are in effect on the effective date 48583
of this amendment shall continue in effect as rules, orders, and 48584
determinations of the department of youth services. 48585

Sec. 5153.163. (A) As used in this section, "adoptive parent" 48586
means, as the context requires, a prospective adoptive parent or 48587
an adoptive parent. 48588

(B)(1) ~~If Before a child's adoption is finalized, a public 48589
children services agency considers a child with special needs 48590
residing in the county served by the agency to be in need of 48591
public care or protective services and all of the following apply, 48592
the agency shall enter into an agreement with the child's adoptive 48593
parent before the child is adopted under which the agency shall 48594~~

make state adoption maintenance subsidy payments as needed on 48595
behalf of the child when all of the following apply: 48596

(a) The child is a child with special needs. 48597

(b) The child was placed in the adoptive home by a public 48598
children services agency or a private child placing agency and may 48599
legally be adopted. 48600

(c) The adoptive parent has the capability of providing the 48601
permanent family relationships needed by the child ~~in all areas 48602
except financial need as determined by the agency;.~~ 48603

~~(b)~~(d) The needs of the child are beyond the economic 48604
resources of the adoptive parent ~~as determined by the agency;.~~ 48605

~~(c)~~ ~~The agency determines the acceptance~~ (e) Acceptance of 48606
the child as a member of the adoptive parent's family would not be 48607
in the child's best interest without payments on the child's 48608
behalf under this section. 48609

~~(2) Payments to an adoptive parent under division (B) of this 48610
section shall include medical, surgical, psychiatric, 48611
psychological, and counseling expenses, and may include 48612
maintenance costs if necessary and other costs incidental to the 48613
care of the child. No payment of maintenance costs shall be made 48614
under division (B) of this section on behalf of a child if either 48615
of the following apply:~~ 48616

~~(a)~~(f) The gross income of the adoptive parent's family 48617
~~exceeds~~ does not exceed one hundred twenty per cent of the median 48618
income of a family of the same size, including the child, as most 48619
recently determined for this state by the secretary of health and 48620
human services under Title XX of the "Social Security Act," 88 48621
Stat. 2337, 42 U.S.C.A. 1397, as amended;.

~~(b)~~(g) The child is not eligible for adoption assistance 48623
payments ~~for maintenance costs~~ under Title IV-E of the "Social 48624

Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended. 48625

(2) State adoption maintenance subsidy payment agreements 48626
must be made by either the public children services agency that 48627
has permanent custody of the child or the public children services 48628
agency of the county in which the private child placing agency 48629
that has permanent custody of the child is located. 48630

(3) State adoption maintenance subsidy payments shall be made 48631
in accordance with the agreement between the public children 48632
services agency and the adoptive parent and are subject to an 48633
annual redetermination of need. 48634

(4) Payments under this division (B) of this section may 48635
begin either before or after issuance of the final adoption 48636
decree, except that payments made before issuance of the final 48637
adoption decree may be made only while the child is living in the 48638
adoptive parent's home. Preadoption payments may be made for not 48639
more than twelve months, unless the final adoption decree is not 48640
issued within that time because of a delay in court proceedings. 48641
Payments that begin before issuance of the final adoption decree 48642
may continue after its issuance. 48643

(C)(1) If, after the child's adoption is finalized, a public 48644
children services agency considers a child residing in the county 48645
served by the agency to be in need of public care or protective 48646
services and both of the following apply, the agency may, ~~and~~ to 48647
the extent state funds are appropriated for this purpose ~~shall,~~ 48648
enter into an agreement with the child's adoptive parent ~~after the~~ 48649
~~child is adopted~~ under which the agency shall make post adoption 48650
special services subsidy payments on behalf of the child as 48651
needed: 48652

~~(1)~~(a) The child has a physical or developmental handicap or 48653
mental or emotional condition that either: 48654

~~(a)~~(i) Existed before the adoption petition was filed; 48655

~~(b)(ii)~~ Developed after the adoption petition was filed and 48656
can be directly attributed to factors in the child's preadoption 48657
background, medical history, or biological family's background or 48658
medical history. 48659

~~(2)(b)~~ The agency determines the expenses necessitated by the 48660
child's handicap or condition are beyond the adoptive parent's 48661
economic resources. 48662

~~Payments to an adoptive parent~~ (2) Services for which a 48663
public children services agency may make post adoption special 48664
services subsidy payments on behalf of a child under this division 48665
shall include medical, surgical, psychiatric, psychological, and 48666
counseling ~~expenses~~ services, including residential treatment. 48667

(3) The department of job and family services shall establish 48668
clinical standards to evaluate a child's physical or developmental 48669
handicap or mental or emotional condition and assess the child's 48670
need for services. 48671

(4) The total dollar value of post adoption special services 48672
subsidy payments made on a child's behalf shall not exceed ten 48673
thousand dollars in any fiscal year, unless the department 48674
determines that extraordinary circumstances exist that necessitate 48675
further funding of services for the child. Under such 48676
extraordinary circumstances, the value of the payments made on the 48677
child's behalf shall not exceed fifteen thousand dollars in any 48678
fiscal year. 48679

(5) The adoptive parent or parents of a child who receives 48680
post adoption special services subsidy payments shall pay at least 48681
five per cent of the total cost of all services provided to the 48682
child. 48683

(6) A public children services agency may use other sources 48684
of revenue to make post adoption special services subsidy 48685
payments, in addition to any state funds appropriated for that 48686

purpose. 48687

(D) No payment shall be made under division (B) or (C) of 48688
this section on behalf of any person eighteen years of age or 48689
older or, if mentally or physically handicapped, twenty-one years 48690
of age or older. ~~Payments under those divisions shall be made in~~ 48691
~~accordance with the terms of the agreement between the public~~ 48692
~~children services agency and the adoptive parent, subject to an~~ 48693
~~annual redetermination of need. The agency may use sources of~~ 48694
~~funding in addition to any state funds appropriated for the~~ 48695
~~purposes of those divisions.~~ 48696

(E) The director of job and family services shall adopt rules 48697
in accordance with Chapter 119. of the Revised Code that are 48698
needed to implement this section. The rules shall establish all of 48699
the following: 48700

(1) The application process for ~~payments~~ all forms of 48701
assistance provided under this section; 48702

(2) The method to determine the ~~amounts and kinds~~ amount of 48703
assistance payable under division (B) of this section; 48704

(3) The definition of "child with special needs" for this 48705
section; 48706

(4) The process whereby a child's continuing need for 48707
services provided under division (B) of this section is annually 48708
redetermined; 48709

(5) The method of determining the amount, duration, and scope 48710
of services provided to a child under division (C) of this 48711
section; 48712

(6) Any other rule, requirement, or procedure the department 48713
considers appropriate for the implementation of this section. 48714

~~The rules shall allow for payments for children placed by~~ 48715
~~nonpublic agencies.~~ 48716

~~(E)(F) The state adoption special services subsidy program~~ 48717
~~ceases to exist on July 1, 2004, except that, subject to the~~ 48718
~~findings of the annual redetermination process established under~~ 48719
~~division (E) of this section and the child's individual need for~~ 48720
~~services, a public children services agency may continue to~~ 48721
~~provide state adoption special services subsidy payments on behalf~~ 48722
~~of a child for whom payments were being made prior to July 1,~~ 48723
~~2004.~~ 48724

(G) No public children services agency shall, pursuant to 48725
either section 2151.353 or 5103.15 of the Revised Code, place or 48726
maintain a child with special needs who is in the permanent 48727
custody of an institution or association certified by the 48728
department of job and family services under section 5103.03 of the 48729
Revised Code in a setting other than with a person seeking to 48730
adopt the child, unless the agency has determined and redetermined 48731
at intervals of not more than six months the impossibility of 48732
adoption by a person listed pursuant to division (B), (C), or (D) 48733
of section 5103.154 of the Revised Code, including the 48734
impossibility of entering into a payment agreement with such a 48735
person. The agency so maintaining such a child shall report its 48736
reasons for doing so to the department of job and family services. 48737
~~No agency that fails to so determine, redetermine, and report~~ 48738
~~shall receive more than fifty per cent of the state funds to which~~ 48739
~~it would otherwise be eligible for that part of the fiscal year~~ 48740
~~following placement under section 5101.14 of the Revised Code.~~ 48741

The department may take any action permitted under section 48742
5101.24 of the Revised Code for an agency's failure to determine, 48743
redetermine, and report on a child's status. 48744

Sec. 5153.60. (A) The department of job and family services 48745
shall establish a statewide program that provides ~~the~~ all of the 48746
following: 48747

(1) The training section 5153.122 of the Revised Code 48748
requires public children services agency caseworkers and 48749
supervisors to complete. ~~The program may also provide the;~~ 48750

(2) The preplacement and continuing training described in 48751
sections 5103.034, 5103.039, 5103.0310, and 5103.0311 of the 48752
Revised Code that foster caregivers are required by sections 48753
5103.031, 5103.032, and 5103.033 of the Revised Code to obtain- 48754
~~The;~~ 48755

(3) The education programs for adoption assessors required by 48756
section 3107.014 of the Revised Code. 48757

(B) The training described in division (A)(3) of this section 48758
shall be conducted in accordance with rules adopted under section 48759
3107.015 of the Revised Code. 48760

(C) The program established pursuant to division (A) of this 48761
section shall be called the "Ohio child welfare training program." 48762

Sec. 5153.69. The training program steering committee shall 48763
monitor and evaluate the Ohio child welfare training program to 48764
ensure the following: 48765

(A) That the Ohio child welfare training program is a 48766
competency-based training system that satisfies the training 48767
requirements for public children services agency caseworkers and 48768
supervisors under section 5153.122 of the Revised Code; 48769

(B) That, ~~if~~ the Ohio child welfare training program provides 48770
preplacement or continuing training for foster caregivers, ~~it as~~ 48771
required by section 5153.60 of the Revised Code that meets the 48772
~~same requirements that~~ preplacement training programs and 48773
continuing training programs must meet pursuant to section 48774
5103.038 of the Revised Code to obtain approval by the department 48775
of job and family services, except that the Ohio child welfare 48776
training program is not required to obtain department approval. 48777

Sec. 5153.72. Prior to the beginning of the fiscal biennium 48778
that first follows ~~the effective date of this section~~ October 5, 48779
2000, the public children services agencies of Athens, Cuyahoga, 48780
Franklin, Greene, Guernsey, Hamilton, Lucas, and Summit counties 48781
shall each establish and maintain a regional training center. At 48782
any time after the beginning of that biennium, the department of 48783
job and family services, on the recommendation of the training 48784
program steering committee, may direct a public children services 48785
agency to establish and maintain a training center to replace the 48786
center established by an agency under this section. There may be 48787
no more and no less than eight centers in existence at any time. 48788
The department may make a grant to a public children services 48789
agency that establishes and maintains a regional training center 48790
under this section for the purpose of wholly or partially 48791
subsidizing the operation of the center. 48792

Sec. 5153.78. (A) As used in this section: 48793

(1) "Title IV-B" means Title IV-B of the "Social Security Act 48794
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 48795

(2) "Title IV-E" means Title IV-E of the "Social Security 48796
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 48797

(3) "Title XX" has the same meaning as in section 5101.46 of 48798
the Revised Code. 48799

(B) For purposes of adequately funding the Ohio child welfare 48800
training program, the department of job and family services may 48801
use any of the following: 48802

(1) The federal financial participation funds withheld 48803
pursuant to division ~~(D)~~ (E) of section 5101.141 of the Revised 48804
Code in an amount determined by the department; 48805

(2) Funds available under Title XX, Title IV-B, and Title 48806

IV-E to pay for training costs; 48807

(3) Other available state or federal funds. 48808

Sec. 5502.13. The department of public safety shall maintain 48809
an investigative unit in order to conduct investigations and other 48810
enforcement activity authorized by Chapters 4301., 4303., 5101., 48811
5107., ~~and 5108., and 5115.~~ and sections 2903.12, 2903.13, 48812
2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 48813
2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 48814
4507.30, ~~and 5115.03~~ of the Revised Code. The director of public 48815
safety shall appoint the employees of the unit who are necessary, 48816
designate the activities to be performed by those employees, and 48817
prescribe their titles and duties. 48818

Sec. 5513.01. (A) All purchases of machinery, materials, 48819
supplies, or other articles that the director of transportation 48820
makes shall be in the manner provided in this section. In all 48821
cases except those in which the director provides written 48822
authorization for purchases by district deputy directors of 48823
transportation, all such purchases shall be made at the central 48824
office of the department of transportation in Columbus. Before 48825
making any purchase at that office, the director, as provided in 48826
this section, shall give notice to bidders of the director's 48827
intention to purchase. Where the expenditure does not exceed the 48828
amount applicable to the purchase of supplies specified in 48829
division (B)(1) of section 125.05 of the Revised Code, as adjusted 48830
pursuant to division (D) of that section, the director shall give 48831
such notice as the director considers proper, or the director may 48832
make the purchase without notice. Where the expenditure exceeds 48833
the amount applicable to the purchase of supplies specified in 48834
division (B)(1) of section 125.05 of the Revised Code, as adjusted 48835
pursuant to division (D) of that section, the director shall give 48836
notice by posting for not less than ten days a written, typed, or 48837

printed invitation to bidders on a bulletin board, which shall be 48838
located in a place in the offices assigned to the department and 48839
open to the public during business hours. Producers or 48840
distributors of any product may notify the director, in writing, 48841
of the class of articles for the furnishing of which they desire 48842
to bid and their post-office addresses, in which case copies of 48843
all invitations to bidders relating to the purchase of such 48844
articles shall be mailed to such persons by the director by 48845
regular first class mail at least ten days prior to the time fixed 48846
for taking bids. The director also may mail copies of all 48847
invitations to bidders to news agencies or other agencies or 48848
organizations distributing information of this character. Requests 48849
for invitations shall not be valid nor require action by the 48850
director unless renewed, either annually or after such shorter 48851
period as the director may prescribe by a general rule. The 48852
invitation to bidders shall contain a brief statement of the 48853
general character of the article that it is intended to purchase, 48854
the approximate quantity desired, and a statement of the time and 48855
place where bids will be received, and may relate to and describe 48856
as many different articles as the director thinks proper, it being 48857
the intent and purpose of this section to authorize the inclusion 48858
in a single invitation of as many different articles as the 48859
director desires to invite bids upon at any given time. 48860
Invitations issued during each calendar year shall be given 48861
consecutive numbers, and the number assigned to each invitation 48862
shall appear on all copies thereof. In all cases where notice is 48863
required by this section, sealed bids shall be taken, on forms 48864
prescribed and furnished by the director, and modification of bids 48865
after they have been opened shall not be permitted. 48866

(B) The director may permit any political subdivision and any 48867
state university or college to participate in contracts into which 48868
the director has entered for the purchase of machinery, materials, 48869
supplies, or other articles. Any political subdivision or state 48870

university or college desiring to participate in such purchase 48871
contracts shall file with the director a certified copy of the 48872
ordinance or resolution of its legislative authority, board of 48873
trustees, or other governing board requesting authorization to 48874
participate in such contracts and agreeing to be bound by such 48875
terms and conditions as the director prescribes. Purchases made by 48876
political subdivisions or state universities or colleges under 48877
this division are exempt from any competitive bidding required by 48878
law for the purchase of machinery, materials, supplies, or other 48879
articles. 48880

(C) As used in this section: 48881

(1) "Political subdivision" means any county, township, 48882
municipal corporation, conservancy district, township park 48883
district, park district created under Chapter 1545. of the Revised 48884
Code, port authority, regional transit authority, regional airport 48885
authority, regional water and sewer district, or county transit 48886
board. 48887

(2) "State university or college" has the same meaning as in 48888
division (A)(1) of section 3345.32 of the Revised Code. 48889

Sec. 5515.07. (A) The director of transportation, in 48890
accordance with Chapter 119. of the Revised Code, shall adopt 48891
rules consistent with the safety of the traveling public and 48892
consistent with the national policy to govern the use and control 48893
of rest areas within the limits of the right-of-way of interstate 48894
highways and other state highways and in other areas within the 48895
limits of the right-of-way of interstate highways. 48896

(B) Except as provided in division (C) of this section, no 48897
person shall engage in selling or offering for sale or exhibiting 48898
for purposes of sale, goods, products, merchandise, or services 48899
within the bounds of rest areas within the limits of the 48900
right-of-way of interstate highways and other state highways, or 48901

in other areas within the limits of the right-of-way of interstate 48902
highways, unless the director issues a permit in accordance with 48903
section 5515.01 of the Revised Code. Notwithstanding any rules 48904
adopted by the director to the contrary or any other policy 48905
changes proposed by the director, each district deputy director of 48906
the department of transportation shall continue to implement any 48907
program allowing organizations to dispense free coffee or similar 48908
items after obtaining a permit that operated within the district 48909
prior to January 1, 1997. Each district deputy director shall 48910
operate such program within the district in the same manner as the 48911
program was operated prior to that date. 48912

(C) In accordance with rules adopted under division (A) of 48913
this section, the director may cause vending machines to be placed 48914
within each rest area that is able to accommodate the machines. 48915
The vending machines shall dispense food, drink, and other 48916
appropriate articles. 48917

(D) This section does not apply to the sale of goods, 48918
products, merchandise, or services required for the emergency 48919
repair of motor vehicles or emergency medical treatment, or to the 48920
department of transportation as provided in section 5515.08 of the 48921
Revised Code. 48922

Sec. 5515.08. (A) The department of transportation may 48923
contract to sell commercial advertising space within or on the 48924
outside surfaces of any building located within a roadside rest 48925
area under its jurisdiction in exchange for cash payment. Money 48926
the department receives under this section shall be deposited in 48927
the state treasury to the credit of the roadside rest area 48928
improvement fund, which is hereby created. The department shall 48929
use the money in the fund only to improve roadside rest areas in 48930
accordance with section 5529.06 of the Revised Code. 48931

(B) Advertising placed under this section shall comply with 48932

<u>all of the following:</u>	48933
<u>(1) It shall not be libelous or obscene and shall not promote any illegal product or service.</u>	48934 48935
<u>(2) It shall not promote illegal discrimination on the basis of the race, religion, national origin, handicap, age, or ancestry of any person.</u>	48936 48937 48938
<u>(3) It shall not support or oppose any candidate for political office or any political cause, issue, or organization.</u>	48939 48940
<u>(4) It shall comply with any controlling federal or state regulations or restrictions.</u>	48941 48942
<u>(5) To the extent physically and technically practical, it shall state that the advertisement is a paid commercial advertisement and that the state does not endorse the product or service promoted by the advertisement or make any representation about the accuracy of the advertisement or the quality or performance of the product or service promoted by the advertisement.</u>	48943 48944 48945 48946 48947 48948 48949
<u>(6) It shall conform to all applicable rules adopted by the director of transportation under division (E) of this section.</u>	48950 48951
<u>(C) Contracts entered into under this section shall be awarded only to the qualified bidder who submits the highest responsive bid or according to uniformly applied rate classes.</u>	48952 48953 48954
<u>(D) No person, except an advertiser alleging a breach of contract or the improper awarding of a contract, has a cause of action against the state with respect to any contract or advertising authorized by this section. Under no circumstances is the state liable for consequential or noneconomic damages with respect to any contract or advertising authorized under this section.</u>	48955 48956 48957 48958 48959 48960 48961
<u>(E) The director, in accordance with Chapter 119. of the</u>	48962

Revised Code, shall adopt rules to implement this section. The 48963
rules shall be consistent with the policy of protecting the safety 48964
of the traveling public and consistent with the national policy 48965
governing the use and control of such roadside rest areas. The 48966
rules shall regulate the awarding of contracts and may regulate 48967
the content, display, and other aspects of the commercial 48968
advertising authorized by this section. 48969

Sec. 5703.03. The board of tax appeals shall be composed of 48970
~~three~~ five members, not more than ~~two~~ four of whom shall be 48971
affiliated with the same political party. The governor, with the 48972
advice and consent of the senate, shall appoint ~~three~~ all of the 48973
members of the board of tax appeals. At least ~~two~~ three members of 48974
the board shall have been admitted to practice as attorneys at law 48975
in this state and have, for a total of six years preceding their 48976
appointments, engaged in the practice of Ohio tax law in this 48977
state. Not later than ninety days after the effective date of this 48978
amendment, the governor, with the advice and consent of the 48979
senate, shall appoint the two additional members of the board, and 48980
the two additional members initially appointed shall hold office 48981
for terms ending February 8, 2009. The three board members holding 48982
office on the effective date of this amendment shall complete 48983
their terms of office under this section. 48984

Each of the members of the board shall give bond, conditioned 48985
according to law, payable to the state in the penal sum of five 48986
thousand dollars, with surety to be approved by the governor. The 48987
bond shall be filed in the office of the secretary of state. 48988

Terms of office shall be for six years, commencing on the 48989
ninth day of February and ending on the eighth day of February. 48990
Each member shall hold office from the date of ~~his~~ appointment 48991
until the end of the term for which ~~he~~ the member was appointed. 48992
Any member appointed to fill a vacancy occurring prior to the 48993

expiration of the term for which ~~his~~ the member's predecessor was 48994
appointed shall hold office for the remainder of the unexpired 48995
term. Any member shall continue in office subsequent to the 48996
expiration date of ~~his~~ the member's term until ~~his~~ a successor 48997
takes office, or until a period of sixty days has elapsed, 48998
whichever occurs first. 48999

Each employee of the board shall devote ~~his~~ the employee's 49000
entire time to the duties of ~~his~~ office and shall not hold any 49001
position of trust or profit or engage in any occupation, 49002
employment, or business interfering with or inconsistent with ~~his~~ 49003
~~duty as an employee~~ the employee's duties. No member or employee 49004
shall serve on or under any committee of any political party. 49005

Each member of the board, the secretary, and attorney 49006
examiners of the board may, for ~~his~~ purposes of the laws relating 49007
to taxation, administer oaths, certify to official acts, issue 49008
subpoenas, compel the attendance of witnesses, and the production 49009
of books, accounts, papers, records, documents, and testimony. In 49010
the case of disobedience or refusal on the part of any person to 49011
comply with a subpoena issued under this section, and upon the 49012
request of the board of tax appeals, the attorney general or the 49013
prosecuting attorney of any county shall take appropriate action 49014
on behalf of the board for the purpose of enforcing the subpoena 49015
or for imposition of sanctions for violation of the subpoena, or 49016
both, as requested by the board. 49017

Sec. 5705.39. The total appropriations from each fund shall 49018
not exceed the total of the estimated revenue available for 49019
expenditure therefrom, as certified by the budget commission, or 49020
in case of appeal, by the board of tax appeals. No appropriation 49021
measure shall become effective until the county auditor files with 49022
the appropriating authority ~~and in the case of a school district,~~ 49023
~~also files with the superintendent of public instruction, a~~ 49024

certificate that the total appropriations from each fund, taken 49025
together with all other outstanding appropriations, do not exceed 49026
such official estimate or amended official estimate. When the 49027
appropriation does not exceed such official estimate, the county 49028
auditor shall give such certificate forthwith upon receiving from 49029
the appropriating authority a certified copy of the appropriation 49030
measure, ~~a copy of which he shall deliver to the superintendent of~~ 49031
~~public instruction in the case of a school district.~~ 49032
Appropriations shall be made from each fund only for the purposes 49033
for which such fund is established. 49034

Sec. 5705.41. No subdivision or taxing unit shall: 49035

(A) Make any appropriation of money except as provided in 49036
Chapter 5705. of the Revised Code; provided, that the 49037
authorization of a bond issue shall be deemed to be an 49038
appropriation of the proceeds of the bond issue for the purpose 49039
for which such bonds were issued, but no expenditure shall be made 49040
from any bond fund until first authorized by the taxing authority; 49041

(B) Make any expenditure of money unless it has been 49042
appropriated as provided in such chapter; 49043

(C) Make any expenditure of money except by a proper warrant 49044
drawn against an appropriate fund; 49045

(D)(1) Except as otherwise provided in division (D)(2) of 49046
this section and section 5705.44 of the Revised Code, make any 49047
contract or give any order involving the expenditure of money 49048
unless there is attached thereto a certificate of the fiscal 49049
officer of the subdivision that the amount required to meet the 49050
obligation or, in the case of a continuing contract to be 49051
performed in whole or in part in an ensuing fiscal year, the 49052
amount required to meet the obligation in the fiscal year in which 49053
the contract is made, has been lawfully appropriated for such 49054
purpose and is in the treasury or in process of collection to the 49055

credit of an appropriate fund free from any previous encumbrances. 49056
This certificate need be signed only by the subdivision's fiscal 49057
officer. Every such contract made without such a certificate shall 49058
be void, and no warrant shall be issued in payment of any amount 49059
due thereon. If no certificate is furnished as required, upon 49060
receipt by the taxing authority of the subdivision or taxing unit 49061
of a certificate of the fiscal officer stating that there was at 49062
the time of the making of such contract or order and at the time 49063
of the execution of such certificate a sufficient sum appropriated 49064
for the purpose of such contract and in the treasury or in process 49065
of collection to the credit of an appropriate fund free from any 49066
previous encumbrances, such taxing authority may authorize the 49067
drawing of a warrant in payment of amounts due upon such contract, 49068
but such resolution or ordinance shall be passed within thirty 49069
days after the taxing authority receives such certificate; 49070
provided that, if the amount involved is less than one hundred 49071
dollars in the case of counties or three thousand dollars in the 49072
case of all other subdivisions or taxing units, the fiscal officer 49073
may authorize it to be paid without such affirmation of the taxing 49074
authority of the subdivision or taxing unit, if such expenditure 49075
is otherwise valid. 49076

(2) Annually, the board of county commissioners may adopt a 49077
resolution exempting for the current fiscal year county purchases 49078
of seven hundred fifty dollars or less from the requirement of 49079
division (D)(1) of this section that a certificate be attached to 49080
any contract or order involving the expenditure of money. The 49081
resolution shall state the dollar amount that is exempted from the 49082
certificate requirement and whether the exemption applies to all 49083
purchases, to one or more specific classes of purchases, or to the 49084
purchase of one or more specific items. Prior to the adoption of 49085
the resolution, the board shall give written notice to the county 49086
auditor that it intends to adopt the resolution. The notice shall 49087
state the dollar amount that is proposed to be exempted and 49088

whether the exemption would apply to all purchases, to one or more 49089
specific classes of purchases, or to the purchase of one or more 49090
specific items. The county auditor may review and comment on the 49091
proposal, and shall send any comments to the board within fifteen 49092
days after receiving the notice. The board shall wait at least 49093
fifteen days after giving the notice to the auditor before 49094
adopting the resolution. A person authorized to make a county 49095
purchase in a county that has adopted such a resolution shall 49096
prepare and file with the county auditor, within three business 49097
days after incurring an obligation not requiring a certificate, a 49098
written document specifying the purpose and amount of the 49099
expenditure, the date of the purchase, the name of the vendor, and 49100
such additional information as the auditor of state may prescribe. 49101

(3) Upon certification by the auditor or other chief fiscal 49102
officer that a certain sum of money, not in excess of ~~five~~ 49103
~~thousand dollars~~ an amount established by resolution or ordinance 49104
adopted by a majority of the members of the legislative authority 49105
of the subdivision or taxing unit, has been lawfully appropriated, 49106
authorized, or directed for a certain purpose and is in the 49107
treasury or in the process of collection to the credit of a 49108
specific line-item appropriation account in a certain fund free 49109
from previous and then outstanding obligations or certifications, 49110
then for such purpose and from such line-item appropriation 49111
account in such fund, over a period ~~not exceeding three months and~~ 49112
not extending beyond the end of the fiscal year, expenditures may 49113
be made, orders for payment issued, and contracts or obligations 49114
calling for or requiring the payment of money made and assumed; 49115
provided, that the aggregate sum of money included in and called 49116
for by such expenditures, orders, contracts, and obligations shall 49117
not exceed the sum so certified. Such a certification need be 49118
signed only by the fiscal officer of the subdivision or the taxing 49119
district and may, but need not, be limited to a specific vendor. 49120
An itemized statement of obligations incurred and expenditures 49121

made under such certificate shall be rendered to the auditor or 49122
other chief fiscal officer before another such certificate may be 49123
issued, and not more than one such certificate shall be 49124
outstanding at a time. 49125

In addition to providing the certification for expenditures 49126
~~of five thousand dollars or less~~ as ~~provided~~ specified in this 49127
division, a subdivision also may make expenditures, issue orders 49128
for payment, and make contracts or obligations calling for or 49129
requiring the payment of money made and assumed for specified 49130
permitted purposes from a specific line-item appropriation account 49131
in a specified fund for a sum of money upon the certification by 49132
the fiscal officer of the subdivision that this sum of money has 49133
been lawfully appropriated, authorized, or directed for a 49134
permitted purpose and is in the treasury or in the process of 49135
collection to the credit of the specific line-item appropriation 49136
account in the specified fund free from previous and 49137
then-outstanding obligations or certifications; provided that the 49138
aggregate sum of money included in and called for by the 49139
expenditures, orders, and obligations shall not exceed the 49140
certified sum. The purposes for which a subdivision may lawfully 49141
appropriate, authorize, or issue such a certificate are the 49142
services of an accountant, architect, attorney at law, physician, 49143
professional engineer, construction project manager, consultant, 49144
surveyor, or appraiser by or on behalf of the subdivision or 49145
contracting authority; fuel oil, gasoline, food items, roadway 49146
materials, and utilities; and any purchases exempt from 49147
competitive bidding under section 125.04 of the Revised Code and 49148
any other specific expenditure that is a recurring and reasonably 49149
predictable operating expense. Such a certification shall not 49150
extend beyond the end of the fiscal year or, in the case of a 49151
board of county commissioners that has established a quarterly 49152
spending plan under section 5705.392 of the Revised Code, beyond 49153
the quarter to which the plan applies. Such a certificate shall be 49154

signed by the fiscal officer and may, but need not, be limited to 49155
a specific vendor. An itemized statement of obligations incurred 49156
and expenditures made under such a certificate shall be rendered 49157
to the fiscal officer for each certificate issued. More than one 49158
such certificate may be outstanding at any time. 49159

In any case in which a contract is entered into upon a per 49160
unit basis, the head of the department, board, or commission for 49161
the benefit of which the contract is made shall make an estimate 49162
of the total amount to become due upon such contract, which 49163
estimate shall be certified in writing to the fiscal officer of 49164
the subdivision. Such a contract may be entered into if the 49165
appropriation covers such estimate, or so much thereof as may be 49166
due during the current year. In such a case the certificate of the 49167
fiscal officer based upon the estimate shall be a sufficient 49168
compliance with the law requiring a certificate. 49169

Any certificate of the fiscal officer attached to a contract 49170
shall be binding upon the political subdivision as to the facts 49171
set forth therein. Upon request of any person receiving an order 49172
or entering into a contract with any political subdivision, the 49173
certificate of the fiscal officer shall be attached to such order 49174
or contract. "Contract" as used in this section excludes current 49175
payrolls of regular employees and officers. 49176

Taxes and other revenue in process of collection, or the 49177
proceeds to be derived from authorized bonds, notes, or 49178
certificates of indebtedness sold and in process of delivery, 49179
shall for the purpose of this section be deemed in the treasury or 49180
in process of collection and in the appropriate fund. This section 49181
applies neither to the investment of sinking funds by the trustees 49182
of such funds, nor to investments made under sections 731.56 to 49183
731.59 of the Revised Code. 49184

No district authority shall, in transacting its own affairs, 49185
do any of the things prohibited to a subdivision by this section, 49186

but the appropriation referred to shall become the appropriation 49187
by the district authority, and the fiscal officer referred to 49188
shall mean the fiscal officer of the district authority. 49189

Sec. 5709.62. (A) In any municipal corporation that is 49190
defined by the United States office of management and budget as a 49191
central city of a metropolitan statistical area, the legislative 49192
authority of the municipal corporation may designate one or more 49193
areas within its municipal corporation as proposed enterprise 49194
zones. Upon designating an area, the legislative authority shall 49195
petition the director of development for certification of the area 49196
as having the characteristics set forth in division (A)(1) of 49197
section 5709.61 of the Revised Code as amended by Substitute 49198
Senate Bill No. 19 of the 120th general assembly. Except as 49199
otherwise provided in division (E) of this section, on and after 49200
July 1, 1994, legislative authorities shall not enter into 49201
agreements under this section unless the legislative authority has 49202
petitioned the director and the director has certified the zone 49203
under this section as amended by that act; however, all agreements 49204
entered into under this section as it existed prior to July 1, 49205
1994, and the incentives granted under those agreements shall 49206
remain in effect for the period agreed to under those agreements. 49207
Within sixty days after receiving such a petition, the director 49208
shall determine whether the area has the characteristics set forth 49209
in division (A)(1) of section 5709.61 of the Revised Code, and 49210
shall forward the findings to the legislative authority of the 49211
municipal corporation. If the director certifies the area as 49212
having those characteristics, and thereby certifies it as a zone, 49213
the legislative authority may enter into an agreement with an 49214
enterprise under division (C) of this section. 49215

(B) Any enterprise that wishes to enter into an agreement 49216
with a municipal corporation under division (C) of this section 49217
shall submit a proposal to the legislative authority of the 49218

municipal corporation on a form prescribed by the director of 49219
development, together with the application fee established under 49220
section 5709.68 of the Revised Code. The form shall require the 49221
following information: 49222

(1) An estimate of the number of new employees whom the 49223
enterprise intends to hire, or of the number of employees whom the 49224
enterprise intends to retain, within the zone at a facility that 49225
is a project site, and an estimate of the amount of payroll of the 49226
enterprise attributable to these employees; 49227

(2) An estimate of the amount to be invested by the 49228
enterprise to establish, expand, renovate, or occupy a facility, 49229
including investment in new buildings, additions or improvements 49230
to existing buildings, machinery, equipment, furniture, fixtures, 49231
and inventory; 49232

(3) A listing of the enterprise's current investment, if any, 49233
in a facility as of the date of the proposal's submission. 49234

The enterprise shall review and update the listings required 49235
under this division to reflect material changes, and any agreement 49236
entered into under division (C) of this section shall set forth 49237
final estimates and listings as of the time the agreement is 49238
entered into. The legislative authority may, on a separate form 49239
and at any time, require any additional information necessary to 49240
determine whether an enterprise is in compliance with an agreement 49241
and to collect the information required to be reported under 49242
section 5709.68 of the Revised Code. 49243

(C) Upon receipt and investigation of a proposal under 49244
division (B) of this section, if the legislative authority finds 49245
that the enterprise submitting the proposal is qualified by 49246
financial responsibility and business experience to create and 49247
preserve employment opportunities in the zone and improve the 49248
economic climate of the municipal corporation, the legislative 49249

authority, on or before ~~June 30, 2004~~ October 15, 2009, may do one 49250
of the following: 49251

(1) Enter into an agreement with the enterprise under which 49252
the enterprise agrees to establish, expand, renovate, or occupy a 49253
facility and hire new employees, or preserve employment 49254
opportunities for existing employees, in return for one or more of 49255
the following incentives: 49256

(a) Exemption for a specified number of years, not to exceed 49257
ten, of a specified portion, up to seventy-five per cent, of the 49258
assessed value of tangible personal property first used in 49259
business at the project site as a result of the agreement. An 49260
exemption granted pursuant to this division applies to inventory 49261
required to be listed pursuant to sections 5711.15 and 5711.16 of 49262
the Revised Code, except that, in the instance of an expansion or 49263
other situations in which an enterprise was in business at the 49264
facility prior to the establishment of the zone, the inventory 49265
that is exempt is that amount or value of inventory in excess of 49266
the amount or value of inventory required to be listed in the 49267
personal property tax return of the enterprise in the return for 49268
the tax year in which the agreement is entered into. 49269

(b) Exemption for a specified number of years, not to exceed 49270
ten, of a specified portion, up to seventy-five per cent, of the 49271
increase in the assessed valuation of real property constituting 49272
the project site subsequent to formal approval of the agreement by 49273
the legislative authority; 49274

(c) Provision for a specified number of years, not to exceed 49275
ten, of any optional services or assistance that the municipal 49276
corporation is authorized to provide with regard to the project 49277
site. 49278

(2) Enter into an agreement under which the enterprise agrees 49279
to remediate an environmentally contaminated facility, to spend an 49280

amount equal to at least two hundred fifty per cent of the true 49281
value in money of the real property of the facility prior to 49282
remediation as determined for the purposes of property taxation to 49283
establish, expand, renovate, or occupy the remediated facility, 49284
and to hire new employees or preserve employment opportunities for 49285
existing employees at the remediated facility, in return for one 49286
or more of the following incentives: 49287

(a) Exemption for a specified number of years, not to exceed 49288
ten, of a specified portion, not to exceed fifty per cent, of the 49289
assessed valuation of the real property of the facility prior to 49290
remediation; 49291

(b) Exemption for a specified number of years, not to exceed 49292
ten, of a specified portion, not to exceed one hundred per cent, 49293
of the increase in the assessed valuation of the real property of 49294
the facility during or after remediation; 49295

(c) The incentive under division (C)(1)(a) of this section, 49296
except that the percentage of the assessed value of such property 49297
exempted from taxation shall not exceed one hundred per cent; 49298

(d) The incentive under division (C)(1)(c) of this section. 49299

(3) Enter into an agreement with an enterprise that plans to 49300
purchase and operate a large manufacturing facility that has 49301
ceased operation or announced its intention to cease operation, in 49302
return for exemption for a specified number of years, not to 49303
exceed ten, of a specified portion, up to one hundred per cent, of 49304
the assessed value of tangible personal property used in business 49305
at the project site as a result of the agreement, or of the 49306
assessed valuation of real property constituting the project site, 49307
or both. 49308

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 49309
section, the portion of the assessed value of tangible personal 49310
property or of the increase in the assessed valuation of real 49311

property exempted from taxation under those divisions may exceed 49312
seventy-five per cent in any year for which that portion is 49313
exempted if the average percentage exempted for all years in which 49314
the agreement is in effect does not exceed sixty per cent, or if 49315
the board of education of the city, local, or exempted village 49316
school district within the territory of which the property is or 49317
will be located approves a percentage in excess of seventy-five 49318
per cent. For the purpose of obtaining such approval, the 49319
legislative authority shall deliver to the board of education a 49320
notice not later than forty-five days prior to approving the 49321
agreement, excluding Saturdays, Sundays, and legal holidays as 49322
defined in section 1.14 of the Revised Code. The notice shall 49323
state the percentage to be exempted, an estimate of the true value 49324
of the property to be exempted, and the number of years the 49325
property is to be exempted. The board of education, by resolution 49326
adopted by a majority of the board, shall approve or disapprove 49327
the agreement and certify a copy of the resolution to the 49328
legislative authority not later than fourteen days prior to the 49329
date stipulated by the legislative authority as the date upon 49330
which approval of the agreement is to be formally considered by 49331
the legislative authority. The board of education may include in 49332
the resolution conditions under which the board would approve the 49333
agreement, including the execution of an agreement to compensate 49334
the school district under division (B) of section 5709.82 of the 49335
Revised Code. The legislative authority may approve the agreement 49336
at any time after the board of education certifies its resolution 49337
approving the agreement to the legislative authority, or, if the 49338
board approves the agreement conditionally, at any time after the 49339
conditions are agreed to by the board and the legislative 49340
authority. 49341

If a board of education has adopted a resolution waiving its 49342
right to approve agreements and the resolution remains in effect, 49343
approval of an agreement by the board is not required under this 49344

division. If a board of education has adopted a resolution 49345
allowing a legislative authority to deliver the notice required 49346
under this division fewer than forty-five business days prior to 49347
the legislative authority's approval of the agreement, the 49348
legislative authority shall deliver the notice to the board not 49349
later than the number of days prior to such approval as prescribed 49350
by the board in its resolution. If a board of education adopts a 49351
resolution waiving its right to approve agreements or shortening 49352
the notification period, the board shall certify a copy of the 49353
resolution to the legislative authority. If the board of education 49354
rescinds such a resolution, it shall certify notice of the 49355
rescission to the legislative authority. 49356

(2) The legislative authority shall comply with section 49357
5709.83 of the Revised Code unless the board of education has 49358
adopted a resolution under that section waiving its right to 49359
receive such notice. 49360

(E) This division applies to zones certified by the director 49361
of development under this section prior to July 22, 1994. 49362

On or before ~~June 30, 2004~~ October 15, 2009, the legislative 49363
authority that designated a zone to which this division applies 49364
may enter into an agreement with an enterprise if the legislative 49365
authority makes the finding required under that division and 49366
determines that the enterprise satisfies one of the criteria 49367
described in divisions (E)(1) to (5) of this section: 49368

(1) The enterprise currently has no operations in this state 49369
and, subject to approval of the agreement, intends to establish 49370
operations in the zone; 49371

(2) The enterprise currently has operations in this state 49372
and, subject to approval of the agreement, intends to establish 49373
operations at a new location in the zone that would not result in 49374
a reduction in the number of employee positions at any of the 49375

enterprise's other locations in this state; 49376

(3) The enterprise, subject to approval of the agreement, 49377
intends to relocate operations, currently located in another 49378
state, to the zone; 49379

(4) The enterprise, subject to approval of the agreement, 49380
intends to expand operations at an existing site in the zone that 49381
the enterprise currently operates; 49382

(5) The enterprise, subject to approval of the agreement, 49383
intends to relocate operations, currently located in this state, 49384
to the zone, and the director of development has issued a waiver 49385
for the enterprise under division (B) of section 5709.633 of the 49386
Revised Code. 49387

The agreement shall require the enterprise to agree to 49388
establish, expand, renovate, or occupy a facility in the zone and 49389
hire new employees, or preserve employment opportunities for 49390
existing employees, in return for one or more of the incentives 49391
described in division (C) of this section. 49392

(F) All agreements entered into under this section shall be 49393
in the form prescribed under section 5709.631 of the Revised Code. 49394
After an agreement is entered into under this division, if the 49395
legislative authority revokes its designation of a zone, or if the 49396
director of development revokes the zone's certification, any 49397
entitlements granted under the agreement shall continue for the 49398
number of years specified in the agreement. 49399

(G) Except as otherwise provided in this division, an 49400
agreement entered into under this section shall require that the 49401
enterprise pay an annual fee equal to the greater of one per cent 49402
of the dollar value of incentives offered under the agreement or 49403
five hundred dollars; provided, however, that if the value of the 49404
incentives exceeds two hundred fifty thousand dollars, the fee 49405
shall not exceed two thousand five hundred dollars. The fee shall 49406

be payable to the legislative authority once per year for each 49407
year the agreement is effective on the days and in the form 49408
specified in the agreement. Fees paid shall be deposited in a 49409
special fund created for such purpose by the legislative authority 49410
and shall be used by the legislative authority exclusively for the 49411
purpose of complying with section 5709.68 of the Revised Code and 49412
by the tax incentive review council created under section 5709.85 49413
of the Revised Code exclusively for the purposes of performing the 49414
duties prescribed under that section. The legislative authority 49415
may waive or reduce the amount of the fee charged against an 49416
enterprise, but such a waiver or reduction does not affect the 49417
obligations of the legislative authority or the tax incentive 49418
review council to comply with section 5709.68 or 5709.85 of the 49419
Revised Code. 49420

(H) When an agreement is entered into pursuant to this 49421
section, the legislative authority authorizing the agreement shall 49422
forward a copy of the agreement to the director of development and 49423
to the tax commissioner within fifteen days after the agreement is 49424
entered into. If any agreement includes terms not provided for in 49425
section 5709.631 of the Revised Code affecting the revenue of a 49426
city, local, or exempted village school district or causing 49427
revenue to be foregone by the district, including any compensation 49428
to be paid to the school district pursuant to section 5709.82 of 49429
the Revised Code, those terms also shall be forwarded in writing 49430
to the director of development along with the copy of the 49431
agreement forwarded under this division. 49432

(I) After an agreement is entered into, the enterprise shall 49433
file with each personal property tax return required to be filed, 49434
or annual report required to be filed under section 5727.08 of the 49435
Revised Code, while the agreement is in effect, an informational 49436
return, on a form prescribed by the tax commissioner for that 49437
purpose, setting forth separately the property, and related costs 49438

and values, exempted from taxation under the agreement. 49439

(J) Enterprises may agree to give preference to residents of 49440
the zone within which the agreement applies relative to residents 49441
of this state who do not reside in the zone when hiring new 49442
employees under the agreement. 49443

(K) An agreement entered into under this section may include 49444
a provision requiring the enterprise to create one or more 49445
temporary internship positions for students enrolled in a course 49446
of study at a school or other educational institution in the 49447
vicinity, and to create a scholarship or provide another form of 49448
educational financial assistance for students holding such a 49449
position in exchange for the student's commitment to work for the 49450
enterprise at the completion of the internship. 49451

Sec. 5709.63. (A) With the consent of the legislative 49452
authority of each affected municipal corporation or of a board of 49453
township trustees, a board of county commissioners may, in the 49454
manner set forth in section 5709.62 of the Revised Code, designate 49455
one or more areas in one or more municipal corporations or in 49456
unincorporated areas of the county as proposed enterprise zones. A 49457
board of county commissioners may designate no more than one area 49458
within a township, or within adjacent townships, as a proposed 49459
enterprise zone. The board shall petition the director of 49460
development for certification of the area as having the 49461
characteristics set forth in division (A)(1) or (2) of section 49462
5709.61 of the Revised Code as amended by Substitute Senate Bill 49463
No. 19 of the 120th general assembly. Except as otherwise provided 49464
in division (D) of this section, on and after July 1, 1994, boards 49465
of county commissioners shall not enter into agreements under this 49466
section unless the board has petitioned the director and the 49467
director has certified the zone under this section as amended by 49468
that act; however, all agreements entered into under this section 49469

as it existed prior to July 1, 1994, and the incentives granted 49470
under those agreements shall remain in effect for the period 49471
agreed to under those agreements. The director shall make the 49472
determination in the manner provided under section 5709.62 of the 49473
Revised Code. Any enterprise wishing to enter into an agreement 49474
with the board under division (B) or (D) of this section shall 49475
submit a proposal to the board on the form and accompanied by the 49476
application fee prescribed under division (B) of section 5709.62 49477
of the Revised Code. The enterprise shall review and update the 49478
estimates and listings required by the form in the manner required 49479
under that division. The board may, on a separate form and at any 49480
time, require any additional information necessary to determine 49481
whether an enterprise is in compliance with an agreement and to 49482
collect the information required to be reported under section 49483
5709.68 of the Revised Code. 49484

(B) If the board of county commissioners finds that an 49485
enterprise submitting a proposal is qualified by financial 49486
responsibility and business experience to create and preserve 49487
employment opportunities in the zone and to improve the economic 49488
climate of the municipal corporation or municipal corporations or 49489
the unincorporated areas in which the zone is located and to which 49490
the proposal applies, the board, on or before ~~June 30, 2004~~ 49491
October 15, 2009, and with the consent of the legislative 49492
authority of each affected municipal corporation or of the board 49493
of township trustees may do either of the following: 49494

(1) Enter into an agreement with the enterprise under which 49495
the enterprise agrees to establish, expand, renovate, or occupy a 49496
facility in the zone and hire new employees, or preserve 49497
employment opportunities for existing employees, in return for the 49498
following incentives: 49499

(a) When the facility is located in a municipal corporation, 49500
the board may enter into an agreement for one or more of the 49501

incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(b) When the facility is located in an unincorporated area, the board may enter into an agreement for one or more of the following incentives:

(i) Exemption for a specified number of years, not to exceed ten, of a specified portion, up to sixty per cent, of the assessed value of tangible personal property first used in business at a project site as a result of the agreement. An exemption granted pursuant to this division applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory that is exempt is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

(ii) Exemption for a specified number of years, not to exceed ten, of a specified portion, up to sixty per cent, of the increase in the assessed valuation of real property constituting the project site subsequent to formal approval of the agreement by the board;

(iii) Provision for a specified number of years, not to exceed ten, of any optional services or assistance the board is authorized to provide with regard to the project site;

(iv) The incentive described in division (C)(2) of section 5709.62 of the Revised Code.

(2) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or has announced its intention to cease

operation, in return for exemption for a specified number of 49533
years, not to exceed ten, of a specified portion, up to one 49534
hundred per cent, of tangible personal property used in business 49535
at the project site as a result of the agreement, or of real 49536
property constituting the project site, or both. 49537

(C)(1) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 49538
this section, the portion of the assessed value of tangible 49539
personal property or of the increase in the assessed valuation of 49540
real property exempted from taxation under those divisions may 49541
exceed sixty per cent in any year for which that portion is 49542
exempted if the average percentage exempted for all years in which 49543
the agreement is in effect does not exceed fifty per cent, or if 49544
the board of education of the city, local, or exempted village 49545
school district within the territory of which the property is or 49546
will be located approves a percentage in excess of sixty per cent. 49547
For the purpose of obtaining such approval, the board of 49548
commissioners shall deliver to the board of education a notice not 49549
later than forty-five days prior to approving the agreement, 49550
excluding Saturdays, Sundays, and legal holidays as defined in 49551
section 1.14 of the Revised Code. The notice shall state the 49552
percentage to be exempted, an estimate of the true value of the 49553
property to be exempted, and the number of years the property is 49554
to be exempted. The board of education, by resolution adopted by a 49555
majority of the board, shall approve or disapprove the agreement 49556
and certify a copy of the resolution to the board of commissioners 49557
not later than fourteen days prior to the date stipulated by the 49558
board of commissioners as the date upon which approval of the 49559
agreement is to be formally considered by the board of 49560
commissioners. The board of education may include in the 49561
resolution conditions under which the board would approve the 49562
agreement, including the execution of an agreement to compensate 49563
the school district under division (B) of section 5709.82 of the 49564
Revised Code. The board of county commissioners may approve the 49565

agreement at any time after the board of education certifies its 49566
resolution approving the agreement to the board of county 49567
commissioners, or, if the board of education approves the 49568
agreement conditionally, at any time after the conditions are 49569
agreed to by the board of education and the board of county 49570
commissioners. 49571

If a board of education has adopted a resolution waiving its 49572
right to approve agreements and the resolution remains in effect, 49573
approval of an agreement by the board of education is not required 49574
under division (C) of this section. If a board of education has 49575
adopted a resolution allowing a board of county commissioners to 49576
deliver the notice required under this division fewer than 49577
forty-five business days prior to approval of the agreement by the 49578
board of county commissioners, the board of county commissioners 49579
shall deliver the notice to the board of education not later than 49580
the number of days prior to such approval as prescribed by the 49581
board of education in its resolution. If a board of education 49582
adopts a resolution waiving its right to approve agreements or 49583
shortening the notification period, the board of education shall 49584
certify a copy of the resolution to the board of county 49585
commissioners. If the board of education rescinds such a 49586
resolution, it shall certify notice of the rescission to the board 49587
of county commissioners. 49588

(2) The board of county commissioners shall comply with 49589
section 5709.83 of the Revised Code unless the board of education 49590
has adopted a resolution under that section waiving its right to 49591
receive such notice. 49592

(D) This division applies to zones certified by the director 49593
of development under this section prior to July 22, 1994. 49594

On or before ~~June 30, 2004~~ October 15, 2009, and with the 49595
consent of the legislative authority of each affected municipal 49596
corporation or board of township trustees of each affected 49597

township, the board of commissioners that designated a zone to 49598
which this division applies may enter into an agreement with an 49599
enterprise if the board makes the finding required under that 49600
division and determines that the enterprise satisfies one of the 49601
criteria described in divisions (D)(1) to (5) of this section: 49602

(1) The enterprise currently has no operations in this state 49603
and, subject to approval of the agreement, intends to establish 49604
operations in the zone; 49605

(2) The enterprise currently has operations in this state 49606
and, subject to approval of the agreement, intends to establish 49607
operations at a new location in the zone that would not result in 49608
a reduction in the number of employee positions at any of the 49609
enterprise's other locations in this state; 49610

(3) The enterprise, subject to approval of the agreement, 49611
intends to relocate operations, currently located in another 49612
state, to the zone; 49613

(4) The enterprise, subject to approval of the agreement, 49614
intends to expand operations at an existing site in the zone that 49615
the enterprise currently operates; 49616

(5) The enterprise, subject to approval of the agreement, 49617
intends to relocate operations, currently located in this state, 49618
to the zone, and the director of development has issued a waiver 49619
for the enterprise under division (B) of section 5709.633 of the 49620
Revised Code. 49621

The agreement shall require the enterprise to agree to 49622
establish, expand, renovate, or occupy a facility in the zone and 49623
hire new employees, or preserve employment opportunities for 49624
existing employees, in return for one or more of the incentives 49625
described in division (B) of this section. 49626

(E) All agreements entered into under this section shall be 49627
in the form prescribed under section 5709.631 of the Revised Code. 49628

After an agreement under this section is entered into, if the 49629
board of county commissioners revokes its designation of the zone, 49630
or if the director of development revokes the zone's 49631
certification, any entitlements granted under the agreement shall 49632
continue for the number of years specified in the agreement. 49633

(F) Except as otherwise provided in this paragraph, an 49634
agreement entered into under this section shall require that the 49635
enterprise pay an annual fee equal to the greater of one per cent 49636
of the dollar value of incentives offered under the agreement or 49637
five hundred dollars; provided, however, that if the value of the 49638
incentives exceeds two hundred fifty thousand dollars, the fee 49639
shall not exceed two thousand five hundred dollars. The fee shall 49640
be payable to the board of commissioners once per year for each 49641
year the agreement is effective on the days and in the form 49642
specified in the agreement. Fees paid shall be deposited in a 49643
special fund created for such purpose by the board and shall be 49644
used by the board exclusively for the purpose of complying with 49645
section 5709.68 of the Revised Code and by the tax incentive 49646
review council created under section 5709.85 of the Revised Code 49647
exclusively for the purposes of performing the duties prescribed 49648
under that section. The board may waive or reduce the amount of 49649
the fee charged against an enterprise, but such waiver or 49650
reduction does not affect the obligations of the board or the tax 49651
incentive review council to comply with section 5709.68 or 5709.85 49652
of the Revised Code, respectively. 49653

(G) With the approval of the legislative authority of a 49654
municipal corporation or the board of township trustees of a 49655
township in which a zone is designated under division (A) of this 49656
section, the board of county commissioners may delegate to that 49657
legislative authority or board any powers and duties of the board 49658
to negotiate and administer agreements with regard to that zone 49659
under this section. 49660

(H) When an agreement is entered into pursuant to this 49661
section, the legislative authority authorizing the agreement shall 49662
forward a copy of the agreement to the director of development and 49663
to the tax commissioner within fifteen days after the agreement is 49664
entered into. If any agreement includes terms not provided for in 49665
section 5709.631 of the Revised Code affecting the revenue of a 49666
city, local, or exempted village school district or causing 49667
revenue to be foregone by the district, including any compensation 49668
to be paid to the school district pursuant to section 5709.82 of 49669
the Revised Code, those terms also shall be forwarded in writing 49670
to the director of development along with the copy of the 49671
agreement forwarded under this division. 49672

(I) After an agreement is entered into, the enterprise shall 49673
file with each personal property tax return required to be filed, 49674
or annual report that is required to be filed under section 49675
5727.08 of the Revised Code, while the agreement is in effect, an 49676
informational return, on a form prescribed by the tax commissioner 49677
for that purpose, setting forth separately the property, and 49678
related costs and values, exempted from taxation under the 49679
agreement. 49680

(J) Enterprises may agree to give preference to residents of 49681
the zone within which the agreement applies relative to residents 49682
of this state who do not reside in the zone when hiring new 49683
employees under the agreement. 49684

(K) An agreement entered into under this section may include 49685
a provision requiring the enterprise to create one or more 49686
temporary internship positions for students enrolled in a course 49687
of study at a school or other educational institution in the 49688
vicinity, and to create a scholarship or provide another form of 49689
educational financial assistance for students holding such a 49690
position in exchange for the student's commitment to work for the 49691
enterprise at the completion of the internship. 49692

Sec. 5709.632. (A)(1) The legislative authority of a 49693
municipal corporation defined by the United States office of 49694
management and budget as a central city of a metropolitan 49695
statistical area may, in the manner set forth in section 5709.62 49696
of the Revised Code, designate one or more areas in the municipal 49697
corporation as a proposed enterprise zone. 49698

(2) With the consent of the legislative authority of each 49699
affected municipal corporation or of a board of township trustees, 49700
a board of county commissioners may, in the manner set forth in 49701
section 5709.62 of the Revised Code, designate one or more areas 49702
in one or more municipal corporations or in unincorporated areas 49703
of the county as proposed urban jobs and enterprise zones, except 49704
that a board of county commissioners may designate no more than 49705
one area within a township, or within adjacent townships, as a 49706
proposed urban jobs and enterprise zone. 49707

(3) The legislative authority or board of county 49708
commissioners may petition the director of development for 49709
certification of the area as having the characteristics set forth 49710
in division (A)(3) of section 5709.61 of the Revised Code. Within 49711
sixty days after receiving such a petition, the director shall 49712
determine whether the area has the characteristics set forth in 49713
that division and forward the findings to the legislative 49714
authority or board of county commissioners. If the director 49715
certifies the area as having those characteristics and thereby 49716
certifies it as a zone, the legislative authority or board may 49717
enter into agreements with enterprises under division (B) of this 49718
section. Any enterprise wishing to enter into an agreement with a 49719
legislative authority or board of commissioners under this section 49720
and satisfying one of the criteria described in divisions (B)(1) 49721
to (5) of this section shall submit a proposal to the legislative 49722
authority or board on the form prescribed under division (B) of 49723

section 5709.62 of the Revised Code and shall review and update 49724
the estimates and listings required by the form in the manner 49725
required under that division. The legislative authority or board 49726
may, on a separate form and at any time, require any additional 49727
information necessary to determine whether an enterprise is in 49728
compliance with an agreement and to collect the information 49729
required to be reported under section 5709.68 of the Revised Code. 49730

(B) Prior to entering into an agreement with an enterprise, 49731
the legislative authority or board of county commissioners shall 49732
determine whether the enterprise submitting the proposal is 49733
qualified by financial responsibility and business experience to 49734
create and preserve employment opportunities in the zone and to 49735
improve the economic climate of the municipal corporation or 49736
municipal corporations or the unincorporated areas in which the 49737
zone is located and to which the proposal applies, and whether the 49738
enterprise satisfies one of the following criteria: 49739

(1) The enterprise currently has no operations in this state 49740
and, subject to approval of the agreement, intends to establish 49741
operations in the zone; 49742

(2) The enterprise currently has operations in this state 49743
and, subject to approval of the agreement, intends to establish 49744
operations at a new location in the zone that would not result in 49745
a reduction in the number of employee positions at any of the 49746
enterprise's other locations in this state; 49747

(3) The enterprise, subject to approval of the agreement, 49748
intends to relocate operations, currently located in another 49749
state, to the zone; 49750

(4) The enterprise, subject to approval of the agreement, 49751
intends to expand operations at an existing site in the zone that 49752
the enterprise currently operates; 49753

(5) The enterprise, subject to approval of the agreement, 49754

intends to relocate operations, currently located in this state, 49755
to the zone, and the director of development has issued a waiver 49756
for the enterprise under division (B) of section 5709.633 of the 49757
Revised Code. 49758

(C) If the legislative authority or board determines that the 49759
enterprise is so qualified and satisfies one of the criteria 49760
described in divisions (B)(1) to (5) of this section, the 49761
legislative authority or board may, after complying with section 49762
5709.83 of the Revised Code and on or before ~~June 30, 2004~~ October 49763
15, 2009, and, in the case of a board of commissioners, with the 49764
consent of the legislative authority of each affected municipal 49765
corporation or of the board of township trustees, enter into an 49766
agreement with the enterprise under which the enterprise agrees to 49767
establish, expand, renovate, or occupy a facility in the zone and 49768
hire new employees, or preserve employment opportunities for 49769
existing employees, in return for the following incentives: 49770

(1) When the facility is located in a municipal corporation, 49771
a legislative authority or board of commissioners may enter into 49772
an agreement for one or more of the incentives provided in 49773
division (C) of section 5709.62 of the Revised Code, subject to 49774
division (D) of that section; 49775

(2) When the facility is located in an unincorporated area, a 49776
board of commissioners may enter into an agreement for one or more 49777
of the incentives provided in divisions (B)(1)(b), (B)(2), and 49778
(B)(3) of section 5709.63 of the Revised Code, subject to division 49779
(C) of that section. 49780

(D) All agreements entered into under this section shall be 49781
in the form prescribed under section 5709.631 of the Revised Code. 49782
After an agreement under this section is entered into, if the 49783
legislative authority or board of county commissioners revokes its 49784
designation of the zone, or if the director of development revokes 49785
the zone's certification, any entitlements granted under the 49786

agreement shall continue for the number of years specified in the 49787
agreement. 49788

(E) Except as otherwise provided in this division, an 49789
agreement entered into under this section shall require that the 49790
enterprise pay an annual fee equal to the greater of one per cent 49791
of the dollar value of incentives offered under the agreement or 49792
five hundred dollars; provided, however, that if the value of the 49793
incentives exceeds two hundred fifty thousand dollars, the fee 49794
shall not exceed two thousand five hundred dollars. The fee shall 49795
be payable to the legislative authority or board of commissioners 49796
once per year for each year the agreement is effective on the days 49797
and in the form specified in the agreement. Fees paid shall be 49798
deposited in a special fund created for such purpose by the 49799
legislative authority or board and shall be used by the 49800
legislative authority or board exclusively for the purpose of 49801
complying with section 5709.68 of the Revised Code and by the tax 49802
incentive review council created under section 5709.85 of the 49803
Revised Code exclusively for the purposes of performing the duties 49804
prescribed under that section. The legislative authority or board 49805
may waive or reduce the amount of the fee charged against an 49806
enterprise, but such waiver or reduction does not affect the 49807
obligations of the legislative authority or board or the tax 49808
incentive review council to comply with section 5709.68 or 5709.85 49809
of the Revised Code, respectively. 49810

(F) With the approval of the legislative authority of a 49811
municipal corporation or the board of township trustees of a 49812
township in which a zone is designated under division (A)(2) of 49813
this section, the board of county commissioners may delegate to 49814
that legislative authority or board any powers and duties of the 49815
board to negotiate and administer agreements with regard to that 49816
zone under this section. 49817

(G) When an agreement is entered into pursuant to this 49818

section, the legislative authority or board of commissioners 49819
authorizing the agreement shall forward a copy of the agreement to 49820
the director of development and to the tax commissioner within 49821
fifteen days after the agreement is entered into. If any agreement 49822
includes terms not provided for in section 5709.631 of the Revised 49823
Code affecting the revenue of a city, local, or exempted village 49824
school district or causing revenue to be foregone by the district, 49825
including any compensation to be paid to the school district 49826
pursuant to section 5709.82 of the Revised Code, those terms also 49827
shall be forwarded in writing to the director of development along 49828
with the copy of the agreement forwarded under this division. 49829

(H) After an agreement is entered into, the enterprise shall 49830
file with each personal property tax return required to be filed 49831
while the agreement is in effect, an informational return, on a 49832
form prescribed by the tax commissioner for that purpose, setting 49833
forth separately the property, and related costs and values, 49834
exempted from taxation under the agreement. 49835

(I) An agreement entered into under this section may include 49836
a provision requiring the enterprise to create one or more 49837
temporary internship positions for students enrolled in a course 49838
of study at a school or other educational institution in the 49839
vicinity, and to create a scholarship or provide another form of 49840
educational financial assistance for students holding such a 49841
position in exchange for the student's commitment to work for the 49842
enterprise at the completion of the internship. 49843

Sec. 5709.64. (A) If an enterprise has been granted an 49844
incentive for the current calendar year under an agreement entered 49845
pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised 49846
Code, it may apply, on or before the thirtieth day of April of 49847
that year, to the director of development, on a form prescribed by 49848
the director, for a tax incentive qualification certificate. The 49849

enterprise qualifies for an initial certificate if, on or before 49850
the last day of the calendar year immediately preceding that in 49851
which application is made, it satisfies all of the following 49852
requirements: 49853

(1) The enterprise has established, expanded, renovated, or 49854
occupied a facility pursuant to the agreement under section 49855
5709.62, 5709.63, or 5709.632 of the Revised Code. 49856

(2) The enterprise has hired new employees to fill nonretail 49857
positions at the facility, at least twenty-five per cent of whom 49858
at the time they were employed were at least one of the following: 49859

(a) Unemployed persons who had resided at least six months in 49860
the county in which the enterprise's project site is located; 49861

(b) JPTA eligible employees who had resided at least six 49862
months in the county in which the enterprise's project site is 49863
located; 49864

(c) Participants of the Ohio works first program under 49865
Chapter 5107. of the Revised Code or the prevention, retention, 49866
and contingency program under Chapter 5108. of the Revised Code or 49867
recipients of general assistance under former Chapter 5113. of the 49868
Revised Code, ~~disability~~ financial assistance under Chapter 5115. 49869
of the Revised Code, or unemployment compensation benefits who had 49870
resided at least six months in the county in which the 49871
enterprise's project site is located; 49872

(d) Handicapped persons, as defined under division (A) of 49873
section 3304.11 of the Revised Code, who had resided at least six 49874
months in the county in which the enterprise's project site is 49875
located; 49876

(e) Residents for at least one year of a zone located in the 49877
county in which the enterprise's project site is located. 49878

The director of development shall, by rule, establish 49879

criteria for determining what constitutes a nonretail position at 49880
a facility. 49881

(3) The average number of positions attributable to the 49882
enterprise in the municipal corporation during the calendar year 49883
immediately preceding the calendar year in which application is 49884
made exceeds the maximum number of positions attributable to the 49885
enterprise in the municipal corporation during the calendar year 49886
immediately preceding the first year the enterprise satisfies the 49887
requirements set forth in divisions (A)(1) and (2) of this 49888
section. If the enterprise is engaged in a business which, because 49889
of its seasonal nature, customarily enables the enterprise to 49890
operate at full capacity only during regularly recurring periods 49891
of the year, the average number of positions attributable to the 49892
enterprise in the municipal corporation during each period of the 49893
calendar year immediately preceding the calendar year in which 49894
application is made must exceed only the maximum number of 49895
positions attributable to the enterprise in each corresponding 49896
period of the calendar year immediately preceding the first year 49897
the enterprise satisfies the requirements of divisions (A)(1) and 49898
(2) of this section. The director of development shall, by rule, 49899
prescribe methods for determining whether an enterprise is engaged 49900
in a seasonal business and for determining the length of the 49901
corresponding periods to be compared. 49902

(4) The enterprise has not closed or reduced employment at 49903
any place of business in the state for the primary purpose of 49904
establishing, expanding, renovating, or occupying a facility. The 49905
legislative authority of any municipal corporation or the board of 49906
county commissioners of any county that concludes that an 49907
enterprise has closed or reduced employment at a place of business 49908
in that municipal corporation or county for the primary purpose of 49909
establishing, expanding, renovating, or occupying a facility in a 49910
zone may appeal to the director to determine whether the 49911

enterprise has done so. Upon receiving such an appeal, the 49912
director shall investigate the allegations and make such a 49913
determination before issuing an initial or renewal tax incentive 49914
qualification certificate under this section. 49915

Within sixty days after receiving an application under this 49916
division, the director shall review, investigate, and verify the 49917
application and determine whether the enterprise qualifies for a 49918
certificate. The application shall include an affidavit executed 49919
by the applicant verifying that the enterprise satisfies the 49920
requirements of division (A)(2) of this section, and shall contain 49921
such information and documents as the director requires, by rule, 49922
to ascertain whether the enterprise qualifies for a certificate. 49923
If the director finds the enterprise qualified, the director shall 49924
issue a tax incentive qualification certificate, which shall bear 49925
as its date of issuance the thirtieth day of June of the year of 49926
application, and shall state that the applicant is entitled to 49927
receive, for the taxable year that includes the certificate's date 49928
of issuance, the tax incentives provided under section 5709.65 of 49929
the Revised Code with regard to the facility to which the 49930
certificate applies. If an enterprise is issued an initial 49931
certificate, it may apply, on or before the thirtieth day of April 49932
of each succeeding calendar year for which it has been granted an 49933
incentive under an agreement entered pursuant to section 5709.62, 49934
5709.63, or 5709.632 of the Revised Code, for a renewal 49935
certificate. Subsequent to its initial certification, the 49936
enterprise qualifies for up to three successive renewal 49937
certificates if, on or before the last day of the calendar year 49938
immediately preceding that in which the application is made, it 49939
satisfies all the requirements of divisions (A)(1) to (4) of this 49940
section, and neither the zone's designation nor the zone's 49941
certification has been revoked prior to the fifteenth day of June 49942
of the year in which the application is made. The application 49943
shall include an affidavit executed by the applicant verifying 49944

that the enterprise satisfies the requirements of division (A)(2) 49945
of this section. An enterprise with ten or more supervisory 49946
personnel at the facility to which a certificate applies qualifies 49947
for any subsequent renewal certificates only if it meets all of 49948
the foregoing requirements and, in addition, at least ten per cent 49949
of those supervisory personnel are employees who, when first hired 49950
by the enterprise, satisfied at least one of the criteria 49951
specified in divisions (A)(2)(a) to (e) of this section. If the 49952
enterprise qualifies, a renewal certificate shall be issued 49953
bearing as its date of issuance the thirtieth day of June of the 49954
year of application. The director shall send copies of the initial 49955
certificate, and each renewal certificate, by certified mail, to 49956
the enterprise, the tax commissioner, the board of county 49957
commissioners, and the chief executive of the municipal 49958
corporation in which the facility to which the certificate applies 49959
is located. 49960

(B) If the director determines that an enterprise is not 49961
qualified for an initial or renewal tax incentive qualification 49962
certificate, the director shall send notice of this determination, 49963
specifying the reasons for it, by certified mail, to the 49964
applicant, the tax commissioner, the board of county 49965
commissioners, and the chief executive of the municipal 49966
corporation in which the facility to which the certificate would 49967
have applied is located. Within thirty days after receiving such a 49968
notice, an enterprise may request, in writing, a hearing before 49969
the director for the purpose of reviewing the application and the 49970
reasons for the determination. Within sixty days after receiving a 49971
request for a hearing, the director shall afford one and, within 49972
thirty days after the hearing, shall issue a redetermination of 49973
the enterprise's qualification for a certificate. If the 49974
enterprise is found to be qualified, the director shall proceed in 49975
the manner provided under division (A) of this section. If the 49976
enterprise is found to be unqualified, the director shall send 49977

notice of this finding, by certified mail, to the applicant, the 49978
tax commissioner, the board of county commissioners, and the chief 49979
executive of the municipal corporation in which the facility to 49980
which the certificate would have applied is located. The 49981
director's redetermination that an enterprise is unqualified may 49982
be appealed to the board of tax appeals in the manner provided 49983
under section 5717.02 of the Revised Code. 49984

Sec. 5713.10. The county engineer shall appoint the necessary 49985
~~draftsmen~~ draftsperson and fix the salary thereof, subject to the 49986
approval of the board of county commissioners. 49987

The salaries of the assistants shall be paid out of the 49988
county treasury in the same manner as the salaries of other county 49989
officers are paid or may be paid out of the real estate assessment 49990
fund created under section 325.31 of the Revised Code. 49991

Sec. 5717.011. (A) As used in this chapter, "tax 49992
administrator" has the same meaning as in section 718.01 of the 49993
Revised Code. 49994

(B) Appeals from a municipal board of appeal created under 49995
section 718.11 of the Revised Code may be taken by the taxpayer to 49996
the board of tax appeals or may be taken by the taxpayer to a 49997
court of common pleas as otherwise provided by law. If the 49998
taxpayer elects to make its appeal to the board of tax appeals, 49999
the appeal shall be taken by the filing of a notice of appeal with 50000
the board of tax appeals, the municipal board of appeal, and the 50001
tax administrator. The notice of appeal shall be filed within 50002
sixty days after the day the taxpayer receives notice of the 50003
decision issued under section 718.11 of the Revised Code. The 50004
notice of appeal may be filed in person or by certified mail, 50005
express mail, or authorized delivery service as provided in 50006
section 5703.056 of the Revised Code. If the notice of appeal is 50007

filed by certified mail, express mail, or authorized delivery 50008
service as provided in section 5703.056 of the Revised Code, the 50009
date of the United States postmark placed on the sender's receipt 50010
by the postal service or the date of receipt recorded by the 50011
authorized delivery service shall be treated as the date of 50012
filing. The notice of appeal shall have attached thereto and 50013
incorporated therein by reference a true copy of the decision 50014
issued under section 718.11 of the Revised Code to the taxpayer 50015
and shall specify the errors therein complained of, but failure to 50016
attach a copy of such notice and incorporate it by reference in 50017
the notice of appeal does not invalidate the appeal. 50018

(C) Upon the filing of a notice of appeal, the municipal 50019
board of appeal shall certify to the board of tax appeals a 50020
transcript of the record of the proceedings before it, together 50021
with all evidence considered by it in connection therewith. Such 50022
appeals may be heard by the board at its office in Columbus or in 50023
the county where the appellant resides, or it may cause its 50024
examiners to conduct such hearings and to report to it their 50025
findings for affirmation or rejection. The board may order the 50026
appeal to be heard upon the record and the evidence certified to 50027
it by the administrator, but upon the application of any 50028
interested party the board shall order the hearing of additional 50029
evidence, and the board may make such investigation concerning the 50030
appeal as it considers proper. 50031

Sec. 5717.03. (A) A decision of the board of tax appeals on 50032
an appeal filed with it pursuant to section 5717.01, 5717.011, or 50033
5717.02 of the Revised Code shall be entered of record on the 50034
journal together with the date when the order is filed with the 50035
secretary for journalization. 50036

(B) In case of an appeal from a decision of a county board of 50037
revision, the board of tax appeals shall determine the taxable 50038

value of the property whose valuation or assessment by the county 50039
board of revision is complained of, or in the event the complaint 50040
and appeal is against a discriminatory valuation, shall determine 50041
a valuation which shall correct such discrimination, and shall 50042
determine the liability of the property for taxation, if that 50043
question is in issue, and ~~it~~ the board of tax appeals's decision 50044
and the date when it was filed with the secretary for 50045
journalization shall be certified by ~~it~~ the board by certified 50046
mail to all persons who were parties to the appeal before ~~it~~ the 50047
board, to the person in whose name the property is listed, or 50048
sought to be listed, if such person is not a party to the appeal, 50049
to the county auditor of the county in which the property involved 50050
in the appeal is located, and to the tax commissioner. 50051

In correcting a discriminatory valuation, the board of tax 50052
appeals shall increase or decrease the value of the property whose 50053
valuation or assessment by the county board of revision is 50054
complained of by a per cent or amount which will cause such 50055
property to be listed and valued for taxation by an equal and 50056
uniform rule. 50057

(C) In the case of an appeal from a review, redetermination, 50058
or correction of a tax assessment, valuation, determination, 50059
finding, computation, or order of the tax commissioner, the order 50060
of the board of tax appeals and the date of the entry thereof upon 50061
its journal shall be certified by ~~it~~ the board by certified mail 50062
to all persons who were parties to the appeal before ~~it~~ the board, 50063
the person in whose name the property is listed or sought to be 50064
listed, if the decision determines the valuation or liability of 50065
property for taxation and if such person is not a party to the 50066
appeal, the taxpayer or other person to whom notice of the tax 50067
assessment, valuation, determination, finding, computation, or 50068
order, or correction or redetermination thereof, by the tax 50069
commissioner was by law required to be given, the director of 50070

budget and management, if the revenues affected by such decision 50071
would accrue primarily to the state treasury, and the county 50072
auditors of the counties to the undivided general tax funds of 50073
which the revenues affected by such decision would primarily 50074
accrue. 50075

(D) In the case of an appeal from a municipal board of appeal 50076
created under section 718.11 of the Revised Code, the order of the 50077
board of tax appeals and the date of the entry thereof upon the 50078
board's journal shall be certified by the board by certified mail 50079
to all persons who were parties to the appeal before the board. 50080

(E) In the case of all other appeals or applications filed 50081
with and determined by the board ~~its~~, the board's order and the 50082
date when ~~it~~ the order was filed by the secretary for 50083
journalization shall be certified by ~~it~~ the board by certified 50084
mail to the person who is a party to such appeal or application, 50085
to such persons as the law requires, and to such other persons as 50086
the board deems proper. 50087

(F) The orders of the board may affirm, reverse, vacate, 50088
modify, or remand the tax assessments, valuations, determinations, 50089
findings, computations, or orders complained of in the appeals 50090
determined by ~~it~~ the board, and ~~its~~ the board's decision shall 50091
become final and conclusive for the current year unless reversed, 50092
vacated, or modified as provided in section 5717.04 of the Revised 50093
Code. When an order of the board becomes final the tax 50094
commissioner and all officers to whom such decision has been 50095
certified shall make the changes in their tax lists or other 50096
records which the decision requires. 50097

(G) If the board finds that issues not raised on the appeal 50098
are important to a determination of a controversy, ~~it~~ the board 50099
may remand the cause for an administrative determination and the 50100
issuance of a new tax assessment, valuation, determination, 50101
finding, computation, or order, unless the parties stipulate to 50102

the determination of such other issues without remand. An order 50103
remanding the cause is a final order, which may be appealed to the 50104
court of appeals in Franklin county. 50105

Sec. 5727.111. The taxable property of each public utility, 50106
except a railroad company, and of each interexchange 50107
telecommunications company shall be assessed at the following 50108
percentages of true value: 50109

(A)(1) Except as provided in division (A)(2) of this section, 50110
fifty per cent in the case of a rural electric company; 50111

(2) For tax year 2001 and thereafter, fifty per cent in the 50112
case of the taxable transmission and distribution property of a 50113
rural electric company, and twenty-five per cent for all its other 50114
taxable property; 50115

(B) In the case of a telephone or telegraph company, 50116
twenty-five per cent for taxable property first subject to 50117
taxation in this state for tax year 1995 or thereafter, and 50118
~~eighty-eight per cent~~ the following for all other taxable 50119
property: 50120

(1) For tax years prior to 2005, eighty-eight per cent; 50121

(2) For tax year 2005, sixty-seven per cent; 50122

(3) For tax year 2006, forty-six per cent; 50123

(4) For tax year 2007 and thereafter, twenty-five per cent. 50124

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 50125
~~eighty-eight per cent in the case of a natural gas company;~~ 50126

~~(2) For tax year 2001 and thereafter, twenty-five~~ Twenty-five 50127
per cent in the case of a natural gas company. 50128

(D) Eighty-eight per cent in the case of a pipe-line, 50129
water-works, or heating company; 50130

(E)(1) Except as provided in division (E)(2) or (3) of this 50131

section, one hundred per cent in the case of the taxable 50132
production equipment of an electric company and eighty-eight per 50133
cent for all its other taxable property; 50134

(2) For tax year 2001 and thereafter, eighty-eight per cent 50135
in the case of the taxable transmission and distribution property 50136
of an electric company, and twenty-five per cent for all its other 50137
taxable property; 50138

(3) Property listed and assessed under divisions (B)(1) and 50139
(2) of section 5711.22 of the Revised Code and leased to an 50140
electric company shall continue to be assessed at one hundred per 50141
cent for production equipment and eighty-eight per cent for all 50142
such other taxable property until January 1, 2002. 50143

(F) Twenty-five per cent in the case of an interexchange 50144
telecommunications company; 50145

(G) Twenty-five per cent in the case of a water 50146
transportation company. 50147

Sec. 5727.30. (A) Except as provided in divisions (B) ~~and~~ 50148
(C), and (D) of this section, each public utility, except railroad 50149
companies, shall be subject to an annual excise tax, as provided 50150
by sections 5727.31 to 5727.62 of the Revised Code, for the 50151
privilege of owning property in this state or doing business in 50152
this state during the twelve-month period next succeeding the 50153
period upon which the tax is based. The tax shall be imposed 50154
against each such public utility that, on the first day of such 50155
twelve-month period, owns property in this state or is doing 50156
business in this state, and the lien for the tax, including any 50157
penalties and interest accruing thereon, shall attach on such day 50158
to the property of the public utility in this state. 50159

(B) An electric company's or a rural electric company's gross 50160
receipts received after April 30, 2001, are not subject to the 50161

annual excise tax imposed by this section. 50162

(C) A natural gas company's gross receipts received after 50163
April 30, 2000, are not subject to the annual excise tax imposed 50164
by this section. 50165

(D) A telephone company's gross receipts billed to customers 50166
after June 30, 2004, are not subject to the annual excise tax 50167
imposed by this section. Notwithstanding any other provision of 50168
law, gross receipts billed by a telephone company to customers 50169
prior to July 1, 2004, shall be included in the telephone 50170
company's annual statement filed on or before August 1, 2004, 50171
which shall be the last statement or report filed under section 50172
5727.31 of the Revised Code by a telephone company. A telephone 50173
company shall not deduct from its gross receipts included in that 50174
last statement any receipts it was unable to collect from its 50175
customers for the period of July 1, 2003, to June 30, 2004. 50176

Sec. 5727.32. (A) For the purpose of the tax imposed by 50177
section 5727.30 of the Revised Code, the statement required by 50178
section 5727.31 of the Revised Code shall contain: 50179

(1) The name of the company; 50180

(2) The nature of the company, whether a person, association, 50181
or corporation, and under the laws of what state or country 50182
organized; 50183

(3) The location of its principal office; 50184

(4) The name and post-office address of the president, 50185
secretary, auditor, treasurer, and superintendent or general 50186
manager; 50187

(5) The name and post-office address of the chief officer or 50188
managing agent of the company in this state; 50189

(6) The amount of the excise taxes paid or to be paid with 50190
the reports made during the current calendar year as provided by 50191

section 5727.31 of the Revised Code;	50192
(7) In the case of telegraph and telephone companies:	50193
(a) The gross receipts from all sources, whether messages, telephone tolls, rentals, or otherwise, for business done within this state, including all sums earned or charged, whether actually received or not, for the year ending on the thirtieth day of June, and the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons, or associations, but excluding all of the following:	50194 50195 50196 50197 50198 50199 50200 50201
(i) All of the receipts derived wholly from interstate business or business done for or with the federal government;	50202 50203
(ii) The receipts of amounts billed on behalf of other entities;	50204 50205
(iii) The receipts from sales to other telephone companies for resale;	50206 50207
(iv) The receipts from sales to providers of telecommunications service for resale, receipts from incoming or outgoing wide area transmission service or wide area transmission type service, including eight hundred or eight hundred type service, and receipts from private communications service.	50208 50209 50210 50211 50212
As used in this division, "receipts from sales to other telephone companies for resale" and "receipts from sales to providers of telecommunications service for resale" include but are not limited to, receipts of carrier access charges. "Carrier access charges" means compensation paid to the taxpayer telephone company by another telephone company or by a provider of telecommunications service for the use of the taxpayer's facilities to originate or terminate telephone calls or telecommunications service.	50213 50214 50215 50216 50217 50218 50219 50220 50221

(b) The total gross receipts for such period from business done within this state. 50222
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(8) In the case of all public utilities subject to the tax imposed by section 5727.30 of the Revised Code, except telegraph and telephone companies: 50224
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(a) The gross receipts of the company, actually received, from all sources for business done within this state for the year next preceding the first day of May, including the company's proportion of gross receipts for business done by it within this state in connection with other companies, firms, corporations, persons, or associations, but excluding ~~all~~ both of the following: 50227
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(i) Receipts from interstate business or business done for the federal government; 50233
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(ii) Receipts from sales to another public utility for resale, provided such other public utility is subject to the tax levied by section 5727.24 or 5727.30 of the Revised Code; 50235
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~~(iii) Receipts from the transmission or delivery of electricity to or for a rural electric company, provided that the electricity that has been so transmitted or delivered is for resale by the rural electric company. This division does not apply to tax years 2002 and thereafter.~~ 50238
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~~(iv) Receipts of an electric company, derived from the provision of electricity and other services to a qualified former owner of the production facilities that generated the electricity from which those receipts were derived. This division does not apply to tax years 2002 and thereafter. As used in this division, a "qualified former owner" means a person who meets both of the following conditions:~~ 50243
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~~(I) On or before October 11, 1991, the person had sold to an electric company part of the production facility at which the~~ 50250
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~~electricity is generated, and, for at least twenty years prior to 50252
that sale, the facility was used to generate electricity, but it 50253
was not owned in whole or in part during that period by an 50254
electric company. 50255~~

~~(II) At the time the electric company provided the 50256
electricity or other services for which the exclusion is claimed, 50257
the person, or a successor or assign of the person, owned not less 50258
than twenty per cent of the production facility and the rights to 50259
not less than twenty per cent of the production of that facility; 50260
and the person, or a successor or assign of the person, engaged 50261
primarily in a business other than providing electricity to 50262
others. 50263~~

~~(v) Receipts of a combined company derived from operating as 50264
a natural gas company that is subject to the tax imposed by 50265
section 5727.24 of the Revised Code. 50266~~

~~(b) The total gross receipts of the company, for the year 50267
next preceding the first day of May, in this state from business 50268
done within the state. 50269~~

~~(B) The reports required by section 5727.31 of the Revised 50270
Code shall contain: 50271~~

~~(1) The name and principal mailing address of the company; 50272~~

~~(2) The total amount of the gross receipts excise taxes 50273
charged or levied as based upon its last preceding annual 50274
statement filed prior to the first day of January of the year in 50275
which such report is filed; 50276~~

~~(3) The amount of the excise taxes due with the report as 50277
provided by section 5727.31 of the Revised Code. 50278~~

Sec. 5727.33. (A) For the purpose of computing the excise tax 50279
imposed by section 5727.24 or 5727.30 of the Revised Code, the 50280
entire gross receipts actually received from all sources for 50281

business done within this state are taxable gross receipts, 50282
excluding the receipts described in divisions (B), (C), and (D),⁷ 50283
~~and (E)~~ of this section. The gross receipts for the tax year of 50284
each telegraph ~~and telephone~~ company shall be computed for the 50285
period of the first day of July prior to the tax year to the 50286
thirtieth day of June of the tax year. The gross receipts of each 50287
natural gas company, including a combined company's taxable gross 50288
receipts attributed to a natural gas company activity, shall be 50289
computed in the manner required by section 5727.25 of the Revised 50290
Code. The gross receipts for the tax year of any other public 50291
utility subject to section 5727.30 of the Revised Code shall be 50292
computed for the period of the first day of May prior to the tax 50293
year to the thirtieth day of April of the tax year. 50294

(B) In ascertaining and determining the gross receipts of 50295
each public utility subject to this section, the following gross 50296
receipts are excluded: 50297

(1) All receipts derived wholly from interstate business; 50298

(2) All receipts derived wholly from business done for or 50299
with the federal government; 50300

~~(3) All receipts derived wholly from the transmission or 50301
delivery of electricity to or for a rural electric company,
provided that the electricity that has been so transmitted or 50302
delivered is for resale by the rural electric company. This 50303
division does not apply to tax years 2002 and thereafter. 50304
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~~(4)~~ All receipts from the sale of merchandise; 50306

~~(5)~~⁽⁴⁾ All receipts from sales to other public utilities, 50307
except railroad,⁷ and telegraph, ~~and telephone~~ companies, for 50308
resale, provided the other public utility is subject to the tax 50309
levied by section 5727.24 or 5727.30 of the Revised Code. 50310

~~(C) In ascertaining and determining the gross receipts of a 50311
telephone company, the following gross receipts are excluded: 50312~~

(1) Receipts of amounts billed on behalf of other entities;	50313
(2) Receipts from sales to other telephone companies for resale, as defined in division (A)(7) of section 5727.32 of the Revised Code;	50314 50315 50316
(3) Receipts from incoming or outgoing wide area transmission service or wide area transmission type service, including eight hundred or eight hundred type service;	50317 50318 50319
(4) Receipts from private communications service as described in division (AA)(2) of section 5739.01 of the Revised Code;	50320 50321
(5) Receipts from sales to providers of telecommunications service for resale, as defined in division (A)(7) of section 5727.32 of the Revised Code.	50322 50323 50324
(D) In ascertaining and determining the gross receipts of an electric company, receipts derived from the provision of electricity and other services to a qualified former owner of the production facilities that generated the electricity from which those receipts were derived are excluded. This division does not apply to tax years 2002 and thereafter. As used in this division, a "qualified former owner" means a person who meets both of the following conditions:	50325 50326 50327 50328 50329 50330 50331 50332
(1) On or before October 11, 1991, the person had sold to an electric company part of the production facility at which the electricity is generated, and, for at least twenty years prior to that sale, the facility was used to generate electricity, but it was not owned in whole or part during that period by an electric company.	50333 50334 50335 50336 50337 50338
(2) At the time the electric company provided the electricity or other services for which the exclusion is claimed, the person, or a successor or assign of the person, owned not less than a twenty per cent ownership of the production facility and the	50339 50340 50341 50342

~~rights to not less than twenty per cent of the production of that~~ 50343
~~facility.~~ 50344

~~(E)~~(C) In ascertaining and determining the gross receipts of 50345
a natural gas company, receipts billed on behalf of other entities 50346
are excluded. The tax imposed by section 5729.811 of the Revised 50347
Code, along with transportation and billing and collection fees 50348
charged to other entities, shall be included in the gross receipts 50349
of a natural gas company. 50350

~~(F)~~(D) In ascertaining and determining the gross receipts of 50351
a combined company subject to the tax imposed by section 5727.30 50352
of the Revised Code, all receipts derived from operating as a 50353
natural gas company that are subject to the tax imposed by section 50354
5727.24 of the Revised Code are excluded. 50355

~~(G)~~(E) Except as provided in division ~~(H)~~(F) of this section, 50356
the amount ascertained by the commissioner under this section, 50357
less a deduction of twenty-five thousand dollars, shall be the 50358
taxable gross receipts of such companies for business done within 50359
this state for that year. 50360

~~(H)~~(F) The amount ascertained under this section, less the 50361
following deduction, shall be the taxable gross receipts of a 50362
natural gas company or combined company subject to the tax imposed 50363
by section 5727.24 of the Revised Code for business done within 50364
this state: 50365

(1) For a natural gas company that files quarterly returns of 50366
the tax imposed by section 5727.24 of the Revised Code, six 50367
thousand two hundred fifty dollars for each quarterly return; 50368

(2) For a natural gas company that files an annual return of 50369
the tax imposed by section 5727.24 of the Revised Code, 50370
twenty-five thousand dollars for each annual return; 50371

(3) For a combined company, twenty-five thousand dollars on 50372
the annual statement filed under section 5727.31 of the Revised 50373

Code. A combined company shall not be entitled to a deduction in 50374
computing gross receipts subject to the tax imposed by section 50375
5727.24 of the Revised Code. 50376

Sec. 5733.04. As used in this chapter: 50377

(A) "Issued and outstanding shares of stock" applies to 50378
nonprofit corporations, as provided in section 5733.01 of the 50379
Revised Code, and includes, but is not limited to, membership 50380
certificates and other instruments evidencing ownership of an 50381
interest in such nonprofit corporations, and with respect to a 50382
financial institution that does not have capital stock, "issued 50383
and outstanding shares of stock" includes, but is not limited to, 50384
ownership interests of depositors in the capital employed in such 50385
an institution. 50386

(B) "Taxpayer" means a corporation subject to the tax imposed 50387
by section 5733.06 of the Revised Code. 50388

(C) "Resident" means a corporation organized under the laws 50389
of this state. 50390

(D) "Commercial domicile" means the principal place from 50391
which the trade or business of the taxpayer is directed or 50392
managed. 50393

(E) "Taxable year" means the period prescribed by division 50394
(A) of section 5733.031 of the Revised Code upon the net income of 50395
which the value of the taxpayer's issued and outstanding shares of 50396
stock is determined under division (B) of section 5733.05 of the 50397
Revised Code or the period prescribed by division (A) of section 50398
5733.031 of the Revised Code that immediately precedes the date as 50399
of which the total value of the corporation is determined under 50400
division (A) or (C) of section 5733.05 of the Revised Code. 50401

(F) "Tax year" means the calendar year in and for which the 50402
tax imposed by section 5733.06 of the Revised Code is required to 50403

be paid. 50404

(G) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 50405
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(H) "Federal income tax" means the income tax imposed by the Internal Revenue Code. 50407
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(I) Except as provided in section 5733.058 of the Revised Code, "net income" means the taxpayer's taxable income before operating loss deduction and special deductions, as required to be reported for the taxpayer's taxable year under the Internal Revenue Code, subject to the following adjustments: 50409
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(1)(a) Deduct any net operating loss incurred in any taxable years ending in 1971 or thereafter, but exclusive of any net operating loss incurred in taxable years ending prior to January 1, 1971. This deduction shall not be allowed in any tax year commencing before December 31, 1973, but shall be carried over and allowed in tax years commencing after December 31, 1973, until fully utilized in the next succeeding taxable year or years in which the taxpayer has net income, but in no case for more than the designated carryover period as described in division (I)(1)(b) of this section. The amount of such net operating loss, as determined under the allocation and apportionment provisions of section 5733.051 and division (B) of section 5733.05 of the Revised Code for the year in which the net operating loss occurs, shall be deducted from net income, as determined under the allocation and apportionment provisions of section 5733.051 and division (B) of section 5733.05 of the Revised Code, to the extent necessary to reduce net income to zero with the remaining unused portion of the deduction, if any, carried forward to the remaining years of the designated carryover period as described in division (I)(1)(b) of this section, or until fully utilized, whichever occurs first. 50414
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(b) For losses incurred in taxable years ending on or before 50435
December 31, 1981, the designated carryover period shall be the 50436
five consecutive taxable years after the taxable year in which the 50437
net operating loss occurred. For losses incurred in taxable years 50438
ending on or after January 1, 1982, and beginning before August 6, 50439
1997, the designated carryover period shall be the fifteen 50440
consecutive taxable years after the taxable year in which the net 50441
operating loss occurs. For losses incurred in taxable years 50442
beginning on or after August 6, 1997, the designated carryover 50443
period shall be the twenty consecutive taxable years after the 50444
taxable year in which the net operating loss occurs. 50445

(c) The tax commissioner may require a taxpayer to furnish 50446
any information necessary to support a claim for deduction under 50447
division (I)(1)(a) of this section and no deduction shall be 50448
allowed unless the information is furnished. 50449

(2) Deduct any amount included in net income by application 50450
of section 78 or 951 of the Internal Revenue Code, amounts 50451
received for royalties, technical or other services derived from 50452
sources outside the United States, and dividends received from a 50453
subsidiary, associate, or affiliated corporation that neither 50454
transacts any substantial portion of its business nor regularly 50455
maintains any substantial portion of its assets within the United 50456
States. For purposes of determining net foreign source income 50457
deductible under division (I)(2) of this section, the amount of 50458
gross income from all such sources other than dividend income and 50459
income derived by application of section 78 or 951 of the Internal 50460
Revenue Code shall be reduced by: 50461

(a) The amount of any reimbursed expenses for personal 50462
services performed by employees of the taxpayer for the 50463
subsidiary, associate, or affiliated corporation; 50464

(b) Ten per cent of the amount of royalty income and 50465

technical assistance fees; 50466

(c) Fifteen per cent of the amount of all other income. 50467

The amounts described in divisions (I)(2)(a) to (c) of this 50468
section are deemed to be the expenses attributable to the 50469
production of deductible foreign source income unless the taxpayer 50470
shows, by clear and convincing evidence, less actual expenses, or 50471
the tax commissioner shows, by clear and convincing evidence, more 50472
actual expenses. 50473

(3) Add any loss or deduct any gain resulting from the sale, 50474
exchange, or other disposition of a capital asset, or an asset 50475
described in section 1231 of the Internal Revenue Code, to the 50476
extent that such loss or gain occurred prior to the first taxable 50477
year on which the tax provided for in section 5733.06 of the 50478
Revised Code is computed on the corporation's net income. For 50479
purposes of division (I)(3) of this section, the amount of the 50480
prior loss or gain shall be measured by the difference between the 50481
original cost or other basis of the asset and the fair market 50482
value as of the beginning of the first taxable year on which the 50483
tax provided for in section 5733.06 of the Revised Code is 50484
computed on the corporation's net income. At the option of the 50485
taxpayer, the amount of the prior loss or gain may be a percentage 50486
of the gain or loss, which percentage shall be determined by 50487
multiplying the gain or loss by a fraction, the numerator of which 50488
is the number of months from the acquisition of the asset to the 50489
beginning of the first taxable year on which the fee provided in 50490
section 5733.06 of the Revised Code is computed on the 50491
corporation's net income, and the denominator of which is the 50492
number of months from the acquisition of the asset to the sale, 50493
exchange, or other disposition of the asset. The adjustments 50494
described in this division do not apply to any gain or loss where 50495
the gain or loss is recognized by a qualifying taxpayer, as 50496
defined in section 5733.0510 of the Revised Code, with respect to 50497

a qualifying taxable event, as defined in that section. 50498

(4) Deduct the dividend received deduction provided by 50499
section 243 of the Internal Revenue Code. 50500

(5) Deduct any interest or interest equivalent on public 50501
obligations and purchase obligations to the extent included in 50502
federal taxable income. As used in divisions (I)(5) and (6) of 50503
this section, "public obligations," "purchase obligations," and 50504
"interest or interest equivalent" have the same meanings as in 50505
section 5709.76 of the Revised Code. 50506

(6) Add any loss or deduct any gain resulting from the sale, 50507
exchange, or other disposition of public obligations to the extent 50508
included in federal taxable income. 50509

(7) To the extent not otherwise allowed, deduct any dividends 50510
or distributions received by a taxpayer from a public utility, 50511
excluding an electric company and a combined company, and, for tax 50512
years 2005 and thereafter, a telephone company, if the taxpayer 50513
owns at least eighty per cent of the issued and outstanding common 50514
stock of the public utility. As used in division (I)(7) of this 50515
section, "public utility" means a public utility as defined in 50516
Chapter 5727. of the Revised Code, whether or not the public 50517
utility is doing business in the state. 50518

(8) To the extent not otherwise allowed, deduct any dividends 50519
received by a taxpayer from an insurance company, if the taxpayer 50520
owns at least eighty per cent of the issued and outstanding common 50521
stock of the insurance company. As used in division (I)(8) of this 50522
section, "insurance company" means an insurance company that is 50523
taxable under Chapter 5725. or 5729. of the Revised Code. 50524

(9) Deduct expenditures for modifying existing buildings or 50525
structures to meet American national standards institute standard 50526
A-117.1-1961 (R-1971), as amended; provided, that no deduction 50527
shall be allowed to the extent that such deduction is not 50528

permitted under federal law or under rules of the tax 50529
commissioner. Those deductions as are allowed may be taken over a 50530
period of five years. The tax commissioner shall adopt rules under 50531
Chapter 119. of the Revised Code establishing reasonable 50532
limitations on the extent that expenditures for modifying existing 50533
buildings or structures are attributable to the purpose of making 50534
the buildings or structures accessible to and usable by physically 50535
handicapped persons. 50536

(10) Deduct the amount of wages and salaries, if any, not 50537
otherwise allowable as a deduction but that would have been 50538
allowable as a deduction in computing federal taxable income 50539
before operating loss deduction and special deductions for the 50540
taxable year, had the targeted jobs credit allowed and determined 50541
under sections 38, 51, and 52 of the Internal Revenue Code not 50542
been in effect. 50543

(11) Deduct net interest income on obligations of the United 50544
States and its territories and possessions or of any authority, 50545
commission, or instrumentality of the United States to the extent 50546
the laws of the United States prohibit inclusion of the net 50547
interest for purposes of determining the value of the taxpayer's 50548
issued and outstanding shares of stock under division (B) of 50549
section 5733.05 of the Revised Code. As used in division (I)(11) 50550
of this section, "net interest" means interest net of any expenses 50551
taken on the federal income tax return that would not have been 50552
allowed under section 265 of the Internal Revenue Code if the 50553
interest were exempt from federal income tax. 50554

(12)(a) Except as set forth in division (I)(12)(d) of this 50555
section, to the extent not included in computing the taxpayer's 50556
federal taxable income before operating loss deduction and special 50557
deductions, add gains and deduct losses from direct or indirect 50558
sales, exchanges, or other dispositions, made by a related entity 50559
who is not a taxpayer, of the taxpayer's indirect, beneficial, or 50560

constructive investment in the stock or debt of another entity, 50561
unless the gain or loss has been included in computing the federal 50562
taxable income before operating loss deduction and special 50563
deductions of another taxpayer with a more closely related 50564
investment in the stock or debt of the other entity. The amount of 50565
gain added or loss deducted shall not exceed the product obtained 50566
by multiplying such gain or loss by the taxpayer's proportionate 50567
share, directly, indirectly, beneficially, or constructively, of 50568
the outstanding stock of the related entity immediately prior to 50569
the direct or indirect sale, exchange, or other disposition. 50570

(b) Except as set forth in division (I)(12)(e) of this 50571
section, to the extent not included in computing the taxpayer's 50572
federal taxable income before operating loss deduction and special 50573
deductions, add gains and deduct losses from direct or indirect 50574
sales, exchanges, or other dispositions made by a related entity 50575
who is not a taxpayer, of intangible property other than stock, 50576
securities, and debt, if such property was owned, or used in whole 50577
or in part, at any time prior to or at the time of the sale, 50578
exchange, or disposition by either the taxpayer or by a related 50579
entity that was a taxpayer at any time during the related entity's 50580
ownership or use of such property, unless the gain or loss has 50581
been included in computing the federal taxable income before 50582
operating loss deduction and special deductions of another 50583
taxpayer with a more closely related ownership or use of such 50584
intangible property. The amount of gain added or loss deducted 50585
shall not exceed the product obtained by multiplying such gain or 50586
loss by the taxpayer's proportionate share, directly, indirectly, 50587
beneficially, or constructively, of the outstanding stock of the 50588
related entity immediately prior to the direct or indirect sale, 50589
exchange, or other disposition. 50590

(c) As used in division (I)(12) of this section, "related 50591
entity" means those entities described in divisions (I)(12)(c)(i) 50592

to (iii) of this section: 50593

(i) An individual stockholder, or a member of the 50594
stockholder's family enumerated in section 318 of the Internal 50595
Revenue Code, if the stockholder and the members of the 50596
stockholder's family own, directly, indirectly, beneficially, or 50597
constructively, in the aggregate, at least fifty per cent of the 50598
value of the taxpayer's outstanding stock; 50599

(ii) A stockholder, or a stockholder's partnership, estate, 50600
trust, or corporation, if the stockholder and the stockholder's 50601
partnerships, estates, trusts, and corporations own directly, 50602
indirectly, beneficially, or constructively, in the aggregate, at 50603
least fifty per cent of the value of the taxpayer's outstanding 50604
stock; 50605

(iii) A corporation, or a party related to the corporation in 50606
a manner that would require an attribution of stock from the 50607
corporation to the party or from the party to the corporation 50608
under division (I)(12)(c)(iv) of this section, if the taxpayer 50609
owns, directly, indirectly, beneficially, or constructively, at 50610
least fifty per cent of the value of the corporation's outstanding 50611
stock. 50612

(iv) The attribution rules of section 318 of the Internal 50613
Revenue Code apply for purposes of determining whether the 50614
ownership requirements in divisions (I)(12)(c)(i) to (iii) of this 50615
section have been met. 50616

(d) For purposes of the adjustments required by division 50617
(I)(12)(a) of this section, the term "investment in the stock or 50618
debt of another entity" means only those investments where the 50619
taxpayer and the taxpayer's related entities directly, indirectly, 50620
beneficially, or constructively own, in the aggregate, at any time 50621
during the twenty-four month period commencing one year prior to 50622
the direct or indirect sale, exchange, or other disposition of 50623

such investment at least fifty per cent or more of the value of 50624
either the outstanding stock or such debt of such other entity. 50625

(e) For purposes of the adjustments required by division 50626
(I)(12)(b) of this section, the term "related entity" excludes all 50627
of the following: 50628

(i) Foreign corporations as defined in section 7701 of the 50629
Internal Revenue Code; 50630

(ii) Foreign partnerships as defined in section 7701 of the 50631
Internal Revenue Code; 50632

(iii) Corporations, partnerships, estates, and trusts created 50633
or organized in or under the laws of the Commonwealth of Puerto 50634
Rico or any possession of the United States; 50635

(iv) Foreign estates and foreign trusts as defined in section 50636
7701 of the Internal Revenue Code. 50637

The exclusions described in divisions (I)(12)(e)(i) to (iv) 50638
of this section do not apply if the corporation, partnership, 50639
estate, or trust is described in any one of divisions (C)(1) to 50640
(5) of section 5733.042 of the Revised Code. 50641

(f) Nothing in division (I)(12) of this section shall require 50642
or permit a taxpayer to add any gains or deduct any losses 50643
described in divisions (I)(12)(f)(i) and (ii) of this section: 50644

(i) Gains or losses recognized for federal income tax 50645
purposes by an individual, estate, or trust without regard to the 50646
attribution rules described in division (I)(12)(c) of this 50647
section; 50648

(ii) A related entity's gains or losses described in division 50649
(I)(12)(b) of this section if the taxpayer's ownership of or use 50650
of such intangible property was limited to a period not exceeding 50651
nine months and was attributable to a transaction or a series of 50652
transactions executed in accordance with the election or elections 50653

made by the taxpayer or a related entity pursuant to section 338 50654
of the Internal Revenue Code. 50655

(13) Any adjustment required by section 5733.042 of the 50656
Revised Code. 50657

(14) Add any amount claimed as a credit under section 50658
5733.0611 of the Revised Code to the extent that such amount 50659
satisfies either of the following: 50660

(a) It was deducted or excluded from the computation of the 50661
corporation's taxable income before operating loss deduction and 50662
special deductions as required to be reported for the 50663
corporation's taxable year under the Internal Revenue Code; 50664

(b) It resulted in a reduction of the corporation's taxable 50665
income before operating loss deduction and special deductions as 50666
required to be reported for any of the corporation's taxable years 50667
under the Internal Revenue Code. 50668

(15) Deduct the amount contributed by the taxpayer to an 50669
individual development account program established by a county 50670
department of job and family services pursuant to sections 329.11 50671
to 329.14 of the Revised Code for the purpose of matching funds 50672
deposited by program participants. On request of the tax 50673
commissioner, the taxpayer shall provide any information that, in 50674
the tax commissioner's opinion, is necessary to establish the 50675
amount deducted under division (I)(15) of this section. 50676

(16) Any adjustment required by section 5733.0510 of the 50677
Revised Code. 50678

(17)(a) Add five-sixths of the amount of depreciation expense 50679
allowed under subsection (k) of section 168 of the Internal 50680
Revenue Code, including a person's proportionate or distributive 50681
share of the amount of depreciation expense allowed by that 50682
subsection to any pass-through entity in which the person has 50683
direct or indirect ownership. The tax commissioner, under 50684

procedures established by the commissioner, may waive the add-back 50685
related to a pass-through entity if the person owns, directly or 50686
indirectly, less than five per cent of the pass-through entity. 50687

(b) Nothing in division (I)(17) of this section shall be 50688
construed to adjust or modify the adjusted basis of any asset. 50689

(c) To the extent the add-back is attributable to property 50690
generating income or loss allocable under section 5733.051 of the 50691
Revised Code, the add-back shall be allocated to the same location 50692
as the income or loss generated by that property. Otherwise, the 50693
add-back shall be apportioned, subject to division (B)(2)(d) of 50694
section 5733.05 of the Revised Code. 50695

(18)(a) If a person is required to make the add-back under 50696
division (I)(17)(a) of this section for a tax year, the person 50697
shall deduct one-fifth of the amount added back for each of the 50698
succeeding five tax years. 50699

(b) If the amount deducted under division (I)(18)(a) of this 50700
section is attributable to an add-back allocated under division 50701
(I)(17)(c) of this section, the amount deducted shall be allocated 50702
to the same location. Otherwise, the amount shall be apportioned 50703
using the apportionment factors for the taxable year in which the 50704
deduction is taken, subject to division (B)(2)(d) of section 50705
5733.05 of the Revised Code. 50706

(J) Any term used in this chapter has the same meaning as 50707
when used in comparable context in the laws of the United States 50708
relating to federal income taxes unless a different meaning is 50709
clearly required. Any reference in this chapter to the Internal 50710
Revenue Code includes other laws of the United States relating to 50711
federal income taxes. 50712

(K) "Financial institution" has the meaning given by section 50713
5725.01 of the Revised Code but does not include a production 50714
credit association as described in 85 Stat. 597, 12 U.S.C.A. 2091. 50715

(L)(1) A "qualifying holding company" is any corporation 50716
satisfying all of the following requirements: 50717

(a) Subject to divisions (L)(2) and (3) of this section, the 50718
net book value of the corporation's intangible assets is greater 50719
than or equal to ninety per cent of the net book value of all of 50720
its assets and at least fifty per cent of the net book value of 50721
all of its assets represents direct or indirect investments in the 50722
equity of, loans and advances to, and accounts receivable due from 50723
related members; 50724

(b) At least ninety per cent of the corporation's gross 50725
income for the taxable year is attributable to the following: 50726

(i) The maintenance, management, ownership, acquisition, use, 50727
and disposition of its intangible property, its aircraft the use 50728
of which is not subject to regulation under 14 C.F.R. part 121 or 50729
part 135, and any real property described in division (L)(2)(c) of 50730
this section; 50731

(ii) The collection and distribution of income from such 50732
property. 50733

(c) The corporation is not a financial institution on the 50734
last day of the taxable year ending prior to the first day of the 50735
tax year; 50736

(d) The corporation's related members make a good faith and 50737
reasonable effort to make timely and fully the adjustments 50738
required by division (C)(2) of section 5733.05 of the Revised Code 50739
and to pay timely and fully all uncontested taxes, interest, 50740
penalties, and other fees and charges imposed under this chapter; 50741

(e) Subject to division (L)(4) of this section, the 50742
corporation elects to be treated as a qualifying holding company 50743
for the tax year. 50744

A corporation otherwise satisfying divisions (L)(1)(a) to (e) 50745

of this section that does not elect to be a qualifying holding 50746
company is not a qualifying holding company for the purposes of 50747
this chapter. 50748

(2)(a)(i) For purposes of making the ninety per cent 50749
computation under division (L)(1)(a) of this section, the net book 50750
value of the corporation's assets shall not include the net book 50751
value of aircraft or real property described in division 50752
(L)(1)(b)(i) of this section. 50753

(ii) For purposes of making the fifty per cent computation 50754
under division (L)(1)(a) of this section, the net book value of 50755
assets shall include the net book value of aircraft or real 50756
property described in division (L)(1)(b)(i) of this section. 50757

(b)(i) As used in division (L) of this section, "intangible 50758
asset" includes, but is not limited to, the corporation's direct 50759
interest in each pass-through entity only if at all times during 50760
the corporation's taxable year ending prior to the first day of 50761
the tax year the corporation's and the corporation's related 50762
members' combined direct and indirect interests in the capital or 50763
profits of such pass-through entity do not exceed fifty per cent. 50764
If the corporation's interest in the pass-through entity is an 50765
intangible asset for that taxable year, then the distributive 50766
share of any income from the pass-through entity shall be income 50767
from an intangible asset for that taxable year. 50768

(ii) If a corporation's and the corporation's related 50769
members' combined direct and indirect interests in the capital or 50770
profits of a pass-through entity exceed fifty per cent at any time 50771
during the corporation's taxable year ending prior to the first 50772
day of the tax year, "intangible asset" does not include the 50773
corporation's direct interest in the pass-through entity, and the 50774
corporation shall include in its assets its proportionate share of 50775
the assets of any such pass-through entity and shall include in 50776
its gross income its distributive share of the gross income of 50777

such pass-through entity in the same form as was earned by the 50778
pass-through entity. 50779

(iii) A pass-through entity's direct or indirect 50780
proportionate share of any other pass-through entity's assets 50781
shall be included for the purpose of computing the corporation's 50782
proportionate share of the pass-through entity's assets under 50783
division (L)(2)(b)(ii) of this section, and such pass-through 50784
entity's distributive share of any other pass-through entity's 50785
gross income shall be included for purposes of computing the 50786
corporation's distributive share of the pass-through entity's 50787
gross income under division (L)(2)(b)(ii) of this section. 50788

(c) For the purposes of divisions (L)(1)(b)(i), (1)(b)(ii), 50789
(2)(a)(i), and (2)(a)(ii) of this section, real property is 50790
described in division (L)(2)(c) of this section only if all of the 50791
following conditions are present at all times during the taxable 50792
year ending prior to the first day of the tax year: 50793

(i) The real property serves as the headquarters of the 50794
corporation's trade or business, or is the place from which the 50795
corporation's trade or business is principally managed or 50796
directed; 50797

(ii) Not more than ten per cent of the value of the real 50798
property and not more than ten per cent of the square footage of 50799
the building or buildings that are part of the real property is 50800
used, made available, or occupied for the purpose of providing, 50801
acquiring, transferring, selling, or disposing of tangible 50802
property or services in the normal course of business to persons 50803
other than related members, the corporation's employees and their 50804
families, and such related members' employees and their families. 50805

(d) As used in division (L) of this section, "related member" 50806
has the same meaning as in division (A)(6) of section 5733.042 of 50807
the Revised Code without regard to division (B) of that section. 50808

(3) The percentages described in division (L)(1)(a) of this section shall be equal to the quarterly average of those percentages as calculated during the corporation's taxable year ending prior to the first day of the tax year. 50809
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(4) With respect to the election described in division (L)(1)(e) of this section: 50813
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(a) The election need not accompany a timely filed report; 50815

(b) The election need not accompany the report; rather, the election may accompany a subsequently filed but timely application for refund and timely amended report, or a subsequently filed but timely petition for reassessment; 50816
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(c) The election is not irrevocable; 50820

(d) The election applies only to the tax year specified by the corporation; 50821
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(e) The corporation's related members comply with division (L)(1)(d) of this section. 50823
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Nothing in division (L)(4) of this section shall be construed to extend any statute of limitations set forth in this chapter. 50825
50826

(M) "Qualifying controlled group" means two or more corporations that satisfy the ownership and control requirements of division (A) of section 5733.052 of the Revised Code. 50827
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(N) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state. 50830
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(O) "Pass-through entity" means a corporation that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year under that code, or a partnership, limited liability company, or any other person, other than an individual, trust, or estate, if the partnership, limited liability company, or other person is not classified for federal 50833
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income tax purposes as an association taxed as a corporation. 50839

(P) "Electric company," ~~and~~ "combined company," and 50840
"telephone company" have the same meanings as in section 5727.01 50841
of the Revised Code. 50842

Sec. 5733.05. As used in this section, "qualified research" 50843
means laboratory research, experimental research, and other 50844
similar types of research; research in developing or improving a 50845
product; or research in developing or improving the means of 50846
producing a product. It does not include market research, consumer 50847
surveys, efficiency surveys, management studies, ordinary testing 50848
or inspection of materials or products for quality control, 50849
historical research, or literary research. "Product" as used in 50850
this paragraph does not include services or intangible property. 50851

The annual report determines the value of the issued and 50852
outstanding shares of stock of the taxpayer, which under division 50853
(A) or divisions (B) and (C) of this section is the base or 50854
measure of the franchise tax liability. Such determination shall 50855
be made as of the date shown by the report to have been the 50856
beginning of the corporation's annual accounting period that 50857
includes the first day of January of the tax year. For the 50858
purposes of this chapter, the value of the issued and outstanding 50859
shares of stock of any corporation that is a financial institution 50860
shall be deemed to be the value as calculated in accordance with 50861
division (A) of this section. For the purposes of this chapter, 50862
the value of the issued and outstanding shares of stock of any 50863
corporation that is not a financial institution shall be deemed to 50864
be the values as calculated in accordance with divisions (B) and 50865
(C) of this section. Except as otherwise required by this section 50866
or section 5733.056 of the Revised Code, the value of a taxpayer's 50867
issued and outstanding shares of stock under division (A) or (C) 50868
of this section does not include any amount that is treated as a 50869

liability under generally accepted accounting principles. 50870

(A) The total value, as shown by the books of the financial 50871
institution, of its capital, surplus, whether earned or unearned, 50872
undivided profits, and reserves shall be determined as prescribed 50873
by section 5733.056 of the Revised Code for tax years 1998 and 50874
thereafter. 50875

(B) The sum of the corporation's net income during the 50876
corporation's taxable year, allocated or apportioned to this state 50877
as prescribed in divisions (B)(1) and (2) of this section, and 50878
subject to sections 5733.052, 5733.053, 5733.057, 5733.058, 50879
5733.059, and 5733.0510 of the Revised Code: 50880

(1) The net income allocated to this state as provided by 50881
section 5733.051 of the Revised Code. 50882

(2) The amount of Ohio apportioned net income from sources 50883
other than those allocated under section 5733.051 of the Revised 50884
Code, which shall be determined by multiplying the corporation's 50885
net income by a fraction. The numerator of the fraction is the sum 50886
of the following products: the property factor multiplied by 50887
twenty, the payroll factor multiplied by twenty, and the sales 50888
factor multiplied by sixty. The denominator of the fraction is one 50889
hundred, provided that the denominator shall be reduced by twenty 50890
if the property factor has a denominator of zero, by twenty if the 50891
payroll factor has a denominator of zero, and by sixty if the 50892
sales factor has a denominator of zero. 50893

The property, payroll, and sales factors shall be determined 50894
as follows: 50895

(a) The property factor is a fraction the numerator of which 50896
is the average value of the corporation's real and tangible 50897
personal property owned or rented, and used in the trade or 50898
business in this state during the taxable year, and the 50899
denominator of which is the average value of all the corporation's 50900

real and tangible personal property owned or rented, and used in 50901
the trade or business everywhere during such year. There shall be 50902
excluded from the numerator and denominator of the property factor 50903
the original cost of all of the following property within Ohio: 50904
property with respect to which a "pollution control facility" 50905
certificate has been issued pursuant to section 5709.21 of the 50906
Revised Code; property with respect to which an "industrial water 50907
pollution control certificate" has been issued pursuant to section 50908
6111.31 of the Revised Code; and property used exclusively during 50909
the taxable year for qualified research. 50910

(i) Property owned by the corporation is valued at its 50911
original cost. Property rented by the corporation is valued at 50912
eight times the net annual rental rate. "Net annual rental rate" 50913
means the annual rental rate paid by the corporation less any 50914
annual rental rate received by the corporation from subrentals. 50915

(ii) The average value of property shall be determined by 50916
averaging the values at the beginning and the end of the taxable 50917
year, but the tax commissioner may require the averaging of 50918
monthly values during the taxable year, if reasonably required to 50919
reflect properly the average value of the corporation's property. 50920

(b) The payroll factor is a fraction the numerator of which 50921
is the total amount paid in this state during the taxable year by 50922
the corporation for compensation, and the denominator of which is 50923
the total compensation paid everywhere by the corporation during 50924
such year. There shall be excluded from the numerator and the 50925
denominator of the payroll factor the total compensation paid in 50926
this state to employees who are primarily engaged in qualified 50927
research. 50928

(i) Compensation means any form of remuneration paid to an 50929
employee for personal services. 50930

(ii) Compensation is paid in this state if: (1) the 50931

recipient's service is performed entirely within this state, (2) 50932
the recipient's service is performed both within and without this 50933
state, but the service performed without this state is incidental 50934
to the recipient's service within this state, (3) some of the 50935
service is performed within this state and either the base of 50936
operations, or if there is no base of operations, the place from 50937
which the service is directed or controlled is within this state, 50938
or the base of operations or the place from which the service is 50939
directed or controlled is not in any state in which some part of 50940
the service is performed, but the recipient's residence is in this 50941
state. 50942

(iii) Compensation is paid in this state to any employee of a 50943
common or contract motor carrier corporation, who performs the 50944
employee's regularly assigned duties on a motor vehicle in more 50945
than one state, in the same ratio by which the mileage traveled by 50946
such employee within the state bears to the total mileage traveled 50947
by such employee everywhere during the taxable year. 50948

(c) Except as provided in section 5733.059 of the Revised 50949
Code, the sales factor is a fraction the numerator of which is the 50950
total sales in this state by the corporation during the taxable 50951
year, and the denominator of which is the total sales by the 50952
corporation everywhere during such year. In determining the 50953
numerator and denominator of the sales factor, receipts from the 50954
sale or other disposal of a capital asset or an asset described in 50955
section 1231 of the Internal Revenue Code shall be eliminated. 50956
Also, in determining the numerator and denominator of the sales 50957
factor, in the case of a reporting corporation owning at least 50958
eighty per cent of the issued and outstanding common stock of one 50959
or more insurance companies or public utilities, except an 50960
electric company and a combined company, and, for tax years 2005 50961
and thereafter, a telephone company, or owning at least 50962
twenty-five per cent of the issued and outstanding common stock of 50963

one or more financial institutions, receipts received by the 50964
reporting corporation from such utilities, insurance companies, 50965
and financial institutions shall be eliminated. 50966

For the purpose of this section and section 5733.03 of the 50967
Revised Code, sales of tangible personal property are in this 50968
state where such property is received in this state by the 50969
purchaser. In the case of delivery of tangible personal property 50970
by common carrier or by other means of transportation, the place 50971
at which such property is ultimately received after all 50972
transportation has been completed shall be considered as the place 50973
at which such property is received by the purchaser. Direct 50974
delivery in this state, other than for purposes of transportation, 50975
to a person or firm designated by a purchaser constitutes delivery 50976
to the purchaser in this state, and direct delivery outside this 50977
state to a person or firm designated by a purchaser does not 50978
constitute delivery to the purchaser in this state, regardless of 50979
where title passes or other conditions of sale. 50980

Except as provided in section 5733.059 of the Revised Code, 50981
sales, other than sales of tangible personal property, are in this 50982
state if either: 50983

(i) The income-producing activity is performed solely in this 50984
state; 50985

(ii) The income-producing activity is performed both within 50986
and without this state and a greater proportion of the 50987
income-producing activity is performed within this state than in 50988
any other state, based on costs of performance. 50989

(d) If the allocation and apportionment provisions of 50990
division (B) of this section do not fairly represent the extent of 50991
the taxpayer's business activity in this state, the taxpayer may 50992
request, which request must be in writing and must accompany the 50993
report, timely filed petition for reassessment, or timely filed 50994

amended report, or the tax commissioner may require, in respect to 50995
all or any part of the taxpayer's allocated or apportioned base, 50996
if reasonable, any one or more of the following: 50997

(i) Separate accounting; 50998

(ii) The exclusion of any one or more of the factors; 50999

(iii) The inclusion of one or more additional factors that 51000
will fairly represent the taxpayer's allocated or apportioned base 51001
in this state. 51002

An alternative method will be effective only with approval by 51003
the tax commissioner. 51004

Nothing in this section shall be construed to extend any 51005
statute of limitations set forth in this chapter. 51006

(e) The tax commissioner may adopt rules providing for 51007
alternative allocation and apportionment methods, and alternative 51008
calculations of a corporation's base, that apply to corporations 51009
engaged in telecommunications. 51010

(C)(1) Subject to divisions (C)(2) and (3) of this section, 51011
the total value, as shown on the books of each corporation that is 51012
not a qualified holding company, of the net book value of a 51013
corporation's assets less the net carrying value of its 51014
liabilities, and excluding from the corporation's assets land 51015
devoted exclusively to agricultural use as of the first Monday of 51016
June in the corporation's taxable year as determined by the county 51017
auditor of the county in which the land is located pursuant to 51018
section 5713.31 of the Revised Code. For the purposes of 51019
determining that total value, any reserves shown on the 51020
corporation's books shall be considered liabilities or contra 51021
assets, except for any reserves that are deemed appropriations of 51022
retained earnings under generally accepted accounting principles. 51023

(2)(a) If, on the last day of the taxpayer's taxable year 51024

preceding the tax year, the taxpayer is a related member to a 51025
corporation that elects to be a qualifying holding company for the 51026
tax year beginning after the last day of the taxpayer's taxable 51027
year, or if, on the last day of the taxpayer's taxable year 51028
preceding the tax year, a corporation that elects to be a 51029
qualifying holding company for the tax year beginning after the 51030
last day of the taxpayer's taxable year is a related member to the 51031
taxpayer, then the taxpayer's total value shall be adjusted by the 51032
qualifying amount. Except as otherwise provided under division 51033
(C)(2)(b) of this section, "qualifying amount" means the amount 51034
that, when added to the taxpayer's total value, and when 51035
subtracted from the net carrying value of the taxpayer's 51036
liabilities computed without regard to division (C)(2) of this 51037
section, or when subtracted from the taxpayer's total value and 51038
when added to the net carrying value of the taxpayer's liabilities 51039
computed without regard to division (C)(2) of this section, 51040
results in the taxpayer's debt-to-equity ratio equaling the 51041
debt-to-equity ratio of the qualifying controlled group on the 51042
last day of the taxable year ending prior to the first day of the 51043
tax year computed on a consolidated basis in accordance with 51044
general accepted accounting principles. For the purposes of 51045
division (C)(2)(a) of this section, the corporation's total value, 51046
after the adjustment required by that division, shall not exceed 51047
the net book value of the corporation's assets. 51048

(b)(i) The amount added to the taxpayer's total value and 51049
subtracted from the net carrying value of the taxpayer's 51050
liabilities shall not exceed the amount of the net carrying value 51051
of the taxpayer's liabilities owed to the taxpayer's related 51052
members. 51053

(ii) A liability owed to the taxpayer's related members 51054
includes, but is not limited to, any amount that the corporation 51055
owes to a person that is not a related member if the corporation's 51056

related member or related members in whole or in part guarantee 51057
any portion or all of that amount, or pledge, hypothecate, 51058
mortgage, or carry out any similar transactions to secure any 51059
portion or all of that amount. 51060

(3) The base upon which the tax is levied under division (C) 51061
of section 5733.06 of the Revised Code shall be computed by 51062
multiplying the amount determined under divisions (C)(1) and (2) 51063
of this section by the fraction determined under divisions 51064
(B)(2)(a) to (c) of this section and, if applicable, divisions 51065
(B)(2)(d)(ii) to (iv) of this section but without regard to 51066
section 5733.052 of the Revised Code. 51067

(4) For purposes of division (C) of this section, "related 51068
member" has the same meaning as in division (A)(6) of section 51069
5733.042 of the Revised Code without regard to division (B) of 51070
that section. 51071

Sec. 5733.056. (A) As used in this section: 51072

(1) "Billing address" means the address where any notice, 51073
statement, or bill relating to a customer's account is mailed, as 51074
indicated in the books and records of the taxpayer on the first 51075
day of the taxable year or on such later date in the taxable year 51076
when the customer relationship began. 51077

(2) "Borrower or credit card holder located in this state" 51078
means: 51079

(a) A borrower, other than a credit card holder, that is 51080
engaged in a trade or business and maintains its commercial 51081
domicile in this state; or 51082

(b) A borrower that is not engaged in a trade or business, or 51083
a credit card holder, whose billing address is in this state. 51084

(3) "Branch" means a "domestic branch" as defined in section 51085
3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 51086

1813(o), as amended. 51087

(4) "Compensation" means wages, salaries, commissions, and 51088
any other form of remuneration paid to employees for personal 51089
services that are included in such employee's gross income under 51090
the Internal Revenue Code. In the case of employees not subject to 51091
the Internal Revenue Code, such as those employed in foreign 51092
countries, the determination of whether such payments would 51093
constitute gross income to such employees under the Internal 51094
Revenue Code shall be made as though such employees were subject 51095
to the Internal Revenue Code. 51096

(5) "Credit card" means a credit, travel, or entertainment 51097
card. 51098

(6) "Credit card issuer's reimbursement fee" means the fee a 51099
taxpayer receives from a merchant's bank because one of the 51100
persons to whom the taxpayer has issued a credit card has charged 51101
merchandise or services to the credit card. 51102

(7) "Deposits" has the meaning given in section 3 of the 51103
"Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813(1), 51104
as amended. 51105

(8) "Employee" means, with respect to a particular taxpayer, 51106
any individual who under the usual common law rules applicable in 51107
determining the employer-employee relationship, has the status of 51108
an employee of that taxpayer. 51109

(9) "Gross rents" means the actual sum of money or other 51110
consideration payable for the use or possession of property. 51111
"Gross rents" includes: 51112

(a) Any amount payable for the use or possession of real 51113
property or tangible personal property whether designated as a 51114
fixed sum of money or as a percentage of receipts, profits, or 51115
otherwise; 51116

(b) Any amount payable as additional rent or in lieu of rent, 51117
such as interest, taxes, insurance, repairs, or any other amount 51118
required to be paid by the terms of a lease or other arrangement; 51119
and 51120

(c) A proportionate part of the cost of any improvement to 51121
real property made by or on behalf of the taxpayer which reverts 51122
to the owner or lessor upon termination of a lease or other 51123
arrangement. The amount to be included in gross rents is the 51124
amount of amortization or depreciation allowed in computing the 51125
taxable income base for the taxable year. However, where a 51126
building is erected on leased land, by or on behalf of the 51127
taxpayer, the value of the land is determined by multiplying the 51128
gross rent by eight, and the value of the building is determined 51129
in the same manner as if owned by the taxpayer. 51130

(d) The following are not included in the term "gross rents": 51131

(i) Reasonable amounts payable as separate charges for water 51132
and electric service furnished by the lessor; 51133

(ii) Reasonable amounts payable as service charges for 51134
janitorial services furnished by the lessor; 51135

(iii) Reasonable amounts payable for storage, provided such 51136
amounts are payable for space not designated and not under the 51137
control of the taxpayer; and 51138

(iv) That portion of any rental payment which is applicable 51139
to the space subleased from the taxpayer and not used by it. 51140

(10) "Loan" means any extension of credit resulting from 51141
direct negotiations between the taxpayer and its customer, or the 51142
purchase, in whole or in part, of such extension of credit from 51143
another. Loans include debt obligations of subsidiaries, 51144
participations, syndications, and leases treated as loans for 51145
federal income tax purposes. "Loan" does not include: properties 51146

treated as loans under section 595 of the Internal Revenue Code; 51147
futures or forward contracts; options; notional principal 51148
contracts such as swaps; credit card receivables, including 51149
purchased credit card relationships; non-interest bearing balances 51150
due from depositor institutions; cash items in the process of 51151
collection; federal funds sold; securities purchased under 51152
agreements to resell; assets held in a trading account; 51153
securities; interests in a real estate mortgage investment conduit 51154
or other mortgage-backed or asset-backed security; and other 51155
similar items. 51156

(11) "Loan secured by real property" means that fifty per 51157
cent or more of the aggregate value of the collateral used to 51158
secure a loan or other obligation, when valued at fair market 51159
value as of the time the original loan or obligation was incurred, 51160
was real property. 51161

(12) "Merchant discount" means the fee, or negotiated 51162
discount, charged to a merchant by the taxpayer for the privilege 51163
of participating in a program whereby a credit card is accepted in 51164
payment for merchandise or services sold to the card holder. 51165

(13) "Participation" means an extension of credit in which an 51166
undivided ownership interest is held on a pro rata basis in a 51167
single loan or pool of loans and related collateral. In a loan 51168
participation, the credit originator initially makes the loan and 51169
then subsequently resells all or a portion of it to other lenders. 51170
The participation may or may not be known to the borrower. 51171

(14) "Principal base of operations" with respect to 51172
transportation property means the place of more or less permanent 51173
nature from which the property is regularly directed or 51174
controlled. With respect to an employee, the "principal base of 51175
operations" means the place of more or less permanent nature from 51176
which the employee regularly (a) starts work and to which the 51177
employee customarily returns in order to receive instructions from 51178

the employer or (b) communicates with the employee's customers or 51179
other persons or (c) performs any other functions necessary to the 51180
exercise of the trade or profession at some other point or points. 51181

(15) "Qualified institution" means a financial institution 51182
that on or after June 1, 1997: 51183

(a)(i) Has consummated one or more approved transactions with 51184
insured banks with different home states that would qualify under 51185
section 102 of the "Riegle-Neal Interstate Banking and Branching 51186
Efficiency Act of 1994," Public Law 103-328, 108 Stat. 2338; 51187

(ii) Is a federal savings association or federal savings bank 51188
that has consummated one or more interstate acquisitions that 51189
result in a financial institution that has branches in more than 51190
one state; or 51191

(iii) Has consummated one or more approved interstate 51192
acquisitions under authority of Title XI of the Revised Code that 51193
result in a financial institution that has branches in more than 51194
one state; and 51195

(b) Has at least nine per cent of its deposits in this state 51196
as of the last day of June prior to the beginning of the tax year. 51197

(16) "Real property owned" and "tangible personal property 51198
owned" mean real and tangible personal property, respectively, on 51199
which the taxpayer may claim depreciation for federal income tax 51200
purposes, or to which the taxpayer holds legal title and on which 51201
no other person may claim depreciation for federal income tax 51202
purposes, or could claim depreciation if subject to federal income 51203
tax. Real and tangible personal property do not include coin, 51204
currency, or property acquired in lieu of or pursuant to a 51205
foreclosure. 51206

(17) "Regular place of business" means an office at which the 51207
taxpayer carries on its business in a regular and systematic 51208
manner and which is continuously maintained, occupied, and used by 51209

employees of the taxpayer. 51210

(18) "State" means a state of the United States, the District 51211
of Columbia, the commonwealth of Puerto Rico, or any territory or 51212
possession of the United States. 51213

(19) "Syndication" means an extension of credit in which two 51214
or more persons fund and each person is at risk only up to a 51215
specified percentage of the total extension of credit or up to a 51216
specified dollar amount. 51217

(20) "Transportation property" means vehicles and vessels 51218
capable of moving under their own power, such as aircraft, trains, 51219
water vessels and motor vehicles, as well as any equipment or 51220
containers attached to such property, such as rolling stock, 51221
barges, trailers, or the like. 51222

(B) The annual financial institution report determines the 51223
value of the issued and outstanding shares of stock of the 51224
taxpayer, and is the base or measure of the franchise tax 51225
liability. Such determination shall be made as of the date shown 51226
by the report to have been the beginning of the financial 51227
institution's annual accounting period that includes the first day 51228
of January of the tax year. For purposes of this section, division 51229
(A) of section 5733.05, and division (D) of section 5733.06 of the 51230
Revised Code, the value of the issued and outstanding shares of 51231
stock of the financial institution shall include the total value, 51232
as shown by the books of the financial institution, of its 51233
capital, surplus, whether earned or unearned, undivided profits, 51234
and reserves, but exclusive of: 51235

(1) Reserves for accounts receivable, depreciation, 51236
depletion, and any other valuation reserves with respect to 51237
specific assets; 51238

(2) Taxes due and payable during the year for which such 51239
report was made; 51240

(3) Voting stock and participation certificates in 51241
corporations chartered pursuant to the "Farm Credit Act of 1971," 51242
85 Stat. 597, 12 U.S.C. 2091, as amended; 51243

(4) Good will, appreciation, and abandoned property as set up 51244
in the annual report of the financial institution, provided a 51245
certified balance sheet of the company is made available upon the 51246
request of the tax commissioner. Such balance sheet shall not be a 51247
part of the public records, but shall be a confidential report for 51248
use of the tax commissioner only. 51249

(5) A portion of the value of the issued and outstanding 51250
shares of stock of such financial institution equal to the amount 51251
obtained by multiplying such value by the quotient obtained by: 51252

(a) Dividing (1) the amount of the financial institution's 51253
assets, as shown on its books, represented by investments in the 51254
capital stock and indebtedness of public utilities, except 51255
electric companies and combined companies, and, for tax years 2005 51256
and thereafter, telephone companies, of which at least eighty per 51257
cent of the utility's issued and outstanding common stock is owned 51258
by the financial institution by (2) the total assets of such 51259
financial institution as shown on its books; 51260

(b) Dividing (1) the amount of the financial institution's 51261
assets, as shown on its books, represented by investments in the 51262
capital stock and indebtedness of insurance companies of which at 51263
least eighty per cent of the insurance company's issued and 51264
outstanding common stock is owned by the financial institution by 51265
(2) the total assets of such financial institution as shown on its 51266
books; 51267

(c) Dividing (1) the amount of the financial institution's 51268
assets, as shown on its books, represented by investments in the 51269
capital stock and indebtedness of other financial institutions of 51270
which at least twenty-five per cent of the other financial 51271

institution's issued and outstanding common stock is owned by the 51272
financial institution by (2) the total assets of the financial 51273
institution as shown on its books. Division (B)(5)(c) of this 51274
section applies only with respect to such other financial 51275
institutions that for the tax year immediately following the 51276
taxpayer's taxable year will pay the tax imposed by division (D) 51277
of section 5733.06 of the Revised Code. 51278

(6) Land that has been determined pursuant to section 5713.31 51279
of the Revised Code by the county auditor of the county in which 51280
the land is located to be devoted exclusively to agricultural use 51281
as of the first Monday of June in the financial institution's 51282
taxable year. 51283

(7) Property within this state used exclusively during the 51284
taxable year for qualified research as defined in section 5733.05 51285
of the Revised Code. 51286

(C) The base upon which the tax levied under division (D) of 51287
section 5733.06 of the Revised Code shall be computed by 51288
multiplying the value of a financial institution's issued and 51289
outstanding shares of stock as determined in division (B) of this 51290
section by a fraction. The numerator of the fraction is the sum of 51291
the following: the property factor multiplied by fifteen, the 51292
payroll factor multiplied by fifteen, and the sales factor 51293
multiplied by seventy. The denominator of the fraction is one 51294
hundred, provided that the denominator shall be reduced by fifteen 51295
if the property factor has a denominator of zero, by fifteen if 51296
the payroll factor has a denominator of zero, and by seventy if 51297
the sales factor has a denominator of zero. 51298

(D) A financial institution shall calculate the property 51299
factor as follows: 51300

(1) The property factor is a fraction, the numerator of which 51301
is the average value of real property and tangible personal 51302

property rented to the taxpayer that is located or used within 51303
this state during the taxable year, the average value of real and 51304
tangible personal property owned by the taxpayer that is located 51305
or used within this state during the taxable year, and the average 51306
value of the taxpayer's loans and credit card receivables that are 51307
located within this state during the taxable year; and the 51308
denominator of which is the average value of all such property 51309
located or used within and without this state during the taxable 51310
year. 51311

(2)(a) The value of real property and tangible personal 51312
property owned by the taxpayer is the original cost or other basis 51313
of such property for federal income tax purposes without regard to 51314
depletion, depreciation, or amortization. 51315

(b) Loans are valued at their outstanding principal balance, 51316
without regard to any reserve for bad debts. If a loan is 51317
charged-off in whole or in part for federal income tax purposes, 51318
the portion of the loan charged-off is not outstanding. A 51319
specifically allocated reserve established pursuant to financial 51320
accounting guidelines which is treated as charged-off for federal 51321
income tax purposes shall be treated as charged-off for purposes 51322
of this section. 51323

(c) Credit card receivables are valued at their outstanding 51324
principal balance, without regard to any reserve for bad debts. If 51325
a credit card receivable is charged-off in whole or in part for 51326
federal income tax purposes, the portion of the receivable 51327
charged-off is not outstanding. 51328

(3) The average value of property owned by the taxpayer is 51329
computed on an annual basis by adding the value of the property on 51330
the first day of the taxable year and the value on the last day of 51331
the taxable year and dividing the sum by two. If averaging on this 51332
basis does not properly reflect average value, the tax 51333
commissioner may require averaging on a more frequent basis. The 51334

taxpayer may elect to average on a more frequent basis. When 51335
averaging on a more frequent basis is required by the tax 51336
commissioner or is elected by the taxpayer, the same method of 51337
valuation must be used consistently by the taxpayer with respect 51338
to property within and without this state and on all subsequent 51339
returns unless the taxpayer receives prior permission from the tax 51340
commissioner or the tax commissioner requires a different method 51341
of determining value. 51342

(4)(a) The average value of real property and tangible 51343
personal property that the taxpayer has rented from another and is 51344
not treated as property owned by the taxpayer for federal income 51345
tax purposes, shall be determined annually by multiplying the 51346
gross rents payable during the taxable year by eight. 51347

(b) Where the use of the general method described in division 51348
(D)(4)(a) of this section results in inaccurate valuations of 51349
rented property, any other method which properly reflects the 51350
value may be adopted by the tax commissioner or by the taxpayer 51351
when approved in writing by the tax commissioner. Once approved, 51352
such other method of valuation must be used on all subsequent 51353
returns unless the taxpayer receives prior approval from the tax 51354
commissioner or the tax commissioner requires a different method 51355
of valuation. 51356

(5)(a) Except as described in division (D)(5)(b) of this 51357
section, real property and tangible personal property owned by or 51358
rented to the taxpayer is considered to be located within this 51359
state if it is physically located, situated, or used within this 51360
state. 51361

(b) Transportation property is included in the numerator of 51362
the property factor to the extent that the property is used in 51363
this state. The extent an aircraft will be deemed to be used in 51364
this state and the amount of value that is to be included in the 51365
numerator of this state's property factor is determined by 51366

multiplying the average value of the aircraft by a fraction, the numerator of which is the number of landings of the aircraft in this state and the denominator of which is the total number of landings of the aircraft everywhere. If the extent of the use of any transportation property within this state cannot be determined, then the property will be deemed to be used wholly in the state in which the property has its principal base of operations. A motor vehicle will be deemed to be used wholly in the state in which it is registered.

(6)(a)(i) A loan, other than a loan or advance described in division (D)(6)(d) of this section, is considered to be located within this state if it is properly assigned to a regular place of business of the taxpayer within this state.

(ii) A loan is properly assigned to the regular place of business with which it has a preponderance of substantive contacts. A loan assigned by the taxpayer to a regular place of business without the state shall be presumed to have been properly assigned if:

(I) The taxpayer has assigned, in the regular course of its business, such loan on its records to a regular place of business consistent with federal or state regulatory requirements;

(II) Such assignment on its records is based upon substantive contacts of the load to such regular place of business; and

(III) The taxpayer uses the records reflecting assignment of loans for the filing of all state and local tax returns for which an assignment of loans to a regular place of business is required.

(iii) The presumption of proper assignment of a loan provided in division (D)(6)(a)(ii) of this section may be rebutted upon a showing by the tax commissioner, supported by a preponderance of the evidence, that the preponderance of substantive contacts regarding such loan did not occur at the regular place of business

to which it was assigned on the taxpayer's records. When such 51398
presumption has been rebutted, the loan shall then be located 51399
within this state if (1) the taxpayer had a regular place of 51400
business within this state at the time the loan was made; and (2) 51401
the taxpayer fails to show, by a preponderance of the evidence, 51402
that the preponderance of substantive contacts regarding such loan 51403
did not occur within this state. 51404

(b) In the case of a loan which is assigned by the taxpayer 51405
to a place without this state which is not a regular place of 51406
business, it shall be presumed, subject to rebuttal by the 51407
taxpayer on a showing supported by the preponderance of evidence, 51408
that the preponderance of substantive contacts regarding the loan 51409
occurred within this state if, at the time the loan was made the 51410
taxpayer's commercial domicile was within this state. 51411

(c) To determine the state in which the preponderance of 51412
substantive contacts relating to a loan have occurred, the facts 51413
and circumstances regarding the loan at issue shall be reviewed on 51414
a case-by-case basis and consideration shall be given to such 51415
activities as the solicitation, investigation, negotiation, 51416
approval, and administration of the loan. The terms 51417
"solicitation," "investigation," "negotiation," "approval," and 51418
"administration" are defined as follows: 51419

(i) "Solicitation" is either active or passive. Active 51420
solicitation occurs when an employee of the taxpayer initiates the 51421
contact with the customer. Such activity is located at the regular 51422
place of business which the taxpayer's employee is regularly 51423
connected with or working out of, regardless of where the services 51424
of such employee were actually performed. Passive solicitation 51425
occurs when the customer initiates the contact with the taxpayer. 51426
If the customer's initial contact was not at a regular place of 51427
business of the taxpayer, the regular place of business, if any, 51428
where the passive solicitation occurred is determined by the facts 51429

in each case. 51430

(ii) "Investigation" is the procedure whereby employees of 51431
the taxpayer determine the creditworthiness of the customer as 51432
well as the degree of risk involved in making a particular 51433
agreement. Such activity is located at the regular place of 51434
business which the taxpayer's employees are regularly connected 51435
with or working out of, regardless of where the services of such 51436
employees were actually performed. 51437

(iii) Negotiation is the procedure whereby employees of the 51438
taxpayer and its customer determine the terms of the agreement, 51439
such as the amount, duration, interest rate, frequency of 51440
repayment, currency denomination, and security required. Such 51441
activity is located at the regular place of business to which the 51442
taxpayer's employees are regularly connected or working from, 51443
regardless of where the services of such employees were actually 51444
performed. 51445

(iv) "Approval" is the procedure whereby employees or the 51446
board of directors of the taxpayer make the final determination 51447
whether to enter into the agreement. Such activity is located at 51448
the regular place of business to which the taxpayer's employees 51449
are regularly connected or working from, regardless of where the 51450
services of such employees were actually performed. If the board 51451
of directors makes the final determination, such activity is 51452
located at the commercial domicile of the taxpayer. 51453

(v) "Administration" is the process of managing the account. 51454
This process includes bookkeeping, collecting the payments, 51455
corresponding with the customer, reporting to management regarding 51456
the status of the agreement, and proceeding against the borrower 51457
or the security interest if the borrower is in default. Such 51458
activity is located at the regular place of business that oversees 51459
this activity. 51460

(d) A loan or advance to a subsidiary corporation at least 51461
fifty-one per cent of whose common stock is owned by the financial 51462
institution shall be allocated in and out of the state by the 51463
application of a ratio whose numerator is the sum of the net book 51464
value of the subsidiary's real property owned in this state and 51465
the subsidiary's tangible personal property owned in this state 51466
and whose denominator is the sum of the subsidiary's real property 51467
owned wherever located and the subsidiary's tangible personal 51468
property owned wherever located. For purposes of calculating this 51469
ratio, the taxpayer shall determine net book value in accordance 51470
with generally accepted accounting principles. If the subsidiary 51471
corporation owns at least fifty-one per cent of the common stock 51472
of another corporation, the ratio shall be calculated by including 51473
the other corporation's real property and tangible personal 51474
property. The calculation of the ratio applies with respect to all 51475
lower-tiered subsidiaries, provided that the immediate parent 51476
corporation of the subsidiary owns at least fifty-one per cent of 51477
the common stock of that subsidiary. 51478

(7) For purposes of determining the location of credit card 51479
receivables, credit card receivables shall be treated as loans and 51480
shall be subject to division (D)(6) of this section. 51481

(8) A loan that has been properly assigned to a state shall, 51482
absent any change of material fact, remain assigned to that state 51483
for the length of the original term of the loan. Thereafter, the 51484
loan may be properly assigned to another state if the loan has a 51485
preponderance of substantive contact to a regular place of 51486
business there. 51487

(E) A financial institution shall calculate the payroll 51488
factor as follows: 51489

(1) The payroll factor is a fraction, the numerator of which 51490
is the total amount paid in this state during the taxable year by 51491

the taxpayer for compensation, and the denominator of which is the 51492
total compensation paid both within and without this state during 51493
the taxable year. 51494

(2) Compensation is paid in this state if any one of the 51495
following tests, applied consecutively, is met: 51496

(a) The employee's services are performed entirely within 51497
this state. 51498

(b) The employee's services are performed both within and 51499
without this state, but the service performed without this state 51500
is incidental to the employee's service within this state. The 51501
term "incidental" means any service which is temporary or 51502
transitory in nature, or which is rendered in connection with an 51503
isolated transaction. 51504

(c) The employee's services are performed both within and 51505
without this state, and: 51506

(i) The employee's principal base of operations is within 51507
this state; or 51508

(ii) There is no principal base of operations in any state in 51509
which some part of the services are performed, but the place from 51510
which the services are directed or controlled is in this state; or 51511

(iii) The principal base of operations and the place from 51512
which the services are directed or controlled are not in any state 51513
in which some part of the service is performed but the employee's 51514
residence is in this state. 51515

(F) A financial institution shall calculate the sales factor 51516
as follows: 51517

(1) The sales factor is a fraction, the numerator of which is 51518
the receipts of the taxpayer in this state during the taxable year 51519
and the denominator of which is the receipts of the taxpayer 51520
within and without this state during the taxable year. The method 51521

of calculating receipts for purposes of the denominator is the 51522
same as the method used in determining receipts for purposes of 51523
the numerator. 51524

(2) The numerator of the sales factor includes receipts from 51525
the lease or rental of real property owned by the taxpayer if the 51526
property is located within this state, or receipts from the 51527
sublease of real property if the property is located within this 51528
state. 51529

(3)(a) Except as described in division (F)(3)(b) of this 51530
section the numerator of the sales factor includes receipts from 51531
the lease or rental of tangible personal property owned by the 51532
taxpayer if the property is located within this state when it is 51533
first placed in service by the lessee. 51534

(b) Receipts from the lease or rental of transportation 51535
property owned by the taxpayer are included in the numerator of 51536
the sales factor to the extent that the property is used in this 51537
state. The extent an aircraft will be deemed to be used in this 51538
state and the amount of receipts that is to be included in the 51539
numerator of this state's sales factor is determined by 51540
multiplying all the receipts from the lease or rental of the 51541
aircraft by a fraction, the numerator of which is the number of 51542
landings of the aircraft in this state and the denominator of 51543
which is the total number of landings of the aircraft. If the 51544
extent of the use of any transportation property within this state 51545
cannot be determined, then the property will be deemed to be used 51546
wholly in the state in which the property has its principal base 51547
of operations. A motor vehicle will be deemed to be used wholly in 51548
the state in which it is registered. 51549

(4)(a) The numerator of the sales factor includes interest 51550
and fees or penalties in the nature of interest from loans secured 51551
by real property if the property is located within this state. If 51552
the property is located both within this state and one or more 51553

other states, the receipts described in this paragraph are 51554
included in the numerator of the sales factor if more than fifty 51555
per cent of the fair market value of the real property is located 51556
within this state. If more than fifty per cent of the fair market 51557
value of the real property is not located within any one state, 51558
then the receipts described in this paragraph shall be included in 51559
the numerator of the sales factor if the borrower is located in 51560
this state. 51561

(b) The determination of whether the real property securing a 51562
loan is located within this state shall be made as of the time the 51563
original agreement was made and any and all subsequent 51564
substitutions of collateral shall be disregarded. 51565

(5) The numerator of the sales factor includes interest and 51566
fees or penalties in the nature of interest from loans not secured 51567
by real property if the borrower is located in this state. 51568

(6) The numerator of the sales factor includes net gains from 51569
the sale of loans. Net gains from the sale of loans includes 51570
income recorded under the coupon stripping rules of section 1286 51571
of the Internal Revenue Code. 51572

(a) The amount of net gains, but not less than zero, from the 51573
sale of loans secured by real property included in the numerator 51574
is determined by multiplying such net gains by a fraction the 51575
numerator of which is the amount included in the numerator of the 51576
sales factor pursuant to division (F)(4) of this section and the 51577
denominator of which is the total amount of interest and fees or 51578
penalties in the nature of interest from loans secured by real 51579
property. 51580

(b) The amount of net gains, but not less than zero, from the 51581
sale of loans not secured by real property included in the 51582
numerator is determined by multiplying such net gains by a 51583
fraction the numerator of which is the amount included in the 51584

numerator of the sales factor pursuant to division (F)(5) of this 51585
section and the denominator of which is the total amount of 51586
interest and fees or penalties in the nature of interest from 51587
loans not secured by real property. 51588

(7) The numerator of the sales factor includes interest and 51589
fees or penalties in the nature of interest from credit card 51590
receivables and receipts from fees charged to card holders, such 51591
as annual fees, if the billing address of the card holder is in 51592
this state. 51593

(8) The numerator of the sales factor includes net gains, but 51594
not less than zero, from the sale of credit card receivables 51595
multiplied by a fraction, the numerator of which is the amount 51596
included in the numerator of the sales factor pursuant to division 51597
(F)(7) of this section and the denominator of which is the 51598
taxpayer's total amount of interest and fees or penalties in the 51599
nature of interest from credit card receivables and fees charged 51600
to card holders. 51601

(9) The numerator of the sales factor includes all credit 51602
card issuer's reimbursement fees multiplied by a fraction, the 51603
numerator of which is the amount included in the numerator of the 51604
sales factor pursuant to division (F)(7) of this section and the 51605
denominator of which is the taxpayer's total amount of interest 51606
and fees or penalties in the nature of interest from credit card 51607
receivables and fees charged to card holders. 51608

(10) The numerator of the sales factor includes receipts from 51609
merchant discount if the commercial domicile of the merchant is in 51610
this state. Such receipts shall be computed net of any card holder 51611
charge backs, but shall not be reduced by any interchange 51612
transaction fees or by any issuer's reimbursement fees paid to 51613
another for charges made by its card holders. 51614

(11)(a)(i) The numerator of the sales factor includes loan 51615

servicing fees derived from loans secured by real property 51616
multiplied by a fraction the numerator of which is the amount 51617
included in the numerator of the sales factor pursuant to division 51618
(F)(4) of this section and the denominator of which is the total 51619
amount of interest and fees or penalties in the nature of interest 51620
from loans secured by real property. 51621

(ii) The numerator of the sales factor includes loan 51622
servicing fees derived from loans not secured by real property 51623
multiplied by a fraction the numerator of which is the amount 51624
included in the numerator of the sales factor pursuant to division 51625
(F)(5) of this section and the denominator of which is the total 51626
amount of interest and fees or penalties in the nature of interest 51627
from loans not secured by real property. 51628

(b) In circumstances in which the taxpayer receives loan 51629
servicing fees for servicing either the secured or the unsecured 51630
loans of another, the numerator of the sales factor shall include 51631
such fees if the borrower is located in this state. 51632

(12) The numerator of the sales factor includes receipts from 51633
services not otherwise apportioned under this section if the 51634
service is performed in this state. If the service is performed 51635
both within and without this state, the numerator of the sales 51636
factor includes receipts from services not otherwise apportioned 51637
under this section, if a greater proportion of the income 51638
producing activity is performed in this state based on cost of 51639
performance. 51640

(13)(a) Interest, dividends, net gains, but not less than 51641
zero, and other income from investment assets and activities and 51642
from trading assets and activities shall be included in the sales 51643
factor. Investment assets and activities and trading assets and 51644
activities include but are not limited to: investment securities; 51645
trading account assets; federal funds; securities purchased and 51646
sold under agreements to resell or repurchase; options; futures 51647

contracts; forward contracts; notional principal contracts such as 51648
swaps; equities; and foreign currency transactions. With respect 51649
to the investment and trading assets and activities described in 51650
divisions (F)(13)(a)(i) and (ii) of this section, the sales factor 51651
shall include the amounts described in such divisions. 51652

(i) The sales factor shall include the amount by which 51653
interest from federal funds sold and securities purchased under 51654
resale agreements exceeds interest expense on federal funds 51655
purchased and securities sold under repurchase agreements. 51656

(ii) The sales factor shall include the amount by which 51657
interest, dividends, gains, and other income from trading assets 51658
and activities, including, but not limited to, assets and 51659
activities in the matched book, in the arbitrage book, and foreign 51660
currency transactions, exceed amounts paid in lieu of interest, 51661
amounts paid in lieu of dividends, and losses from such assets and 51662
activities. 51663

(b) The numerator of the sales factor includes interest, 51664
dividends, net gains, but not less than zero, and other income 51665
from investment assets and activities and from trading assets and 51666
activities described in division (F)(13)(a) of this section that 51667
are attributable to this state. 51668

(i) The amount of interest, other than interest described in 51669
division (F)(13)(b)(iv) of this section, dividends, other than 51670
dividends described in that division, net gains, but not less than 51671
zero, and other income from investment assets and activities in 51672
the investment account to be attributed to this state and included 51673
in the numerator is determined by multiplying all such income from 51674
such assets and activities by a fraction, the numerator of which 51675
is the average value of such assets which are properly assigned to 51676
a regular place of business of the taxpayer within this state and 51677
the denominator of which is the average value of all such assets. 51678

(ii) The amount of interest from federal funds sold and 51679
purchased and from securities purchased under resale agreements 51680
and securities sold under repurchase agreements attributable to 51681
this state and included in the numerator is determined by 51682
multiplying the amount described in division (F)(13)(a)(i) of this 51683
section from such funds and such securities by a fraction, the 51684
numerator of which is the average value of federal funds sold and 51685
securities purchased under agreements to resell which are properly 51686
assigned to a regular place of business of the taxpayer within 51687
this state and the denominator of which is the average value of 51688
all such funds and such securities. 51689

(iii) The amount of interest, dividends, gains, and other 51690
income from trading assets and activities, including but not 51691
limited to assets and activities in the matched book, in the 51692
arbitrage book, and foreign currency transaction, but excluding 51693
amounts described in division (F)(13)(b)(i) or (ii) of this 51694
section, attributable to this state and included in the numerator 51695
is determined by multiplying the amount described in division 51696
(F)(13)(a)(ii) of this section by a fraction, the numerator of 51697
which is the average value of such trading assets which are 51698
properly assigned to a regular place of business of the taxpayer 51699
within this state and the denominator of which is the average 51700
value of all such assets. 51701

(iv) The amount of dividends received on the capital stock 51702
of, and the amount of interest received from loans and advances 51703
to, subsidiary corporations at least fifty-one per cent of whose 51704
common stock is owned by the reporting financial institution shall 51705
be allocated in and out of this state by the application of a 51706
ratio whose numerator is the sum of the net book value of the 51707
payor's real property owned in this state and the payor's tangible 51708
personal property owned in this state and whose denominator is the 51709
sum of the net book value of the payor's real property owned 51710

wherever located and the payor's tangible personal property owned 51711
wherever located. For purposes of calculating this ratio, the 51712
taxpayer shall determine net book value in accordance with 51713
generally accepted accounting principles. 51714

(v) For purposes of this division, average value shall be 51715
determined using the rules for determining the average value of 51716
tangible personal property set forth in division (D)(2) and (3) of 51717
this section. 51718

(c) In lieu of using the method set forth in division 51719
(F)(13)(b) of this section, the taxpayer may elect, or the tax 51720
commissioner may require in order to fairly represent the business 51721
activity of the taxpayer in this state, the use of the method set 51722
forth in division (F)(13)(c) of this section. 51723

(i) The amount of interest, other than interest described in 51724
division (F)(13)(b)(iv) of this section, dividends, other than 51725
dividends described in that division, net gains, but not less than 51726
zero, and other income from investment assets and activities in 51727
the investment account to be attributed to this state and included 51728
in the numerator is determined by multiplying all such income from 51729
such assets and activities by a fraction, the numerator of which 51730
is the gross income from such assets and activities which are 51731
properly assigned to a regular place of business of the taxpayer 51732
within this state, and the denominator of which is the gross 51733
income from all such assets and activities. 51734

(ii) The amount of interest from federal funds sold and 51735
purchased and from securities purchased under resale agreements 51736
and securities sold under repurchase agreements attributable to 51737
this state and included in the numerator is determined by 51738
multiplying the amount described in division (F)(13)(a)(i) of this 51739
section from such funds and such securities by a fraction, the 51740
numerator of which is the gross income from such funds and such 51741
securities which are properly assigned to a regular place of 51742

business of the taxpayer within this state and the denominator of 51743
which is the gross income from all such funds and such securities. 51744

(iii) The amount of interest, dividends, gains, and other 51745
income from trading assets and activities, including, but not 51746
limited to, assets and activities in the matched book, in the 51747
arbitrage book, and foreign currency transactions, but excluding 51748
amounts described in division (F)(13)(a)(i) or (ii) of this 51749
section, attributable to this state and included in the numerator, 51750
is determined by multiplying the amount described in division 51751
(F)(13)(a)(ii) of this section by a fraction, the numerator of 51752
which is the gross income from such trading assets and activities 51753
which are properly assigned to a regular place of business of the 51754
taxpayer within this state and the denominator of which is the 51755
gross income from all such assets and activities. 51756

(iv) The amount of dividends received on the capital stock 51757
of, and the amount of interest received from loans and advances 51758
to, subsidiary corporations at least fifty-one per cent of whose 51759
common stock is owned by the reporting financial institution shall 51760
be allocated in and out of this state by the application of a 51761
ratio whose numerator is the sum of the net book value of the 51762
payor's real property owned in this state and the payor's tangible 51763
personal property owned in this state and whose denominator is the 51764
sum of the payor's real property owned wherever located and the 51765
payor's tangible personal property owned wherever located. For 51766
purposes of calculating this ratio, the taxpayer shall determine 51767
net book value in accordance with generally accepted accounting 51768
principles. 51769

(d) If the taxpayer elects or is required by the tax 51770
commissioner to use the method set forth in division (F)(13)(c) of 51771
this section, it shall use this method on all subsequent returns 51772
unless the taxpayer receives prior permission from the tax 51773
commissioner to use or the tax commissioner requires a different 51774

method. 51775

(e) The taxpayer shall have the burden of proving that an 51776
investment asset or activity or trading asset or activity was 51777
properly assigned to a regular place of business outside of this 51778
state by demonstrating that the day-to-day decisions regarding the 51779
asset or activity occurred at a regular place of business outside 51780
this state. Where the day-to-day decisions regarding an investment 51781
asset or activity or trading asset or activity occur at more than 51782
one regular place of business and one such regular place of 51783
business is in this state and one such regular place of business 51784
is outside this state such asset or activity shall be considered 51785
to be located at the regular place of business of the taxpayer 51786
where the investment or trading policies or guidelines with 51787
respect to the asset or activity are established. Unless the 51788
taxpayer demonstrates to the contrary, such policies and 51789
guidelines shall be presumed to be established at the commercial 51790
domicile of the taxpayer. 51791

(14) The numerator of the sales factor includes all other 51792
receipts if either: 51793

(a) The income-producing activity is performed solely in this 51794
state; or 51795

(b) The income-producing activity is performed both within 51796
and without this state and a greater proportion of the 51797
income-producing activity is performed within this state than in 51798
any other state, based on costs of performance. 51799

(G) A qualified institution may calculate the base upon which 51800
the fee provided for in division (D) of section 5733.06 of the 51801
Revised Code is determined for each tax year by multiplying the 51802
value of its issued and outstanding shares of stock determined 51803
under division (B) of this section by a single deposits fraction 51804
whose numerator is the deposits assigned to branches in this state 51805

and whose denominator is the deposits assigned to branches 51806
everywhere. Deposits shall be assigned to branches in the same 51807
manner in which the assignment is made for regulatory purposes. If 51808
the base calculated under this division is less than the base 51809
calculated under division (C) of this section, then the qualifying 51810
institution may elect to substitute the base calculated under this 51811
division for the base calculated under division (C) of this 51812
section. Such election may be made annually for each tax year on 51813
the corporate report. The election need not accompany the report; 51814
rather, the election may accompany a subsequently filed but timely 51815
application for refund, a subsequently filed but timely amended 51816
report, or a subsequently filed but timely petition for 51817
reassessment. The election is not irrevocable and it applies only 51818
to the specified tax year. Nothing in this division shall be 51819
construed to extend any statute of limitations set forth in this 51820
chapter. 51821

(H) If the apportionment provisions of this section do not 51822
fairly represent the extent of the taxpayer's business activity in 51823
this state, the taxpayer may petition for or the tax commissioner 51824
may require, in respect to all or any part of the taxpayer's 51825
business activity, if reasonable: 51826

(1) Separate accounting; 51827

(2) The exclusion of any one or more of the factors; 51828

(3) The inclusion of one or more additional factors which 51829
will fairly represent the taxpayer's business activity in this 51830
state; or 51831

(4) The employment of any other method to effectuate an 51832
equitable allocation and apportionment of the taxpayer's value. 51833

Sec. 5733.09. (A) ~~An~~ (1) Except as provided in divisions 51834
(A)(2) and (3) of this section, an incorporated company, whether 51835

foreign or domestic, owning and operating a public utility in this 51836
state, and required by law to file reports with the tax 51837
commissioner and to pay an excise tax upon its gross receipts, and 51838
insurance, fraternal, beneficial, bond investment, and other 51839
corporations required by law to file annual reports with the 51840
superintendent of insurance and dealers in intangibles, the shares 51841
of which are, or the capital or ownership in capital employed by 51842
such dealer is, subject to the taxes imposed by section 5707.03 of 51843
the Revised Code, shall not be subject to this chapter, except for 51844
sections 5733.031, 5733.042, 5733.05, 5733.052, 5733.053, 51845
5733.069, 5733.0611, 5733.40, 5733.41, and sections 5747.40 to 51846
5747.453 of the Revised Code. However, for reports required to be 51847
filed under section 5725.14 of the Revised Code in 2003 and 51848
thereafter, nothing in this section shall be construed to exempt 51849
the property of any dealer in intangibles under section 5725.13 of 51850
the Revised Code from the tax imposed under section 5707.03 of the 51851
Revised Code. ~~An~~ 51852

(2) An electric company subject to the filing requirements of 51853
section 5727.08 of the Revised Code or otherwise having nexus with 51854
or in this state under the Constitution of the United States, or 51855
any other corporation having any gross receipts directly 51856
attributable to providing public utility service as an electric 51857
company or having any property directly attributable to providing 51858
public utility service as an electric company, is subject to this 51859
chapter. 51860

(3) A telephone company that no longer pays an excise tax 51861
under section 5727.30 of the Revised Code on its gross receipts 51862
billed after June 30, 2004, is first subject to taxation under 51863
this chapter for tax year 2005. For that tax year, a telephone 51864
company with a taxable year ending in 2004 shall compute the tax 51865
imposed under this chapter, and shall compute the net operating 51866
loss carry forward for tax year 2005, by multiplying the tax owed 51867

under this chapter, net of all nonrefundable credits, or the loss 51868
for the taxable year, by fifty per cent. 51869

(B) A corporation that has made an election under subchapter 51870
S, chapter one, subtitle A, of the Internal Revenue Code for its 51871
taxable year under such code is exempt from the tax imposed by 51872
section 5733.06 of the Revised Code that is based on that taxable 51873
year. 51874

A corporation that makes such an election shall file a notice 51875
of such election with the tax commissioner between the first day 51876
of January and the thirty-first day of March of each tax year that 51877
the election is in effect. 51878

(C) An entity defined to be a "real estate investment trust" 51879
by section 856 of the Internal Revenue Code, a "regulated 51880
investment company" by section 851 of the Internal Revenue Code, 51881
or a "real estate mortgage investment conduit" by section 860D of 51882
the Internal Revenue Code, is exempt from taxation for a tax year 51883
as a corporation under this chapter and is exempt from taxation 51884
for a return year as a dealer in intangibles under Chapter 5725. 51885
of the Revised Code if it provides the report required by this 51886
division. By the last day of March of the tax or return year the 51887
entity shall submit to the tax commissioner the name of the entity 51888
with a list of the names, addresses, and social security or 51889
federal identification numbers of all investors, shareholders, and 51890
other similar investors who owned any interest or invested in the 51891
entity during the preceding calendar year. The commissioner may 51892
extend the date by which the report must be submitted for 51893
reasonable cause shown by the entity. The commissioner may 51894
prescribe the form of the report required for exemption under this 51895
division. 51896

(D)(1) As used in this division: 51897

(a) "Commercial printer" means a person primarily engaged in 51898

the business of commercial printing. However, "commercial printer" 51899
does not include a person primarily engaged in the business of 51900
providing duplicating services using photocopy machines or other 51901
xerographic processes. 51902

(b) "Commercial printing" means printing by one or more 51903
common processes such as letterpress, lithography, gravure, 51904
screen, or digital imaging, and includes related activities such 51905
as binding, platemaking, prepress operation, cartographic 51906
composition, and typesetting. 51907

(c) "Contract for printing" means an oral or written 51908
agreement for the purchase of printed materials produced by a 51909
commercial printer. 51910

(d) "Intangible property located at the premises of a 51911
commercial printer" means intangible property of any kind owned or 51912
licensed by a customer of the commercial printer and furnished to 51913
the commercial printer for use in commercial printing. 51914

(e) "Printed material" means any tangible personal property 51915
produced or processed by a commercial printer pursuant to a 51916
contract for printing. 51917

(f) "Related member" has the same meaning as in ~~division~~ 51918
~~(A)(6)~~ of section 5733.042 of the Revised Code without regard to 51919
division (B) of that section. 51920

(2) Except as provided in divisions (D)(3) and (4) of this 51921
section, a corporation not otherwise subject to the tax imposed by 51922
section 5733.06 of the Revised Code for a tax year does not become 51923
subject to that tax for the tax year solely by reason of any one 51924
or more of the following occurring in this state during the 51925
taxable year that ends immediately prior to the tax year: 51926

(a) Ownership by the corporation or a related member of the 51927
corporation of tangible personal property or intangible property 51928
located during all or any portion of the taxable year or on the 51929

first day of the tax year at the premises of a commercial printer 51930
with which the corporation or the corporation's related member has 51931
a contract for printing with respect to such property or the 51932
premises of a commercial printer's related member with which the 51933
corporation or the corporation's related member has a contract for 51934
printing with respect to such property; 51935

(b) Sales by the corporation or a related member of the 51936
corporation of property produced at and shipped or distributed 51937
from the premises of a commercial printer with which the 51938
corporation or the corporation's related member has a contract for 51939
printing with respect to such property or the premises of a 51940
commercial printer's related member with which the corporation or 51941
the corporation's related member has a contract for printing with 51942
respect to such property; 51943

(c) Activities of employees, officers, agents, or contractors 51944
of the corporation or a related member of the corporation on the 51945
premises of a commercial printer with which the corporation or the 51946
corporation's related member has a contract for printing or the 51947
premises of a commercial printer's related member with which the 51948
corporation or the corporation's related member has a contract for 51949
printing, where the activities are directly and solely related to 51950
quality control, distribution, or printing services, or any 51951
combination thereof, performed by or at the direction of the 51952
commercial printer or the commercial printer's related member. 51953

(3) The exemption under this division does not apply for a 51954
taxable year to any corporation having on the first day of January 51955
of the tax year or at any time during the taxable year ending 51956
immediately preceding the first day of January of the tax year a 51957
related member which, on the first day of January of the tax year 51958
or during any portion of such taxable year of the corporation, has 51959
nexus in or with this state under the Constitution of the United 51960
States or holds a certificate of compliance with the laws of this 51961

state authorizing it to do business in this state. 51962

(4) With respect to allowing the exemption under this 51963
division, the tax commissioner shall be guided by the doctrines of 51964
"economic reality," "sham transaction," "step transaction," and 51965
"substance over form." A corporation shall bear the burden of 51966
establishing by a preponderance of the evidence that any 51967
transaction giving rise to an exemption claimed under this 51968
division did not have as a principal purpose the avoidance of any 51969
portion of the tax imposed by section 5733.06 of the Revised Code. 51970

Application of the doctrines listed in division (D)(4) of 51971
this section is not limited to this division. 51972

Sec. 5733.121. If a corporation entitled to a refund under 51973
section 5733.11 or 5733.12 of the Revised Code is indebted to this 51974
state for any tax, workers' compensation premium due under section 51975
4123.35 of the Revised Code, unemployment compensation 51976
contribution due under section 4141.25 of the Revised Code, or 51977
unemployment compensation payment in lieu of contribution under 51978
section 4141.241 of the Revised Code or fee ~~administered by the~~ 51979
~~tax commissioner~~ that is paid to the state or to the clerk of 51980
courts pursuant to section 4505.06 of the Revised Code, or any 51981
charge, penalty, or interest arising from such a tax, workers' 51982
compensation premium, unemployment compensation contribution, or 51983
unemployment compensation payment in lieu of contribution under 51984
section 4141.241 of the Revised Code or fee, the amount refundable 51985
may be applied in satisfaction of the debt. If the amount 51986
refundable is less than the amount of the debt, it may be applied 51987
in partial satisfaction of the debt. If the amount refundable is 51988
greater than the amount of the debt, the amount remaining after 51989
satisfaction of the debt shall be refunded. If the corporation has 51990
more than one such debt, any debt subject to section 5739.33 or 51991
division (G) of section 5747.07 of the Revised Code shall be 51992

satisfied first. This section applies only to debts that have 51993
become final. 51994

The tax commissioner may, with the consent of the taxpayer, 51995
provide for the crediting, against tax due for any tax year, of 51996
the amount of any refund due the taxpayer under this chapter for a 51997
preceding tax year. 51998

Sec. 5733.55. (A) As used in this section: 51999

(1) "9-1-1 system" has the same meaning as in section 4931.40 52000
of the Revised Code. 52001

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges 52002
approved by the public utilities commission for the telephone 52003
network portion of a 9-1-1 system pursuant to section 4931.47 of 52004
the Revised Code. 52005

(3) "Eligible nonrecurring 9-1-1 charges" means all 52006
nonrecurring 9-1-1 charges for a 9-1-1 system, except: 52007

(a) Charges for a system that was not established pursuant to 52008
a plan adopted under section 4931.44 of the Revised Code or an 52009
agreement under section 4931.48 of the Revised Code; 52010

(b) Charges for that part of a system established pursuant to 52011
such a plan or agreement that are excluded from the credit by 52012
division (C)(2) of section 4931.47 of the Revised Code. 52013

(4) "Telephone company" has the same meaning as in section 52014
5727.01 of the Revised Code. 52015

(B) Beginning in tax year 2005, a telephone company shall be 52016
allowed a nonrefundable credit against the tax imposed by section 52017
5733.06 of the Revised Code equal to the amount of its eligible 52018
nonrecurring 9-1-1 charges. The credit shall be claimed for the 52019
company's taxable year that covers the period in which the 9-1-1 52020
service for which the credit is claimed becomes available for use. 52021
The credit shall be claimed in the order required by section 52022

5733.98 of the Revised Code. If the credit exceeds the total taxes 52023
due under section 5733.06 of the Revised Code for the tax year, 52024
the commissioner shall credit the excess against taxes due under 52025
that section for succeeding tax years until the full amount of the 52026
credit is granted. 52027

(C) After the last day a return, with any extensions, may be 52028
filed by any telephone company that is eligible to claim a credit 52029
under this section, the commissioner shall determine whether the 52030
sum of the credits allowed for prior tax years commencing with tax 52031
year 2005 plus the sum of the credits claimed for the current tax 52032
year exceeds fifteen million dollars. If it does, the credits 52033
allowed under this section for the current tax year shall be 52034
reduced by a uniform percentage such that the sum of the credits 52035
allowed for the current tax year do not exceed fifteen million 52036
dollars claimed by all telephone companies for all tax years. 52037
Thereafter, no credit shall be granted under this section, except 52038
for the remaining portions of any credits allowed under division 52039
(B) of this section. 52040

(D) A telephone company that is entitled to carry forward a 52041
credit against its public utility excise tax liability under 52042
section 5727.39 of the Revised Code is entitled to carry forward 52043
any amount of that credit remaining after its last public utility 52044
excise tax payment for the period of July 1, 2003, through June 52045
30, 2004, and claim that amount as a credit against its 52046
corporation franchise tax liability under this section. Nothing in 52047
this section authorizes a telephone company to claim a credit 52048
under this section for any eligible nonrecurring 9-1-1 charges for 52049
which it has already claimed a credit under section 5727.39 of the 52050
Revised Code. 52051

Sec. 5733.56. Beginning in tax year 2005, a telephone company 52052
that provides any telephone service program to aid the 52053

communicatively impaired in accessing the telephone network under 52054
section 4905.79 of the Revised Code is allowed a nonrefundable 52055
credit against the tax imposed by section 5733.06 of the Revised 52056
Code. The amount of the credit is the cost incurred by the company 52057
for providing the telephone service program during its taxable 52058
year, excluding any costs incurred prior to July 1, 2004. If the 52059
tax commissioner determines that the credit claimed under this 52060
section by a telephone company was not correct, the commissioner 52061
shall determine the proper credit. 52062

A telephone company shall claim the credit in the order 52063
required by section 5733.98 of the Revised Code. If the credit 52064
exceeds the total taxes due under section 5733.06 of the Revised 52065
Code for the tax year, the commissioner shall credit the excess 52066
against taxes due under that section for succeeding tax years 52067
until the full amount of the credit is granted. Nothing in this 52068
section authorizes a telephone company to claim a credit under 52069
this section for any costs incurred for providing a telephone 52070
service program for which it is claiming a credit under section 52071
5727.44 of the Revised Code. 52072

Sec. 5733.57. (A) As used in this section: 52073

(1) "Small telephone company" means a telephone company, 52074
existing as such as of January 1, 2003, with twenty-five thousand 52075
or fewer access lines as shown on the company's annual report 52076
filed under section 4905.14 of the Revised Code for the calendar 52077
year immediately preceding the tax year, and is an "incumbent 52078
local exchange carrier" under 47 U.S.C. 251(h). 52079

(2) "Gross receipts tax amount" means the product obtained by 52080
multiplying four and three-fourths per cent by the amount of a 52081
small telephone company's taxable gross receipts, excluding the 52082
deduction of twenty-five thousand dollars, that the tax 52083
commissioner would have determined under section 5727.33 of the 52084

Revised Code for that small telephone company for the annual 52085
period ending on the thirtieth day of June of the calendar year 52086
immediately preceding the tax year, as that section applied in the 52087
measurement period from July 1, 2002, to June 30, 2003. 52088

(3) "Applicable percentage" means one hundred per cent for 52089
tax year 2005; eighty per cent for tax year 2006; sixty per cent 52090
for tax year 2007; forty per cent for tax year 2008; twenty per 52091
cent for tax year 2009; and zero per cent for each subsequent tax 52092
year thereafter. 52093

(4) "Applicable amount" means the amount resulting from 52094
subtracting the gross receipts tax amount from the tax imposed by 52095
sections 5733.06, 5733.065, and 5733.066 of the Revised Code for 52096
the tax year, without regard to any credits available to the small 52097
telephone company. 52098

(B)(1) Except as provided in division (B)(2) of this section, 52099
beginning in tax year 2005, a small telephone company is hereby 52100
allowed a nonrefundable credit against the tax imposed by sections 52101
5733.06, 5733.065, and 5733.066 of the Revised Code, equal to the 52102
product obtained by multiplying the applicable percentage by the 52103
applicable amount. The credit shall be claimed in the order 52104
required by section 5733.98 of the Revised Code. 52105

(2) If the applicable amount for a tax year is less than 52106
zero, a small telephone company shall not be allowed for that tax 52107
year the credit provided under this section. 52108

Sec. 5733.98. (A) To provide a uniform procedure for 52109
calculating the amount of tax imposed by section 5733.06 of the 52110
Revised Code that is due under this chapter, a taxpayer shall 52111
claim any credits to which it is entitled in the following order, 52112
except as otherwise provided in section 5733.058 of the Revised 52113
Code: 52114

(1) The credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	52115 52116
(2) The credit allowed for financial institutions under section 5733.45 of the Revised Code;	52117 52118
(3) The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;	52119 52120
(4) The subsidiary corporation credit under section 5733.067 of the Revised Code;	52121 52122
(5) The savings and loan assessment credit under section 5733.063 of the Revised Code;	52123 52124
(6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	52125 52126
(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	52127 52128
(8) The credit for employers that reimburse employee child day-care expenses under section 5733.38 of the Revised Code;	52129 52130
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	52131 52132
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	52133 52134
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	52135 52136
(12) The credit for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the <u>the</u> Revised Code if the taxpayer elected a nonrefundable credit under section 150.07 of the Revised Code;	52137 52138 52139 52140
(13) The credit for purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311 of the Revised Code;	52141 52142 52143

(14) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	52144 52145
(15) The job training credit under section 5733.42 of the Revised Code;	52146 52147
(16) The credit for qualified research expenses under section 5733.351 of the Revised Code;	52148 52149
(17) The enterprise zone credit under section 5709.66 of the Revised Code;	52150 52151
(18) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	52152 52153
(19) The credit for employers that establish on-site child day-care under section 5733.37 of the Revised Code;	52154 52155
(20) The ethanol plant investment credit under section 5733.46 of the Revised Code;	52156 52157
(21) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	52158 52159
(22) The export sales credit under section 5733.069 of the Revised Code;	52160 52161
(23) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	52162 52163
(24) The enterprise zone credits under section 5709.65 of the Revised Code;	52164 52165
(25) The credit for using Ohio coal under section 5733.39 of the Revised Code;	52166 52167
(26) <u>The credit for small telephone companies under section 5733.57 of the Revised Code;</u>	52168 52169
(27) <u>The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;</u>	52170 52171

<u>(28) The credit for providing programs to aid the</u>	52172
<u>communicatively impaired under section 5733.56 of the Revised</u>	52173
<u>Code;</u>	52174
<u>(29) The refundable jobs creation credit under division (A)</u>	52175
<u>of section 5733.0610 of the Revised Code;</u>	52176
(27) <u>(30) The refundable credit for tax withheld under</u>	52177
<u>division (B)(2) of section 5747.062 of the Revised Code;</u>	52178
(28) <u>(31) The credit for losses on loans made to the Ohio</u>	52179
<u>venture capital program under sections 150.01 to 150.10 of the</u>	52180
<u>Revised Code if the taxpayer elected a refundable credit under</u>	52181
<u>section 150.07 of the Revised Code.</u>	52182
(B) For any credit except the credits enumerated in divisions	52183
(A) (26) , (27) , <u>(29)</u> , <u>(30)</u> , and (28) <u>(31)</u> of this section, the amount	52184
of the credit for a tax year shall not exceed the tax due after	52185
allowing for any other credit that precedes it in the order	52186
required under this section. Any excess amount of a particular	52187
credit may be carried forward if authorized under the section	52188
creating that credit.	52189
Sec. 5735.05. (A) To provide revenue for maintaining the	52190
state highway system; to widen existing surfaces on such highways;	52191
to resurface such highways; to pay that portion of the	52192
construction cost of a highway project which a county, township,	52193
or municipal corporation normally would be required to pay, but	52194
which the director of transportation, pursuant to division (B) of	52195
section 5531.08 of the Revised Code, determines instead will be	52196
paid from moneys in the highway operating fund; to enable the	52197
counties of the state properly to plan, maintain, and repair their	52198
roads and to pay principal, interest, and charges on bonds and	52199
other obligations issued pursuant to Chapter 133. of the Revised	52200
Code for highway improvements; to enable the municipal	52201

corporations to plan, construct, reconstruct, repave, widen, 52202
maintain, repair, clear, and clean public highways, roads, and 52203
streets, and to pay the principal, interest, and charges on bonds 52204
and other obligations issued pursuant to Chapter 133. of the 52205
Revised Code for highway improvements; to enable the Ohio turnpike 52206
commission to construct, reconstruct, maintain, and repair 52207
turnpike projects; to maintain and repair bridges and viaducts; to 52208
purchase, erect, and maintain street and traffic signs and 52209
markers; to purchase, erect, and maintain traffic lights and 52210
signals; to pay the costs apportioned to the public under sections 52211
4907.47 and 4907.471 of the Revised Code and to supplement revenue 52212
already available for such purposes; to pay the costs incurred by 52213
the public utilities commission in administering sections 4907.47 52214
to 4907.476 of the Revised Code; to distribute equitably among 52215
those persons using the privilege of driving motor vehicles upon 52216
such highways and streets the cost of maintaining and repairing 52217
them; to pay the interest, principal, and charges on highway 52218
capital improvements bonds and other obligations issued pursuant 52219
to Section 2m of Article VIII, Ohio Constitution, and section 52220
151.06 of the Revised Code; to pay the interest, principal, and 52221
charges on highway obligations issued pursuant to Section 2i of 52222
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 52223
of the Revised Code; ~~and~~ to provide revenue for the purposes of 52224
sections 1547.71 to 1547.78 of the Revised Code; and to pay the 52225
expenses of the department of taxation incident to the 52226
administration of the motor fuel laws, a motor fuel excise tax is 52227
hereby imposed on all motor fuel dealers upon receipt of motor 52228
fuel within this state at the rate of two cents plus the cents per 52229
gallon rate on each gallon so received, to be computed in the 52230
manner set forth in section 5735.06 of the Revised Code; provided 52231
that no tax is hereby imposed upon the following transactions: 52232

(1) The sale of dyed diesel fuel by a licensed motor fuel 52233
dealer from a location other than a retail service station 52234

provided the licensed motor fuel dealer places on the face of the 52235
delivery document or invoice, or both if both are used, a 52236
conspicuous notice stating that the fuel is dyed and is not for 52237
taxable use, and that taxable use of that fuel is subject to a 52238
penalty. The tax commissioner, by rule, may provide that any 52239
notice conforming to rules or regulations issued by the United 52240
States department of the treasury or the Internal Revenue Service 52241
is sufficient notice for the purposes of division (A)(1) of this 52242
section. 52243

(2) The sale of K-1 kerosene to a retail service station, 52244
except when placed directly in the fuel supply tank of a motor 52245
vehicle. Such sale shall be rebuttably presumed to not be 52246
distributed or sold for use or used to generate power for the 52247
operation of motor vehicles upon the public highways or upon the 52248
waters within the boundaries of this state. 52249

(3) The sale of motor fuel by a licensed motor fuel dealer to 52250
another licensed motor fuel dealer; 52251

(4) The exportation of motor fuel by a licensed motor fuel 52252
dealer from this state to any other state or foreign country; 52253

(5) The sale of motor fuel to the United States government or 52254
any of its agencies, except such tax as is permitted by it, where 52255
such sale is evidenced by an exemption certificate, in a form 52256
approved by the tax commissioner, executed by the United States 52257
government or an agency thereof certifying that the motor fuel 52258
therein identified has been purchased for the exclusive use of the 52259
United States government or its agency; 52260

(6) The sale of motor fuel ~~which~~ that is in the process of 52261
transportation in foreign or interstate commerce, except ~~in so far~~ 52262
insofar as it may be taxable under the Constitution and statutes 52263
of the United States, and except as may be agreed upon in writing 52264
by the dealer and the commissioner; 52265

(7) The sale of motor fuel when sold exclusively for use in the operation of aircraft, where such sale is evidenced by an exemption certificate prescribed by the commissioner and executed by the purchaser certifying that the motor fuel purchased has been purchased for exclusive use in the operation of aircraft;

(8) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter type A;

(9) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter type B, provided that the destination state motor fuel tax has been paid or will be accrued and paid by the licensed motor fuel dealer.

(10) The sale to a consumer of diesel fuel, by a motor fuel dealer for delivery from a bulk lot vehicle, for consumption in operating a vessel when the use of such fuel in a vessel would otherwise qualify for a refund under section 5735.14 of the Revised Code.

Division (A)(1) of this section does not apply to the sale or distribution of dyed diesel fuel used to operate a motor vehicle on the public highways or upon water within the boundaries of this state by persons permitted under regulations of the United States department of the treasury or of the Internal Revenue Service to so use dyed diesel fuel.

(B) The two cent motor fuel tax levied by this section is also for the purpose of paying the expenses of administering and enforcing the state law relating to the registration and operation of motor vehicles.

(C) After the tax provided for by this section on the receipt of any motor fuel has been paid by the motor fuel dealer, the motor fuel may thereafter be used, sold, or resold by any person having lawful title to it, without incurring liability for such tax.

If a licensed motor fuel dealer sells motor fuel received by 52297
the licensed motor fuel dealer to another licensed motor fuel 52298
dealer, the seller may deduct on the report required by section 52299
5735.06 of the Revised Code the number of gallons so sold for the 52300
month within which the motor fuel was sold or delivered. In this 52301
event the number of gallons is deemed to have been received by the 52302
purchaser, who shall report and pay the tax imposed thereon. 52303

Sec. 5735.053. There is hereby created in the state treasury 52304
the motor fuel tax administration fund for the purpose of paying 52305
the expenses of the department of taxation incident to the 52306
administration of the motor fuel laws. After the treasurer of 52307
state credits the tax refund fund out of tax receipts as required 52308
by sections 5735.23, 5735.26, 5735.291, and 5735.30 of the Revised 52309
Code, the treasurer of state shall transfer to the motor fuel tax 52310
administration fund two hundred seventy-five one-thousandths per 52311
cent of the receipts from the taxes levied by sections 5735.05, 52312
5735.25, 5735.29, and 5735.30 of the Revised Code. 52313

Sec. 5735.23. (A) Out of receipts from the tax levied by 52314
section 5735.05 of the Revised Code, the treasurer of state shall 52315
place to the credit of the tax refund fund established by section 52316
5703.052 of the Revised Code amounts equal to the refunds 52317
certified by the tax commissioner pursuant to sections 5735.13, 52318
5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The 52319
treasurer of state shall then transfer the amount required by 52320
section 5735.051 of the Revised Code to the waterways safety fund 52321
and, the amount required by section 4907.472 of the Revised Code 52322
to the grade crossing protection fund, and the amount required by 52323
section 5735.053 of the Revised Code to the motor fuel tax 52324
administration fund. 52325

(B) Except as provided in division (D) of this section, each 52326

month the balance of the receipts from the tax levied by section 52327
5735.05 of the Revised Code shall be credited, after receipt by 52328
the treasurer of state of certification from the commissioners of 52329
the sinking fund, as required by section 5528.35 of the Revised 52330
Code, that there are sufficient moneys to the credit of the 52331
highway obligations bond retirement fund to meet in full all 52332
payments of interest, principal, and charges for the retirement of 52333
highway obligations issued pursuant to Section 2i of Article VIII, 52334
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 52335
Code due and payable during the current calendar year, as follows: 52336

(1) To the state and local government highway distribution 52337
fund, which is hereby created in the state treasury, an amount 52338
that is the same percentage of the balance to be credited as that 52339
portion of the tax per gallon determined under division (B)(2)(a) 52340
of section 5735.06 of the Revised Code is of the total tax per 52341
gallon determined under divisions (B)(2)(a) and (b) of that 52342
section. 52343

(2) After making the distribution to the state and local 52344
government highway distribution fund, the remainder shall be 52345
credited as follows: 52346

(a) Thirty per cent to the gasoline excise tax fund for 52347
distribution pursuant to division (A)(1) of section 5735.27 of the 52348
Revised Code; 52349

(b) Twenty-five per cent to the gasoline excise tax fund for 52350
distribution pursuant to division (A)(3) of section 5735.27 of the 52351
Revised Code; 52352

(c) Except as provided in division (D) of this section, 52353
forty-five per cent to the highway operating fund for distribution 52354
pursuant to division (B)(1) of section 5735.27 of the Revised 52355
Code. 52356

(C) From the balance in the state and local government 52357

highway distribution fund on the last day of each month there 52358
shall be paid the following amounts: 52359

(1) To the local transportation improvement program fund 52360
created by section 164.14 of the Revised Code, an amount equal to 52361
a fraction of the balance in the state and local government 52362
highway distribution fund, the numerator of which fraction is one 52363
and the denominator of which fraction is that portion of the tax 52364
per gallon determined under division (B)(2)(a) of section 5735.06 52365
of the Revised Code; 52366

(2) An amount equal to five cents multiplied by the number of 52367
gallons of motor fuel sold at stations operated by the Ohio 52368
turnpike commission, such gallonage to be certified by the 52369
commission to the treasurer of state not later than the last day 52370
of the month following. The funds paid to the commission pursuant 52371
to this section shall be expended for the construction, 52372
reconstruction, maintenance, and repair of turnpike projects, 52373
except that the funds may not be expended for the construction of 52374
new interchanges. The funds also may be expended for the 52375
construction, reconstruction, maintenance, and repair of those 52376
portions of connecting public roads that serve existing 52377
interchanges and are determined by the commission and the director 52378
of transportation to be necessary for the safe merging of traffic 52379
between the turnpike and those public roads. 52380

The remainder of the balance shall be distributed as follows 52381
on the fifteenth day of the following month: 52382

(a) Ten and seven-tenths per cent shall be paid to municipal 52383
corporations for distribution pursuant to division (A)(1) of 52384
section 5735.27 of the Revised Code and may be used for any 52385
purpose for which payments received under that division may be 52386
used. 52387

(b) Five per cent shall be paid to townships for distribution 52388

pursuant to division (A)(5) of section 5735.27 of the Revised Code 52389
and may be used for any purpose for which payments received under 52390
that division may be used. 52391

(c) Nine and three-tenths per cent shall be paid to counties 52392
for distribution pursuant to division (A)(3) of section 5735.27 of 52393
the Revised Code and may be used for any purpose for which 52394
payments received under that division may be used. 52395

(d) Except as provided in division (D) of this section, the 52396
balance shall be transferred to the highway operating fund and 52397
used for the purposes set forth in division (B)(1) of section 52398
5735.27 of the Revised Code. 52399

(D) Beginning on the first day of September each fiscal year, 52400
any amounts required to be credited or transferred to the highway 52401
operating fund pursuant to division (B)(2)(c) or (C)(2)(d) of this 52402
section shall be credited or transferred to the highway capital 52403
improvement bond service fund created in section 151.06 of the 52404
Revised Code, until such time as the office of budget and 52405
management receives certification from the treasurer of state or 52406
the treasurer of state's designee that sufficient money has been 52407
credited or transferred to the bond service fund to meet in full 52408
all payments of debt service and financing costs due during the 52409
fiscal year from that fund. 52410

Sec. 5735.26. The treasurer of state shall place to the 52411
credit of the tax refund fund created by section 5703.052 of the 52412
Revised Code, out of receipts from the tax levied by section 52413
5735.25 of the Revised Code, amounts equal to the refunds 52414
certified by the tax commissioner pursuant to sections 5735.142 52415
and 5735.25 of the Revised Code, which shall be paid from such 52416
fund. ~~Receipts from the tax shall be used by the tax commissioner~~ 52417
~~for the maintenance and administration of the motor fuel laws.~~ The 52418
treasurer of state shall then transfer the amount required by 52419

section 5735.051 of the Revised Code to the waterways safety fund 52420
and the amount required by section 5735.053 of the Revised Code to 52421
the motor fuel tax administration fund. 52422

The balance of taxes collected under section 5735.25 of the 52423
Revised Code shall be credited as follows, after the credits to 52424
the tax refund fund, ~~and after deduction of the cost of~~ 52425
~~administration of the motor fuel laws,~~ and after the transfer 52426
transfers to the waterways safety fund and motor fuel tax 52427
administration fund, and after receipt by the treasurer of state 52428
of certifications from the commissioners of the sinking fund 52429
certifying, as required by sections 5528.15 and 5528.35 of the 52430
Revised Code, there are sufficient moneys to the credit of the 52431
highway improvement bond retirement fund to meet in full all 52432
payments of interest, principal, and charges for the retirement of 52433
bonds and other obligations issued pursuant to Section 2g of 52434
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 52435
of the Revised Code due and payable during the current calendar 52436
year, and that there are sufficient moneys to the credit of the 52437
highway obligations bond retirement fund to meet in full all 52438
payments of interest, principal, and charges for the retirement of 52439
highway obligations issued pursuant to Section 2i of Article VIII, 52440
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 52441
Code due and payable during the current calendar year: 52442

(A) Sixty-seven and one-half per cent to the highway 52443
operating fund for distribution pursuant to division (B)(2) of 52444
section 5735.27 of the Revised Code; 52445

(B) Seven and one-half per cent to the gasoline excise tax 52446
fund for distribution pursuant to division (A)(2) of such section; 52447

(C) Seven and one-half per cent to the gasoline excise tax 52448
fund for distribution pursuant to division (A)(4) of such section; 52449

(D) Seventeen and one-half per cent to the gasoline excise 52450

tax fund for distribution pursuant to division (A)(5) of such 52451
section. 52452

Sec. 5735.291. The treasurer of state shall place to the 52453
credit of the tax refund fund created by section 5703.052 of the 52454
Revised Code, out of receipts from the tax levied by section 52455
5735.29 of the Revised Code, amounts equal to the refunds 52456
certified by the tax commissioner pursuant to sections 5735.142 52457
and 5735.29 of the Revised Code. The refunds provided for by 52458
sections 5735.142 and 5735.29 of the Revised Code shall be paid 52459
from such fund. The treasurer of state shall then transfer the 52460
amount required by section 5735.051 of the Revised Code to the 52461
waterways safety fund and the amount required by section 5735.053 52462
of the Revised Code to the motor fuel tax administration fund. ~~The~~ 52463

The balance of taxes collected under section 5735.29 of the 52464
Revised Code after the credits to the tax refund fund, ~~and after~~ 52465
the ~~transfer~~ transfers to the waterways safety fund and the motor 52466
fuel tax administration fund, and after receipt by the treasurer 52467
of state of certifications from the commissioners of the sinking 52468
fund certifying, as required by sections 5528.15 and 5528.35 of 52469
the Revised Code, that there are sufficient moneys to the credit 52470
of the highway improvement bond retirement fund created by section 52471
5528.12 of the Revised Code to meet in full all payments of 52472
interest, principal, and charges for the retirement of bonds and 52473
other obligations issued pursuant to Section 2g of Article VIII, 52474
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 52475
Code due and payable during the current calendar year, and that 52476
there are sufficient moneys to the credit of the highway 52477
obligations bond retirement fund created by section 5528.32 of the 52478
Revised Code to meet in full all payments of interest, principal, 52479
and charges for the retirement of highway obligations issued 52480
pursuant to Section 2i of Article VIII, Ohio Constitution, and 52481
sections 5528.30 and 5528.31 of the Revised Code due and payable 52482

during the current calendar year, shall be credited to the highway 52483
operating fund, which is hereby created in the state treasury and 52484
shall be used solely for the purposes enumerated in section 52485
5735.29 of the Revised Code. All investment earnings of the fund 52486
shall be credited to the fund. 52487

Sec. 5735.30. (A) For the purpose of providing funds to pay 52488
the state's share of the cost of constructing and reconstructing 52489
highways and eliminating railway grade crossings on the major 52490
thoroughfares of the state highway system and urban extensions 52491
thereof, to pay that portion of the construction cost of a highway 52492
project which a county, township, or municipal corporation 52493
normally would be required to pay, but which the director of 52494
transportation, pursuant to division (B) of section 5531.08 of the 52495
Revised Code, determines instead will be paid from moneys in the 52496
highway operating fund, to pay the interest, principal, and 52497
charges on bonds and other obligations issued pursuant to Section 52498
2g of Article VIII, Ohio Constitution, and sections 5528.10 and 52499
5528.11 of the Revised Code, to pay the interest, principal, and 52500
charges on highway obligations issued pursuant to Section 2i of 52501
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 52502
of the Revised Code, ~~and~~ to provide revenues for the purposes of 52503
sections 1547.71 to 1547.78 of the Revised Code, and to pay the 52504
expenses of the department of taxation incident to the 52505
administration of the motor fuel laws, a motor fuel excise tax is 52506
hereby imposed on all motor fuel dealers upon their receipt of 52507
motor fuel within the state, at the rate of one cent on each 52508
gallon so received, to be reported, computed, paid, collected, 52509
administered, enforced, refunded, and subject to the same 52510
exemptions and penalties as provided in this chapter of the 52511
Revised Code. 52512

The tax imposed by this section shall be in addition to the 52513
tax imposed by sections 5735.05, 5735.25, and 5735.29 of the 52514

Revised Code. 52515

(B) The treasurer of state shall place to the credit of the 52516
tax refund fund created by section 5703.052 of the Revised Code, 52517
out of receipts from the tax levied by this section, amounts equal 52518
to the refunds certified by the tax commissioner pursuant to this 52519
section. The refund provided for by ~~the first paragraph~~ division 52520
(A) of this section shall be paid from such fund. The treasurer 52521
shall then transfer the amount required by section 5735.051 of the 52522
Revised Code to the waterways safety fund and the amount required 52523
by section 5735.053 of the Revised Code to the motor fuel tax 52524
administration fund. The balance of taxes for which the liability 52525
has become fixed prior to July 1, 1955, under this section, after 52526
the credit to the tax refund fund, shall be credited to the 52527
highway operating fund. 52528

(C)(1) The moneys derived from the tax levied by this 52529
section, after ~~the credit to the tax refund fund and the waterways~~ 52530
~~safety fund as provided~~ and transfers required by division (B) of 52531
this section, shall, during each calendar year, be credited to the 52532
highway improvement bond retirement fund created by section 52533
5528.12 of the Revised Code, until the commissioners of the 52534
sinking fund certify to the treasurer of state, as required by 52535
section 5528.17 of the Revised Code, that there are sufficient 52536
moneys to the credit of the highway improvement bond retirement 52537
fund to meet in full all payments of interest, principal, and 52538
charges for the retirement of bonds and other obligations issued 52539
pursuant to Section 2g of Article VIII, Ohio Constitution, and 52540
sections 5528.10 and 5528.11 of the Revised Code due and payable 52541
during the current calendar year and during the next succeeding 52542
calendar year. From the date of the receipt of the certification 52543
required by section 5528.17 of the Revised Code by the treasurer 52544
of state until the thirty-first day of December of the calendar 52545
year in which such certification is made, all moneys received in 52546

the state treasury from the tax levied by this section, after the 52547
~~credit to the tax refund fund and the waterways safety fund as~~ 52548
~~provided and transfers required by division (B) of this section,~~ 52549
shall be credited to the highway obligations bond retirement fund 52550
created by section 5528.32 of the Revised Code, until the 52551
commissioners of the sinking fund certify to the treasurer of 52552
state, as required by section 5528.38 of the Revised Code, that 52553
there are sufficient moneys to the credit of the highway 52554
obligations bond retirement fund to meet in full all payments of 52555
interest, principal, and charges for the retirement of obligations 52556
issued pursuant to Section 2i of Article VIII, Ohio Constitution, 52557
and sections 5528.30 and 5528.31 of the Revised Code due and 52558
payable during the current calendar year and during the next 52559
succeeding calendar year. ~~From~~ 52560

(2) ~~From~~ the date of the receipt of the certification 52561
required by section 5528.38 of the Revised Code by the treasurer 52562
of state until the thirty-first day of December of the calendar 52563
year in which such certification is made, all moneys received in 52564
the state treasury from the tax levied by this section, after the 52565
~~credit to the tax refund fund and the waterways safety fund as~~ 52566
~~provided and transfers required by division (B) of this section,~~ 52567
shall be credited to the highway operating fund, except as 52568
provided in ~~the next succeeding paragraph~~ division (C)(3) of this 52569
section. 52570

(3) From the date of the receipt by the treasurer of state of 52571
certifications from the commissioners of the sinking fund, as 52572
required by sections 5528.18 and 5528.39 of the Revised Code, 52573
certifying that the moneys to the credit of the highway 52574
improvement bond retirement fund are sufficient to meet in full 52575
all payments of interest, principal, and charges for the 52576
retirement of all bonds and other obligations which may be issued 52577
pursuant to Section 2g of Article VIII, Ohio Constitution, and 52578

sections 5528.10 and 5528.11 of the Revised Code, and to the 52579
credit of the highway obligations bond retirement fund are 52580
sufficient to meet in full all payments of interest, principal, 52581
and charges for the retirement of all obligations issued pursuant 52582
to Section 2i of Article VIII, Ohio Constitution, and sections 52583
5528.30 and 5528.31 of the Revised Code, the moneys derived from 52584
the tax levied by this section, after the credit to the tax refund 52585
fund and the waterways safety fund as provided and transfers 52586
required by division (B) of this section, shall be credited to the 52587
highway operating fund. 52588

Sec. 5739.01. As used in this chapter: 52589

(A) "Person" includes individuals, receivers, assignees, 52590
trustees in bankruptcy, estates, firms, partnerships, 52591
associations, joint-stock companies, joint ventures, clubs, 52592
societies, corporations, the state and its political subdivisions, 52593
and combinations of individuals of any form. 52594

(B) "Sale" and "selling" include all of the following 52595
transactions for a consideration in any manner, whether absolutely 52596
or conditionally, whether for a price or rental, in money or by 52597
exchange, and by any means whatsoever: 52598

(1) All transactions by which title or possession, or both, 52599
of tangible personal property, is or is to be transferred, or a 52600
license to use or consume tangible personal property is or is to 52601
be granted; 52602

(2) All transactions by which lodging by a hotel is or is to 52603
be furnished to transient guests; 52604

(3) All transactions by which: 52605

(a) An item of tangible personal property is or is to be 52606
repaired, except property, the purchase of which would not be 52607
subject to the tax imposed by section 5739.02 of the Revised Code; 52608

(b) An item of tangible personal property is or is to be 52609
installed, except property, the purchase of which would not be 52610
subject to the tax imposed by section 5739.02 of the Revised Code 52611
or property that is or is to be incorporated into and will become 52612
a part of a production, transmission, transportation, or 52613
distribution system for the delivery of a public utility service; 52614

(c) The service of washing, cleaning, waxing, polishing, or 52615
painting a motor vehicle is or is to be furnished; 52616

(d) ~~Industrial laundry~~ Laundry and dry cleaning services are 52617
or are to be provided; 52618

(e) Automatic data processing, computer services, or 52619
electronic information services are or are to be provided for use 52620
in business when the true object of the transaction is the receipt 52621
by the consumer of automatic data processing, computer services, 52622
or electronic information services rather than the receipt of 52623
personal or professional services to which automatic data 52624
processing, computer services, or electronic information services 52625
are incidental or supplemental. Notwithstanding any other 52626
provision of this chapter, such transactions that occur between 52627
members of an affiliated group are not sales. An affiliated group 52628
means two or more persons related in such a way that one person 52629
owns or controls the business operation of another member of the 52630
group. In the case of corporations with stock, one corporation 52631
owns or controls another if it owns more than fifty per cent of 52632
the other corporation's common stock with voting rights. 52633

(f) Telecommunications service, other than mobile 52634
telecommunications service after July 31, 2002, is or is to be 52635
provided that originates or terminates in this state and is 52636
charged in the records of the telecommunications service vendor to 52637
the consumer's telephone number or account in this state, or that 52638
both originates and terminates in this state; but does not include 52639

transactions by which telecommunications service is paid for by	52640
using a prepaid authorization number or prepaid telephone calling	52641
card, or by which local telecommunications service is obtained	52642
from a coin-operated telephone and paid for by using coin;	52643
(g) Landscaping and lawn care service is or is to be	52644
provided;	52645
(h) Private investigation and security service is or is to be	52646
provided;	52647
(i) Information services or tangible personal property is	52648
provided or ordered by means of a nine hundred telephone call;	52649
(j) Building maintenance and janitorial service is or is to	52650
be provided;	52651
(k) Employment service is or is to be provided;	52652
(l) Employment placement service is or is to be provided;	52653
(m) Exterminating service is or is to be provided;	52654
(n) Physical fitness facility service is or is to be	52655
provided;	52656
(o) Recreation and sports club service is or is to be	52657
provided.	52658
(p) After July 31, 2002, mobile telecommunications service is	52659
or is to be provided in this state when that service is sitused to	52660
this state pursuant to the "Mobile Telecommunications Sourcing	52661
Act," P- Pub. L. No. 106-252, 114 Stat. 626 to 632 (2000), 4	52662
U.S.C.A. 116 to 126, as amended.	52663
<u>(q) Satellite television service is or is to be provided;</u>	52664
<u>(r) Personal care service is or is to be provided to an</u>	52665
<u>individual. As used in this division, "personal care service"</u>	52666
<u>includes skin care, the application of cosmetics, manicuring,</u>	52667
<u>pedicuring, hair removal, tattooing, body piercing, tanning,</u>	52668

massage, and other similar services. "Personal care service" does 52669
not include a service provided by individuals licensed under Title 52670
XLVII of the Revised Code who are authorized to perform 52671
therapeutic massage pursuant to their scope of practice, or the 52672
cutting, coloring, or styling of an individual's hair. 52673

(s) The transportation of persons by motor vehicle or 52674
aircraft is or is to be provided, when the point of origin and the 52675
point of termination are both within this state, except for 52676
transportation provided by a transit bus, as defined in section 52677
5735.01 of the Revised Code, and transportation provided by a 52678
citizen of the United States holding a certificate of public 52679
convenience and necessity issued under 49 U.S.C. 41102; 52680

(t) Motor vehicle towing service is or is to be provided. As 52681
used in this division, "motor vehicle towing service" means the 52682
towing or conveyance of a wrecked, disabled, or illegally parked 52683
motor vehicle. 52684

(u) Snow removal service is or is to be provided. As used in 52685
this division, "snow removal" means the removal of snow by any 52686
mechanized means. 52687

(4) All transactions by which printed, imprinted, 52688
overprinted, lithographic, multilithic, blueprinted, photostatic, 52689
or other productions or reproductions of written or graphic matter 52690
are or are to be furnished or transferred; 52691

(5) The production or fabrication of tangible personal 52692
property for a consideration for consumers who furnish either 52693
directly or indirectly the materials used in the production of 52694
fabrication work; and include the furnishing, preparing, or 52695
serving for a consideration of any tangible personal property 52696
consumed on the premises of the person furnishing, preparing, or 52697
serving such tangible personal property. Except as provided in 52698
section 5739.03 of the Revised Code, a construction contract 52699

pursuant to which tangible personal property is or is to be 52700
incorporated into a structure or improvement on and becoming a 52701
part of real property is not a sale of such tangible personal 52702
property. The construction contractor is the consumer of such 52703
tangible personal property, provided that the sale and 52704
installation of carpeting, the sale and installation of 52705
agricultural land tile, the sale and erection or installation of 52706
portable grain bins, or the provision of landscaping and lawn care 52707
service and the transfer of property as part of such service is 52708
never a construction contract. The transfer of copyrighted motion 52709
picture films for exhibition purposes is not a sale, except such 52710
films as are used solely for advertising purposes. Other than as 52711
provided in this section, "sale" and "selling" do not include 52712
transfers of interest in leased property where the original lessee 52713
and the terms of the original lease agreement remain unchanged, or 52714
professional, insurance, or personal service transactions that 52715
involve the transfer of tangible personal property as an 52716
inconsequential element, for which no separate charges are made. 52717

As used in division (B)(5) of this section: 52718

(a) "Agricultural land tile" means fired clay or concrete 52719
tile, or flexible or rigid perforated plastic pipe or tubing, 52720
incorporated or to be incorporated into a subsurface drainage 52721
system appurtenant to land used or to be used directly in 52722
production by farming, agriculture, horticulture, or floriculture. 52723
The term does not include such materials when they are or are to 52724
be incorporated into a drainage system appurtenant to a building 52725
or structure even if the building or structure is used or to be 52726
used in such production. 52727

(b) "Portable grain bin" means a structure that is used or to 52728
be used by a person engaged in farming or agriculture to shelter 52729
the person's grain and that is designed to be disassembled without 52730
significant damage to its component parts. 52731

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, if the corporation is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) All transactions by which a prepaid authorization number or a prepaid telephone calling card is or is to be transferred;

(9) All transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

(D)(1) "Consumer" means the person for whom the service is

provided, to whom the transfer effected or license given by a sale 52763
is or is to be made or given, to whom the service described in 52764
division (B)(3)(f) or (i) of this section is charged, or to whom 52765
the admission is granted. 52766

(2) Physicians, dentists, hospitals, and blood banks operated 52767
by nonprofit institutions and persons licensed to practice 52768
veterinary medicine, surgery, and dentistry are consumers of all 52769
tangible personal property and services purchased by them in 52770
connection with the practice of medicine, dentistry, the rendition 52771
of hospital or blood bank service, or the practice of veterinary 52772
medicine, surgery, and dentistry. In addition to being consumers 52773
of drugs administered by them or by their assistants according to 52774
their direction, veterinarians also are consumers of drugs that 52775
under federal law may be dispensed only by or upon the order of a 52776
licensed veterinarian or physician, when transferred by them to 52777
others for a consideration to provide treatment to animals as 52778
directed by the veterinarian. 52779

(3) A person who performs a facility management, or similar 52780
service contract for a contractee is a consumer of all tangible 52781
personal property and services purchased for use in connection 52782
with the performance of such contract, regardless of whether title 52783
to any such property vests in the contractee. The purchase of such 52784
property and services is not subject to the exception for resale 52785
under division (E)(1) of this section. 52786

(4)(a) In the case of a person who purchases printed matter 52787
for the purpose of distributing it or having it distributed to the 52788
public or to a designated segment of the public, free of charge, 52789
that person is the consumer of that printed matter, and the 52790
purchase of that printed matter for that purpose is a sale. 52791

(b) In the case of a person who produces, rather than 52792
purchases, printed matter for the purpose of distributing it or 52793
having it distributed to the public or to a designated segment of 52794

the public, free of charge, that person is the consumer of all 52795
tangible personal property and services purchased for use or 52796
consumption in the production of that printed matter. That person 52797
is not entitled to claim exception under division (E)(8) of this 52798
section for any material incorporated into the printed matter or 52799
any equipment, supplies, or services primarily used to produce the 52800
printed matter. 52801

(c) The distribution of printed matter to the public or to a 52802
designated segment of the public, free of charge, is not a sale to 52803
the members of the public to whom the printed matter is 52804
distributed or to any persons who purchase space in the printed 52805
matter for advertising or other purposes. 52806

(5) A person who makes sales of any of the services listed in 52807
division (B)(3) of this section is the consumer of any tangible 52808
personal property used in performing the service. The purchase of 52809
that property is not subject to the resale exception under 52810
division (E)(1) of this section. 52811

(E) "Retail sale" and "sales at retail" include all sales, 52812
except those in which the purpose of the consumer is: 52813

(1) To resell the thing transferred or benefit of the service 52814
provided, by a person engaging in business, in the form in which 52815
the same is, or is to be, received by the person; 52816

(2) To incorporate the thing transferred as a material or a 52817
part, into tangible personal property to be produced for sale by 52818
manufacturing, assembling, processing, or refining, or to use or 52819
consume the thing transferred directly in producing a product for 52820
sale by mining, including without limitation the extraction from 52821
the earth of all substances that are classed geologically as 52822
minerals, production of crude oil and natural gas, farming, 52823
agriculture, horticulture, or floriculture, and persons engaged in 52824
rendering farming, agricultural, horticultural, or floricultural 52825

services, and services in the exploration for, and production of, 52826
crude oil and natural gas, for others are deemed engaged directly 52827
in farming, agriculture, horticulture, and floriculture, or 52828
exploration for, and production of, crude oil and natural gas; 52829
directly in the rendition of a public utility service, except that 52830
the sales tax levied by section 5739.02 of the Revised Code shall 52831
be collected upon all meals, drinks, and food for human 52832
consumption sold upon Pullman and railroad coaches. This paragraph 52833
does not exempt or except from "retail sale" or "sales at retail" 52834
the sale of tangible personal property that is to be incorporated 52835
into a structure or improvement to real property. 52836

(3) To hold the thing transferred as security for the 52837
performance of an obligation of the vendor; 52838

~~(4) To use or consume the thing transferred in the process of~~ 52839
~~reclamation as required by Chapters 1513. and 1514. of the Revised~~ 52840
~~Code;~~ 52841

~~(5)~~ To resell, hold, use, or consume the thing transferred as 52842
evidence of a contract of insurance; 52843

~~(6)~~(5) To use or consume the thing directly in commercial 52844
fishing; 52845

~~(7)~~(6) To incorporate the thing transferred as a material or 52846
a part into, or to use or consume the thing transferred directly 52847
in the production of, magazines distributed as controlled 52848
circulation publications; 52849

~~(8)~~(7) To use or consume the thing transferred in the 52850
production and preparation in suitable condition for market and 52851
sale of printed, imprinted, overprinted, lithographic, 52852
multilithic, blueprinted, photostatic, or other productions or 52853
reproductions of written or graphic matter; 52854

~~(9)~~(8) To use the thing transferred, as described in section 52855
5739.011 of the Revised Code, primarily in a manufacturing 52856

operation to produce tangible personal property for sale; 52857

~~(10)~~(9) To use the benefit of a warranty, maintenance or 52858
service contract, or similar agreement, as defined in division 52859
(B)(7) of this section, to repair or maintain tangible personal 52860
property, if all of the property that is the subject of the 52861
warranty, contract, or agreement would be exempt on its purchase 52862
from the tax imposed by section 5739.02 of the Revised Code; 52863

~~(11)~~(10) To use the thing transferred as qualified research 52864
and development equipment; 52865

~~(12)~~(11) To use or consume the thing transferred primarily in 52866
storing, transporting, mailing, or otherwise handling purchased 52867
sales inventory in a warehouse, distribution center, or similar 52868
facility when the inventory is primarily distributed outside this 52869
state to retail stores of the person who owns or controls the 52870
warehouse, distribution center, or similar facility, to retail 52871
stores of an affiliated group of which that person is a member, or 52872
by means of direct marketing. Division (E)~~(12)~~(11) of this section 52873
does not apply to motor vehicles registered for operation on the 52874
public highways. As used in division (E)~~(12)~~(11) of this section, 52875
"affiliated group" has the same meaning as in division (B)(3)(e) 52876
of this section and "direct marketing" has the same meaning as in 52877
division (B)(36) of section 5739.02 of the Revised Code. 52878

~~(13)~~(12) To use or consume the thing transferred to fulfill a 52879
contractual obligation incurred by a warrantor pursuant to a 52880
warranty provided as a part of the price of the tangible personal 52881
property sold or by a vendor of a warranty, maintenance or service 52882
contract, or similar agreement the provision of which is defined 52883
as a sale under division (B)(7) of this section; 52884

~~(14)~~(13) To use or consume the thing transferred in the 52885
production of a newspaper for distribution to the public; 52886

~~(15)~~(14) To use tangible personal property to perform a 52887

service listed in division (B)(3) of this section, if the property 52888
is or is to be permanently transferred to the consumer of the 52889
service as an integral part of the performance of the service. 52890

As used in division (E) of this section, "thing" includes all 52891
transactions included in divisions (B)(3)(a), (b), and (e) of this 52892
section. 52893

Sales conducted through a coin-operated device that activates 52894
vacuum equipment or equipment that dispenses water, whether or not 52895
in combination with soap or other cleaning agents or wax, to the 52896
consumer for the consumer's use on the premises in washing, 52897
cleaning, or waxing a motor vehicle, provided no other personal 52898
property or personal service is provided as part of the 52899
transaction, are not retail sales or sales at retail. 52900

(F) "Business" includes any activity engaged in by any person 52901
with the object of gain, benefit, or advantage, either direct or 52902
indirect. "Business" does not include the activity of a person in 52903
managing and investing the person's own funds. 52904

(G) "Engaging in business" means commencing, conducting, or 52905
continuing in business, and liquidating a business when the 52906
liquidator thereof holds itself out to the public as conducting 52907
such business. Making a casual sale is not engaging in business. 52908

(H)(1) "Price," except as provided in divisions (H)(2) and 52909
(3) of this section, means the aggregate value in money of 52910
anything paid or delivered, or promised to be paid or delivered, 52911
in the complete performance of a retail sale, without any 52912
deduction on account of the cost of the property sold, cost of 52913
materials used, labor or service cost, interest, discount paid or 52914
allowed after the sale is consummated, delivery charges, or any 52915
other expense. If the retail sale consists of the rental or lease 52916
of tangible personal property, "price" means the aggregate value 52917
in money of anything paid or delivered, or promised to be paid or 52918

delivered, in the complete performance of the rental or lease, 52919
without any deduction for tax, interest, labor or service charge, 52920
damage liability waiver, termination or damage charge, discount 52921
paid or allowed after the lease is consummated, delivery charges, 52922
or any other expense. Except as provided in division (H)(4) of 52923
this section, the sales tax shall be calculated and collected by 52924
the lessor on each payment made by the lessee. "Price" does not 52925
include the consideration received as a deposit refundable to the 52926
consumer upon return of a beverage container, the consideration 52927
received as a deposit on a carton or case that is used for such 52928
returnable containers, or the consideration received as a 52929
refundable security deposit for the use of tangible personal 52930
property to the extent that it actually is refunded, if the 52931
consideration for such refundable deposit is separately stated 52932
from the consideration received or to be received for the tangible 52933
personal property transferred in the retail sale. Such separation 52934
must appear in the sales agreement or on the initial invoice or 52935
initial billing rendered by the vendor to the consumer. "Price" 52936
~~also does not include delivery charges that are separately stated~~ 52937
~~on the initial invoice or initial billing rendered by the vendor.~~ 52938
Price is the amount received inclusive of the tax, provided the 52939
vendor establishes to the satisfaction of the tax commissioner 52940
that the tax was added to the price. When the price includes both 52941
a charge for tangible personal property and a charge for providing 52942
a service and the sale of the property and the charge for the 52943
service are separately taxable, or have a separately determinable 52944
tax status, the price shall be separately stated for each such 52945
charge so the tax can be correctly computed and charged. 52946

The tax collected by the vendor from the consumer under this 52947
chapter is not part of the price, but is a tax collection for the 52948
benefit of the state and of counties levying an additional sales 52949
tax pursuant to section 5739.021 or 5739.026 of the Revised Code 52950
and of transit authorities levying an additional sales tax 52951

pursuant to section 5739.023 of the Revised Code. Except for the 52952
discount authorized in section 5739.12 of the Revised Code and the 52953
effects of any rounding pursuant to section 5703.055 of the 52954
Revised Code, no person other than the state or such a county or 52955
transit authority shall derive any benefit from the collection or 52956
payment of such tax. 52957

As used in division (H)(1) of this section, "delivery 52958
charges" means charges by the vendor for preparation and delivery 52959
to a location designated by the consumer of tangible personal 52960
property or a service, including transportation, shipping, 52961
postage, handling, crating, and packing. 52962

(2) In the case of a sale of any new motor vehicle by a new 52963
motor vehicle dealer, as defined in section 4517.01 of the Revised 52964
Code, in which another motor vehicle is accepted by the dealer as 52965
part of the consideration received, "price" has the same meaning 52966
as in division (H)(1) of this section, reduced by the credit 52967
afforded the consumer by the dealer for the motor vehicle received 52968
in trade. 52969

(3) In the case of a sale of any watercraft or outboard motor 52970
by a watercraft dealer licensed in accordance with section 52971
1547.543 of the Revised Code, in which another watercraft, 52972
watercraft and trailer, or outboard motor is accepted by the 52973
dealer as part of the consideration received, "price" has the same 52974
meaning as in division (H)(1) of this section, reduced by the 52975
credit afforded the consumer by the dealer for the watercraft, 52976
watercraft and trailer, or outboard motor received in trade. 52977

(4) In the case of the lease of any motor vehicle designed by 52978
the manufacturer to carry a load of not more than one ton, 52979
watercraft, outboard motor, or aircraft, or the lease of any 52980
tangible personal property, other than motor vehicles designed by 52981
the manufacturer to carry a load of more than one ton, to be used 52982
by the lessee primarily for business purposes, the sales tax shall 52983

be collected by the vendor at the time the lease is consummated 52984
and shall be calculated by the vendor on the basis of the total 52985
amount to be paid by the lessee under the lease agreement. If the 52986
total amount of the consideration for the lease includes amounts 52987
that are not calculated at the time the lease is executed, the tax 52988
shall be calculated and collected by the vendor at the time such 52989
amounts are billed to the lessee. In the case of an open-end 52990
lease, the sales tax shall be calculated by the vendor on the 52991
basis of the total amount to be paid during the initial fixed term 52992
of the lease, and then for each subsequent renewal period as it 52993
comes due. 52994

(5) In the case of a transaction in which telecommunications 52995
service, mobile telecommunications service, or cable television 52996
service is sold in a bundled transaction with other distinct 52997
services for a single price that is not itemized, the entire price 52998
is subject to the taxes levied under sections 5739.02, 5739.021, 52999
5739.023, and 5739.026 of the Revised Code, unless the vendor can 53000
reasonably identify the nontaxable portion from its books and 53001
records kept in the regular course of business. Upon the request 53002
of the consumer, the vendor shall disclose to the consumer the 53003
selling price for the taxable services included in the selling 53004
price for the taxable and nontaxable services billed on an 53005
aggregated basis. The burden of proving any nontaxable charges is 53006
on the vendor. 53007

(6) As used in divisions (H)(3) and (4) of this section, 53008
"motor vehicle" has the same meaning as in section 4501.01 of the 53009
Revised Code, and "watercraft" includes an outdrive unit attached 53010
to the watercraft. 53011

(I) "Receipts" means the total amount of the prices of the 53012
sales of vendors, provided that cash discounts allowed and taken 53013
on sales at the time they are consummated are not included, minus 53014
any amount deducted as a bad debt pursuant to section 5739.121 of 53015

the Revised Code. "Receipts" does not include the sale price of 53016
property returned or services rejected by consumers when the full 53017
sale price and tax are refunded either in cash or by credit. 53018

(J) "Place of business" means any location at which a person 53019
engages in business. 53020

(K) "Premises" includes any real property or portion thereof 53021
upon which any person engages in selling tangible personal 53022
property at retail or making retail sales and also includes any 53023
real property or portion thereof designated for, or devoted to, 53024
use in conjunction with the business engaged in by such person. 53025

(L) "Casual sale" means a sale of an item of tangible 53026
personal property that was obtained by the person making the sale, 53027
through purchase or otherwise, for the person's own use and was 53028
previously subject to any state's taxing jurisdiction on its sale 53029
or use, and includes such items acquired for the seller's use that 53030
are sold by an auctioneer employed directly by the person for such 53031
purpose, provided the location of such sales is not the 53032
auctioneer's permanent place of business. As used in this 53033
division, "permanent place of business" includes any location 53034
where such auctioneer has conducted more than two auctions during 53035
the year. 53036

(M) "Hotel" means every establishment kept, used, maintained, 53037
advertised, or held out to the public to be a place where sleeping 53038
accommodations are offered to guests, in which five or more rooms 53039
are used for the accommodation of such guests, whether the rooms 53040
are in one or several structures. 53041

(N) "Transient guests" means persons occupying a room or 53042
rooms for sleeping accommodations for less than thirty consecutive 53043
days. 53044

(O) "Making retail sales" means the effecting of transactions 53045
wherein one party is obligated to pay the price and the other 53046

party is obligated to provide a service or to transfer title to or 53047
possession of the item sold. "Making retail sales" does not 53048
include the preliminary acts of promoting or soliciting the retail 53049
sales, other than the distribution of printed matter which 53050
displays or describes and prices the item offered for sale, nor 53051
does it include delivery of a predetermined quantity of tangible 53052
personal property or transportation of property or personnel to or 53053
from a place where a service is performed, regardless of whether 53054
the vendor is a delivery vendor. 53055

(P) "Used directly in the rendition of a public utility 53056
service" means that property which is to be incorporated into and 53057
will become a part of the consumer's production, transmission, 53058
transportation, or distribution system and that retains its 53059
classification as tangible personal property after such 53060
incorporation; fuel or power used in the production, transmission, 53061
transportation, or distribution system; and tangible personal 53062
property used in the repair and maintenance of the production, 53063
transmission, transportation, or distribution system, including 53064
only such motor vehicles as are specially designed and equipped 53065
for such use. Tangible personal property and services used 53066
primarily in providing highway transportation for hire are not 53067
used in providing a public utility service as defined in this 53068
division. 53069

(Q) "Refining" means removing or separating a desirable 53070
product from raw or contaminated materials by distillation or 53071
physical, mechanical, or chemical processes. 53072

(R) "Assembly" and "assembling" mean attaching or fitting 53073
together parts to form a product, but do not include packaging a 53074
product. 53075

(S) "Manufacturing operation" means a process in which 53076
materials are changed, converted, or transformed into a different 53077
state or form from which they previously existed and includes 53078

refining materials, assembling parts, and preparing raw materials 53079
and parts by mixing, measuring, blending, or otherwise committing 53080
such materials or parts to the manufacturing process. 53081

"Manufacturing operation" does not include packaging. 53082

(T) "Fiscal officer" means, with respect to a regional 53083
transit authority, the secretary-treasurer thereof, and with 53084
respect to a county that is a transit authority, the fiscal 53085
officer of the county transit board if one is appointed pursuant 53086
to section 306.03 of the Revised Code or the county auditor if the 53087
board of county commissioners operates the county transit system. 53088

(U) "Transit authority" means a regional transit authority 53089
created pursuant to section 306.31 of the Revised Code or a county 53090
in which a county transit system is created pursuant to section 53091
306.01 of the Revised Code. For the purposes of this chapter, a 53092
transit authority must extend to at least the entire area of a 53093
single county. A transit authority that includes territory in more 53094
than one county must include all the area of the most populous 53095
county that is a part of such transit authority. County population 53096
shall be measured by the most recent census taken by the United 53097
States census bureau. 53098

(V) "Legislative authority" means, with respect to a regional 53099
transit authority, the board of trustees thereof, and with respect 53100
to a county that is a transit authority, the board of county 53101
commissioners. 53102

(W) "Territory of the transit authority" means all of the 53103
area included within the territorial boundaries of a transit 53104
authority as they from time to time exist. Such territorial 53105
boundaries must at all times include all the area of a single 53106
county or all the area of the most populous county that is a part 53107
of such transit authority. County population shall be measured by 53108
the most recent census taken by the United States census bureau. 53109

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.	53110 53111 53112
(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.	53113 53114 53115 53116
(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.	53117 53118 53119 53120 53121 53122
(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:	53123 53124 53125
(i) Examining or acquiring data stored in or accessible to the computer equipment;	53126 53127
(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.	53128 53129
(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.	53130 53131 53132
(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:	53133 53134 53135 53136
(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where	53137 53138 53139

the service provider receives data or information and studies,	53140
alters, analyzes, interprets, or adjusts such material;	53141
(b) Analyzing business policies and procedures;	53142
(c) Identifying management information needs;	53143
(d) Feasibility studies, including economic and technical	53144
analysis of existing or potential computer hardware or software	53145
needs and alternatives;	53146
(e) Designing policies, procedures, and custom software for	53147
collecting business information, and determining how data should	53148
be summarized, sequenced, formatted, processed, controlled, and	53149
reported so that it will be meaningful to management;	53150
(f) Developing policies and procedures that document how	53151
business events and transactions are to be authorized, executed,	53152
and controlled;	53153
(g) Testing of business procedures;	53154
(h) Training personnel in business procedure applications;	53155
(i) Providing credit information to users of such information	53156
by a consumer reporting agency, as defined in the "Fair Credit	53157
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	53158
as hereafter amended, including but not limited to gathering,	53159
organizing, analyzing, recording, and furnishing such information	53160
by any oral, written, graphic, or electronic medium;	53161
(j) Providing debt collection services by any oral, written,	53162
graphic, or electronic means.	53163
The services listed in divisions (Y)(2)(a) to (j) of this	53164
section are not automatic data processing or computer services.	53165
(Z) "Highway transportation for hire" means the	53166
transportation of personal property belonging to others for	53167
consideration by any of the following:	53168

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare; 53169
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(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section; 53174
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(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section. 53181
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(AA) "Telecommunications service" means the transmission of any interactive, two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium such as wires, cables, microwaves, cellular radio, radio waves, light waves, or any combination of those or similar media. 53183
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"Telecommunications service" includes message toll service even though the vendor provides the message toll service by means of wide area transmission type service or private communications service purchased from another telecommunications service provider, ~~but~~ and other related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling. 53188
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"Telecommunications service" does not include any of the following: 53196
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(1) Sales of incoming or outgoing wide area transmission service or wide area transmission type service, including eight 53198
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hundred or eight-hundred-type service, to the person contracting	53200
for the receipt of that service;	53201
(2) Sales of private communications service to the person	53202
contracting for the receipt of that service that entitles the	53203
purchaser to exclusive or priority use of a communications channel	53204
or group of channels between exchanges;	53205
(3) Sales of telecommunications service <u>billed to persons</u>	53206
<u>before January 1, 2004, by telephone</u> companies subject to the	53207
excise tax imposed by Chapter 5727. of the Revised Code;	53208
(4) Sales of telecommunications service to a provider of	53209
telecommunications service <u>or of mobile telecommunications</u>	53210
<u>service</u> , including access services, for use in providing	53211
telecommunications service <u>or mobile telecommunications service</u> ;	53212
(5) Value-added nonvoice services in which computer	53213
processing applications are used to act on the form, content,	53214
code, or protocol of the information to be transmitted;	53215
(6) Transmission of interactive video programming by a cable	53216
television system as defined in section 505.90 of the Revised	53217
Code;	53218
(7) After July 31, 2002, mobile telecommunications service.	53219
(BB) " Industrial laundry <u>Laundry and dry</u> cleaning services"	53220
means removing soil or dirt from or supplying towels, linens, or	53221
articles of clothing, <u>or other fabric items</u> that belong to others	53222
and are used in a trade or business <u>supplying towels, linens,</u>	53223
<u>articles of clothing, or other fabric items.</u> " <u>Laundry and dry</u>	53224
<u>cleaning services</u> " does not include the provision of self-service	53225
<u>facilities for use by consumers to remove soil or dirt from</u>	53226
<u>towels, linens, articles of clothing, or other fabric items.</u>	53227
(CC) "Magazines distributed as controlled circulation	53228
publications" means magazines containing at least twenty-four	53229

pages, at least twenty-five per cent editorial content, issued at 53230
regular intervals four or more times a year, and circulated 53231
without charge to the recipient, provided that such magazines are 53232
not owned or controlled by individuals or business concerns which 53233
conduct such publications as an auxiliary to, and essentially for 53234
the advancement of the main business or calling of, those who own 53235
or control them. 53236

(DD) "Landscaping and lawn care service" means the services 53237
of planting, seeding, sodding, removing, cutting, trimming, 53238
pruning, mulching, aerating, applying chemicals, watering, 53239
fertilizing, and providing similar services to establish, promote, 53240
or control the growth of trees, shrubs, flowers, grass, ground 53241
cover, and other flora, or otherwise maintaining a lawn or 53242
landscape grown or maintained by the owner for ornamentation or 53243
other nonagricultural purpose. However, "landscaping and lawn care 53244
service" does not include the providing of such services by a 53245
person who has less than five thousand dollars in sales of such 53246
services during the calendar year. 53247

(EE) "Private investigation and security service" means the 53248
performance of any activity for which the provider of such service 53249
is required to be licensed pursuant to Chapter 4749. of the 53250
Revised Code, or would be required to be so licensed in performing 53251
such services in this state, and also includes the services of 53252
conducting polygraph examinations and of monitoring or overseeing 53253
the activities on or in, or the condition of, the consumer's home, 53254
business, or other facility by means of electronic or similar 53255
monitoring devices. "Private investigation and security service" 53256
does not include special duty services provided by off-duty police 53257
officers, deputy sheriffs, and other peace officers regularly 53258
employed by the state or a political subdivision. 53259

(FF) "Information services" means providing conversation, 53260
giving consultation or advice, playing or making a voice or other 53261

recording, making or keeping a record of the number of callers, 53262
and any other service provided to a consumer by means of a nine 53263
hundred telephone call, except when the nine hundred telephone 53264
call is the means by which the consumer makes a contribution to a 53265
recognized charity. 53266

(GG) "Research and development" means designing, creating, or 53267
formulating new or enhanced products, equipment, or manufacturing 53268
processes, and also means conducting scientific or technological 53269
inquiry and experimentation in the physical sciences with the goal 53270
of increasing scientific knowledge which may reveal the bases for 53271
new or enhanced products, equipment, or manufacturing processes. 53272

(HH) "Qualified research and development equipment" means 53273
capitalized tangible personal property, and leased personal 53274
property that would be capitalized if purchased, used by a person 53275
primarily to perform research and development. Tangible personal 53276
property primarily used in testing, as defined in division (A)(4) 53277
of section 5739.011 of the Revised Code, or used for recording or 53278
storing test results, is not qualified research and development 53279
equipment unless such property is primarily used by the consumer 53280
in testing the product, equipment, or manufacturing process being 53281
created, designed, or formulated by the consumer in the research 53282
and development activity or in recording or storing such test 53283
results. 53284

(II) "Building maintenance and janitorial service" means 53285
cleaning the interior or exterior of a building and any tangible 53286
personal property located therein or thereon, including any 53287
services incidental to such cleaning for which no separate charge 53288
is made. However, "building maintenance and janitorial service" 53289
does not include the providing of such service by a person who has 53290
less than five thousand dollars in sales of such service during 53291
the calendar year. 53292

(JJ) "Employment service" means providing or supplying 53293

personnel, on a temporary or long-term basis, to perform work or 53294
labor under the supervision or control of another, when the 53295
personnel so supplied receive their wages, salary, or other 53296
compensation from the provider of the service. "Employment 53297
service" does not include: 53298

(1) Acting as a contractor or subcontractor, where the 53299
personnel performing the work are not under the direct control of 53300
the purchaser. 53301

(2) Medical and health care services. 53302

(3) Supplying personnel to a purchaser pursuant to a contract 53303
of at least one year between the service provider and the 53304
purchaser that specifies that each employee covered under the 53305
contract is assigned to the purchaser on a permanent basis. 53306

(4) Transactions between members of an affiliated group, as 53307
defined in division (B)(3)(e) of this section. 53308

(KK) "Employment placement service" means locating or finding 53309
employment for a person or finding or locating an employee to fill 53310
an available position. 53311

(LL) "Exterminating service" means eradicating or attempting 53312
to eradicate vermin infestations from a building or structure, or 53313
the area surrounding a building or structure, and includes 53314
activities to inspect, detect, or prevent vermin infestation of a 53315
building or structure. 53316

(MM) "Physical fitness facility service" means all 53317
transactions by which a membership is granted, maintained, or 53318
renewed, including initiation fees, membership dues, renewal fees, 53319
monthly minimum fees, and other similar fees and dues, by a 53320
physical fitness facility such as an athletic club, health spa, or 53321
gymnasium, which entitles the member to use the facility for 53322
physical exercise. 53323

(NN) "Recreation and sports club service" means all 53324
transactions by which a membership is granted, maintained, or 53325
renewed, including initiation fees, membership dues, renewal fees, 53326
monthly minimum fees, and other similar fees and dues, by a 53327
recreation and sports club, which entitles the member to use the 53328
facilities of the organization. "Recreation and sports club" means 53329
an organization that has ownership of, or controls or leases on a 53330
continuing, long-term basis, the facilities used by its members 53331
and includes an aviation club, gun or shooting club, yacht club, 53332
card club, swimming club, tennis club, golf club, country club, 53333
riding club, amateur sports club, or similar organization. 53334

(OO) "Livestock" means farm animals commonly raised for food 53335
or food production, and includes but is not limited to cattle, 53336
sheep, goats, swine, and poultry. "Livestock" does not include 53337
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 53338
animals for use in laboratories or for exhibition, or other 53339
animals not commonly raised for food or food production. 53340

(PP) "Livestock structure" means a building or structure used 53341
exclusively for the housing, raising, feeding, or sheltering of 53342
livestock, and includes feed storage or handling structures and 53343
structures for livestock waste handling. 53344

(QQ) "Horticulture" means the growing, cultivation, and 53345
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 53346
and nursery stock. As used in this division, "nursery stock" has 53347
the same meaning as in section 927.51 of the Revised Code. 53348

(RR) "Horticulture structure" means a building or structure 53349
used exclusively for the commercial growing, raising, or 53350
overwintering of horticultural products, and includes the area 53351
used for stocking, storing, and packing horticultural products 53352
when done in conjunction with the production of those products. 53353

(SS) "Newspaper" means an unbound publication bearing a title 53354

or name that is regularly published, at least as frequently as 53355
biweekly, and distributed from a fixed place of business to the 53356
public in a specific geographic area, and that contains a 53357
substantial amount of news matter of international, national, or 53358
local events of interest to the general public. 53359

(TT) "Professional racing team" means a person that employs 53360
at least twenty full-time employees for the purpose of conducting 53361
a motor vehicle racing business for profit. The person must 53362
conduct the business with the purpose of racing one or more motor 53363
racing vehicles in at least ten competitive professional racing 53364
events each year that comprise all or part of a motor racing 53365
series sanctioned by one or more motor racing sanctioning 53366
organizations. A "motor racing vehicle" means a vehicle for which 53367
the chassis, engine, and parts are designed exclusively for motor 53368
racing, and does not include a stock or production model vehicle 53369
that may be modified for use in racing. For the purposes of this 53370
division: 53371

(1) A "competitive professional racing event" is a motor 53372
vehicle racing event sanctioned by one or more motor racing 53373
sanctioning organizations, at which aggregate cash prizes in 53374
excess of eight hundred thousand dollars are awarded to the 53375
competitors. 53376

(2) "Full-time employee" means an individual who is employed 53377
for consideration for thirty-five or more hours a week, or who 53378
renders any other standard of service generally accepted by custom 53379
or specified by contract as full-time employment. 53380

(UU)(1) "Prepaid authorization number" means a numeric or 53381
alphanumeric combination that represents a prepaid account that 53382
can be used by the account holder solely to obtain 53383
telecommunications service, and includes any renewals or increases 53384
in the prepaid account. 53385

(2) "Prepaid telephone calling card" means a tangible item 53386
that contains a prepaid authorization number that can be used 53387
solely to obtain telecommunications service, and includes any 53388
renewals or increases in the prepaid account. 53389

(VV) "Lease" means any transfer for a consideration of the 53390
possession of and right to use, but not title to, tangible 53391
personal property for a fixed period of time greater than thirty 53392
days or for an open-ended period of time with a minimum fixed 53393
period of more than thirty days. 53394

(WW) "Mobile telecommunications service" has the same meaning 53395
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 53396
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and 53397
includes related fees and ancillary services, including universal 53398
service fees, detailed billing service, directory assistance, 53399
service initiation, voice mail service, and vertical services, 53400
such as caller ID and three-way calling. 53401

(XX) "Certified service provider" has the same meaning as in 53402
section 5740.01 of the Revised Code. 53403

(YY) "Satellite television service" means any transmission of 53404
video or other programming service to consumers, and includes all 53405
service and rental charges, premium channels or other special 53406
services, installation and repair service charges, and any other 53407
charges having any connection with the provision of the satellite 53408
television service. 53409

Sec. 5739.011. (A) As used in this section: 53410

(1) "Manufacturer" means a person who is engaged in 53411
manufacturing, processing, assembling, or refining a product for 53412
sale. 53413

(2) "Manufacturing facility" means a single location where a 53414
manufacturing operation is conducted, including locations 53415

consisting of one or more buildings or structures in a contiguous area owned or controlled by the manufacturer. 53416
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(3) "Materials handling" means the movement of the product being or to be manufactured, during which movement the product is not undergoing any substantial change or alteration in its state or form. 53418
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(4) "Testing" means a process or procedure to identify the properties or assure the quality of a material or product. 53422
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(5) "Completed product" means a manufactured item that is in the form and condition as it will be sold by the manufacturer. An item is completed when all processes that change or alter its state or form or enhance its value are finished, even though the item subsequently will be tested to ensure its quality or be packaged for storage or shipment. 53424
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(6) "Continuous manufacturing operation" means the process in which raw materials or components are moved through the steps whereby manufacturing occurs. Materials handling of raw materials or parts from the point of receipt or preproduction storage or of a completed product, to or from storage, to or from packaging, or to the place from which the completed product will be shipped, is not a part of a continuous manufacturing operation. 53430
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(B) For purposes of division (E)~~(9)~~(8) of section 5739.01 of the Revised Code, the "thing transferred" includes, but is not limited to, any of the following: 53437
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(1) Production machinery and equipment that act upon the product or machinery and equipment that treat the materials or parts in preparation for the manufacturing operation; 53440
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(2) Materials handling equipment that moves the product through a continuous manufacturing operation; equipment that temporarily stores the product during the manufacturing operation; or, excluding motor vehicles licensed to operate on public 53443
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highways, equipment used in intraplant or interplant transfers of 53447
work in process where the plant or plants between which such 53448
transfers occur are manufacturing facilities operated by the same 53449
person; 53450

(3) Catalysts, solvents, water, acids, oil, and similar 53451
consumables that interact with the product and that are an 53452
integral part of the manufacturing operation; 53453

(4) Machinery, equipment, and other tangible personal 53454
property used during the manufacturing operation that control, 53455
physically support, produce power for, lubricate, or are otherwise 53456
necessary for the functioning of production machinery and 53457
equipment and the continuation of the manufacturing operation; 53458

(5) Machinery, equipment, fuel, power, material, parts, and 53459
other tangible personal property used to manufacture machinery, 53460
equipment, or other tangible personal property used in 53461
manufacturing a product for sale; 53462

(6) Machinery, equipment, and other tangible personal 53463
property used by a manufacturer to test raw materials, the product 53464
being manufactured, or the completed product; 53465

(7) Machinery and equipment used to handle or temporarily 53466
store scrap that is intended to be reused in the manufacturing 53467
operation at the same manufacturing facility; 53468

(8) Coke, gas, water, steam, and similar substances used in 53469
the manufacturing operation; machinery and equipment used for, and 53470
fuel consumed in, producing or extracting those substances; 53471
machinery, equipment, and other tangible personal property used to 53472
treat, filter, pump, or otherwise make the substance suitable for 53473
use in the manufacturing operation; and machinery and equipment 53474
used for, and fuel consumed in, producing electricity for use in 53475
the manufacturing operation; 53476

(9) Machinery, equipment, and other tangible personal 53477

property used to transport or transmit electricity, coke, gas, 53478
water, steam, or similar substances used in the manufacturing 53479
operation from the point of generation, if produced by the 53480
manufacturer, or from the point where the substance enters the 53481
manufacturing facility, if purchased by the manufacturer, to the 53482
manufacturing operation; 53483

(10) Machinery, equipment, and other tangible personal 53484
property that treats, filters, cools, refines, or otherwise 53485
renders water, steam, acid, oil, solvents, or similar substances 53486
used in the manufacturing operation reusable, provided that the 53487
substances are intended for reuse and not for disposal, sale, or 53488
transportation from the manufacturing facility; 53489

(11) Parts, components, and repair and installation services 53490
for items described in division (B) of this section. 53491

(C) For purposes of division (E)~~(9)~~(8) of section 5739.01 of 53492
the Revised Code, the "thing transferred" does not include any of 53493
the following: 53494

(1) Tangible personal property used in administrative, 53495
personnel, security, inventory control, record-keeping, ordering, 53496
billing, or similar functions; 53497

(2) Tangible personal property used in storing raw materials 53498
or parts prior to the commencement of the manufacturing operation 53499
or used to handle or store a completed product, including storage 53500
that actively maintains a completed product in a marketable state 53501
or form; 53502

(3) Tangible personal property used to handle or store scrap 53503
or waste intended for disposal, sale, or other disposition, other 53504
than reuse in the manufacturing operation at the same 53505
manufacturing facility; 53506

(4) Tangible personal property that is or is to be 53507
incorporated into realty; 53508

(5) Machinery, equipment, and other tangible personal 53509
property used for ventilation, dust or gas collection, humidity or 53510
temperature regulation, or similar environmental control, except 53511
machinery, equipment, and other tangible personal property that 53512
totally regulates the environment in a special and limited area of 53513
the manufacturing facility where the regulation is essential for 53514
production to occur; 53515

(6) Tangible personal property used for the protection and 53516
safety of workers, unless the property is attached to or 53517
incorporated into machinery and equipment used in a continuous 53518
manufacturing operation; 53519

(7) Tangible personal property used to store fuel, water, 53520
solvents, acid, oil, or similar items consumed in the 53521
manufacturing operation; 53522

(8) Machinery, equipment, and other tangible personal 53523
property used to clean, repair, or maintain real or personal 53524
property in the manufacturing facility; 53525

(9) Motor vehicles registered for operation on public 53526
highways. 53527

(D) For purposes of division (E)~~(9)~~(8) of section 5739.01 of 53528
the Revised Code, if the "thing transferred" is a machine used by 53529
a manufacturer in both a taxable and an exempt manner, it shall be 53530
totally taxable or totally exempt from taxation based upon its 53531
quantified primary use. If the "things transferred" are fungibles, 53532
they shall be taxed based upon the proportion of the fungibles 53533
used in a taxable manner. 53534

Sec. 5739.02. For the purpose of providing revenue with which 53535
to meet the needs of the state, for the use of the general revenue 53536
fund of the state, for the purpose of securing a thorough and 53537
efficient system of common schools throughout the state, for the 53538

purpose of affording revenues, in addition to those from general 53539
property taxes, permitted under constitutional limitations, and 53540
from other sources, for the support of local governmental 53541
functions, and for the purpose of reimbursing the state for the 53542
expense of administering this chapter, an excise tax is hereby 53543
levied on each retail sale made in this state. 53544

(A) The tax shall be collected pursuant to the schedules in 53545
section 5739.025 of the Revised Code, provided that on and after 53546
July 1, 2003, and on or before June 30, 2005, the rate of tax 53547
shall be six per cent. 53548

The tax applies and is collectible when the sale is made, 53549
regardless of the time when the price is paid or delivered. 53550

In the case of a sale, the price of which consists in whole 53551
or in part of rentals for the use of the thing transferred, the 53552
tax, as regards those rentals, shall be measured by the 53553
installments of those rentals. 53554

In the case of a sale of a service defined under division 53555
(MM) or (NN) of section 5739.01 of the Revised Code, the price of 53556
which consists in whole or in part of a membership for the receipt 53557
of the benefit of the service, the tax applicable to the sale 53558
shall be measured by the installments thereof. 53559

(B) The tax does not apply to the following: 53560

(1) Sales to the state or any of its political subdivisions, 53561
or to any other state or its political subdivisions if the laws of 53562
that state exempt from taxation sales made to this state and its 53563
political subdivisions; 53564

(2) Sales of food for human consumption off the premises 53565
where sold; 53566

(3) Sales of food sold to students only in a cafeteria, 53567
dormitory, fraternity, or sorority maintained in a private, 53568

public, or parochial school, college, or university;	53569
(4) Sales of newspapers and of magazine subscriptions and	53570
sales or transfers of magazines distributed as controlled	53571
circulation publications;	53572
(5) The furnishing, preparing, or serving of meals without	53573
charge by an employer to an employee provided the employer records	53574
the meals as part compensation for services performed or work	53575
done;	53576
(6) Sales of motor fuel upon receipt, use, distribution, or	53577
sale of which in this state a tax is imposed by the law of this	53578
state, but this exemption shall not apply to the sale of motor	53579
fuel on which a refund of the tax is allowable under section	53580
5735.14 of the Revised Code; and the tax commissioner may deduct	53581
the amount of tax levied by this section applicable to the price	53582
of motor fuel when granting a refund of motor fuel tax pursuant to	53583
section 5735.14 of the Revised Code and shall cause the amount	53584
deducted to be paid into the general revenue fund of this state;	53585
(7) Sales of natural gas by a natural gas company, of water	53586
by a water-works company, or of steam by a heating company, if in	53587
each case the thing sold is delivered to consumers through pipes	53588
or conduits, and all sales of communications services by a	53589
telephone or telegraph company, all terms as defined in section	53590
5727.01 of the Revised Code;	53591
(8) Casual sales by a person, or auctioneer employed directly	53592
by the person to conduct such sales, except as to such sales of	53593
motor vehicles, watercraft or outboard motors required to be	53594
titled under section 1548.06 of the Revised Code, watercraft	53595
documented with the United States coast guard, snowmobiles, and	53596
all-purpose vehicles as defined in section 4519.01 of the Revised	53597
Code;	53598
(9) Sales of services or tangible personal property, other	53599

than motor vehicles, mobile homes, and manufactured homes, by 53600
churches, organizations exempt from taxation under section 53601
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 53602
organizations operated exclusively for charitable purposes as 53603
defined in division (B)(12) of this section, provided that the 53604
number of days on which such tangible personal property or 53605
services, other than items never subject to the tax, are sold does 53606
not exceed six in any calendar year. If the number of days on 53607
which such sales are made exceeds six in any calendar year, the 53608
church or organization shall be considered to be engaged in 53609
business and all subsequent sales by it shall be subject to the 53610
tax. In counting the number of days, all sales by groups within a 53611
church or within an organization shall be considered to be sales 53612
of that church or organization, except that sales made by separate 53613
student clubs and other groups of students of a primary or 53614
secondary school, and sales made by a parent-teacher association, 53615
booster group, or similar organization that raises money to 53616
support or fund curricular or extracurricular activities of a 53617
primary or secondary school, shall not be considered to be sales 53618
of such school, and sales by each such club, group, association, 53619
or organization shall be counted separately for purposes of the 53620
six-day limitation. This division does not apply to sales by a 53621
noncommercial educational radio or television broadcasting 53622
station. 53623

(10) Sales not within the taxing power of this state under 53624
the Constitution of the United States; 53625

(11) The Except for transactions that are sales under 53626
division (B)(3)(s) of section 5739.01 of the Revised Code, the 53627
transportation of persons or property, unless the transportation 53628
is by a private investigation and security service; 53629

(12) Sales of tangible personal property or services to 53630
churches, to organizations exempt from taxation under section 53631

501(c)(3) of the Internal Revenue Code of 1986, and to any other 53632
nonprofit organizations operated exclusively for charitable 53633
purposes in this state, no part of the net income of which inures 53634
to the benefit of any private shareholder or individual, and no 53635
substantial part of the activities of which consists of carrying 53636
on propaganda or otherwise attempting to influence legislation; 53637
sales to offices administering one or more homes for the aged or 53638
one or more hospital facilities exempt under section 140.08 of the 53639
Revised Code; and sales to organizations described in division (D) 53640
of section 5709.12 of the Revised Code. 53641

"Charitable purposes" means the relief of poverty; the 53642
improvement of health through the alleviation of illness, disease, 53643
or injury; the operation of an organization exclusively for the 53644
provision of professional, laundry, printing, and purchasing 53645
services to hospitals or charitable institutions; the operation of 53646
a home for the aged, as defined in section 5701.13 of the Revised 53647
Code; the operation of a radio or television broadcasting station 53648
that is licensed by the federal communications commission as a 53649
noncommercial educational radio or television station; the 53650
operation of a nonprofit animal adoption service or a county 53651
humane society; the promotion of education by an institution of 53652
learning that maintains a faculty of qualified instructors, 53653
teaches regular continuous courses of study, and confers a 53654
recognized diploma upon completion of a specific curriculum; the 53655
operation of a parent-teacher association, booster group, or 53656
similar organization primarily engaged in the promotion and 53657
support of the curricular or extracurricular activities of a 53658
primary or secondary school; the operation of a community or area 53659
center in which presentations in music, dramatics, the arts, and 53660
related fields are made in order to foster public interest and 53661
education therein; the production of performances in music, 53662
dramatics, and the arts; or the promotion of education by an 53663
organization engaged in carrying on research in, or the 53664

dissemination of, scientific and technological knowledge and 53665
information primarily for the public. 53666

Nothing in this division shall be deemed to exempt sales to 53667
any organization for use in the operation or carrying on of a 53668
trade or business, or sales to a home for the aged for use in the 53669
operation of independent living facilities as defined in division 53670
(A) of section 5709.12 of the Revised Code. 53671

(13) Building and construction materials and services sold to 53672
construction contractors for incorporation into a structure or 53673
improvement to real property under a construction contract with 53674
this state or a political subdivision of this state, or with the 53675
United States government or any of its agencies; building and 53676
construction materials and services sold to construction 53677
contractors for incorporation into a structure or improvement to 53678
real property that are accepted for ownership by this state or any 53679
of its political subdivisions, or by the United States government 53680
or any of its agencies at the time of completion of the structures 53681
or improvements; building and construction materials sold to 53682
construction contractors for incorporation into a horticulture 53683
structure or livestock structure for a person engaged in the 53684
business of horticulture or producing livestock; building 53685
materials and services sold to a construction contractor for 53686
incorporation into a house of public worship or religious 53687
education, or a building used exclusively for charitable purposes 53688
under a construction contract with an organization whose purpose 53689
is as described in division (B)(12) of this section; building 53690
materials and services sold to a construction contractor for 53691
incorporation into a building under a construction contract with 53692
an organization exempt from taxation under section 501(c)(3) of 53693
the Internal Revenue Code of 1986 when the building is to be used 53694
exclusively for the organization's exempt purposes; building and 53695
construction materials sold for incorporation into the original 53696

construction of a sports facility under section 307.696 of the Revised Code; and building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons engaged in any of the activities mentioned in division (E)(2) or ~~(9)~~(8) of section 5739.01 of the Revised Code, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, and "packaging" means placing therein.

(16) Sales of food to persons using food stamp benefits to purchase the food. As used in division (B)(16) of this section, "food" has the same meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal regulations adopted pursuant to that act.

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption directly in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption directly in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs dispensed by a licensed pharmacist upon the order of a licensed health professional authorized to prescribe drugs to a human being, as the term "licensed health professional authorized to prescribe drugs" is defined in section 4729.01 of the Revised Code; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with end-stage renal disease; hospital beds when purchased for use by persons with medical problems for medical purposes; and oxygen and oxygen-dispensing equipment when purchased for use by persons with medical problems for medical purposes;

(19)(a) Sales of artificial limbs or portion thereof, breast prostheses, and other prosthetic devices for humans; braces or other devices for supporting weakened or nonfunctioning parts of the human body; crutches or other devices to aid human

perambulation; and items of tangible personal property used to 53761
supplement impaired functions of the human body such as 53762
respiration, hearing, or elimination; 53763

(b) Sales of wheelchairs; items incorporated into or used in 53764
conjunction with a motor vehicle for the purpose of transporting 53765
wheelchairs, other than transportation conducted in connection 53766
with the sale or delivery of wheelchairs; and items incorporated 53767
into or used in conjunction with a motor vehicle that are 53768
specifically designed to assist a person with a disability to 53769
access or operate the motor vehicle. As used in this division, 53770
"person with a disability" means any person who has lost the use 53771
of one or both legs or one or both arms, who is blind, deaf, or 53772
disabled to the extent that the person is unable to move about 53773
without the aid of crutches or a wheelchair, or whose mobility is 53774
restricted by a permanent cardiovascular, pulmonary, or other 53775
disabling condition. 53776

(c) No exemption under this division shall be allowed for 53777
nonprescription drugs, medicines, or remedies; items or devices 53778
used to supplement vision; items or devices whose function is 53779
solely or primarily cosmetic; or physical fitness equipment. This 53780
division does not apply to sales to a physician or medical 53781
facility for use in the treatment of a patient. 53782

(20) Sales of emergency and fire protection vehicles and 53783
equipment to nonprofit organizations for use solely in providing 53784
fire protection and emergency services, including trauma care and 53785
emergency medical services, for political subdivisions of the 53786
state; 53787

(21) Sales of tangible personal property manufactured in this 53788
state, if sold by the manufacturer in this state to a retailer for 53789
use in the retail business of the retailer outside of this state 53790
and if possession is taken from the manufacturer by the purchaser 53791
within this state for the sole purpose of immediately removing the 53792

same from this state in a vehicle owned by the purchaser;	53793
(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;	53794 53795 53796 53797 53798
(23) Sales of motor vehicles to nonresidents of this state upon the presentation of an affidavit executed in this state by the nonresident purchaser affirming that the purchaser is a nonresident of this state, that possession of the motor vehicle is taken in this state for the sole purpose of immediately removing it from this state, that the motor vehicle will be permanently titled and registered in another state, and that the motor vehicle will not be used in this state;	53799 53800 53801 53802 53803 53804 53805 53806
(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.	53807 53808 53809 53810 53811 53812 53813 53814 53815 53816 53817 53818 53819 53820 53821
(25)(a) Sales of water to a consumer for residential use, except the sale of bottled water, distilled water, mineral water, carbonated water, or ice;	53822 53823 53824

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	53825 53826 53827 53828
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	53829 53830
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	53831 53832 53833 53834
(a) To prepare food for human consumption for sale;	53835
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	53836 53837 53838 53839
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	53840 53841
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	53842 53843
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	53844 53845 53846 53847
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	53848 53849 53850
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	53851 53852 53853
(32) The sale, lease, repair, and maintenance of, parts for,	53854

or items attached to or incorporated in, motor vehicles that are 53855
primarily used for transporting tangible personal property by a 53856
person engaged in highway transportation for hire; 53857

(33) Sales to the state headquarters of any veterans' 53858
organization in this state that is either incorporated and issued 53859
a charter by the congress of the United States or is recognized by 53860
the United States veterans administration, for use by the 53861
headquarters; 53862

(34) Sales to a telecommunications service vendor, mobile 53863
telecommunications service vendor, or satellite television service 53864
vendor of tangible personal property and services used directly 53865
and primarily in transmitting, receiving, switching, or recording 53866
any interactive, one- or two-way electromagnetic communications, 53867
including voice, image, data, and information, through the use of 53868
any medium, including, but not limited to, poles, wires, cables, 53869
switching equipment, computers, and record storage devices and 53870
media, and component parts for the tangible personal property. The 53871
exemption provided in division (B)(34) of this section shall be in 53872
lieu of all other exceptions under division (E)(2) of section 53873
5739.01 of the Revised Code to which a ~~telecommunications service~~ 53874
the vendor may otherwise be entitled based upon the use of the 53875
thing purchased in providing the telecommunications, mobile 53876
telecommunications, or satellite television service. 53877

(35) Sales of investment metal bullion and investment coins. 53878
"Investment metal bullion" means any elementary precious metal 53879
that has been put through a process of smelting or refining, 53880
including, but not limited to, gold, silver, platinum, and 53881
palladium, and which is in such state or condition that its value 53882
depends upon its content and not upon its form. "Investment metal 53883
bullion" does not include fabricated precious metal that has been 53884
processed or manufactured for one or more specific and customary 53885
industrial, professional, or artistic uses. "Investment coins" 53886

means numismatic coins or other forms of money and legal tender 53887
manufactured of gold, silver, platinum, palladium, or other metal 53888
under the laws of the United States or any foreign nation with a 53889
fair market value greater than any statutory or nominal value of 53890
such coins. 53891

(36)(a) Sales where the purpose of the consumer is to use or 53892
consume the things transferred in making retail sales and 53893
consisting of newspaper inserts, catalogues, coupons, flyers, gift 53894
certificates, or other advertising material that prices and 53895
describes tangible personal property offered for retail sale. 53896

(b) Sales to direct marketing vendors of preliminary 53897
materials such as photographs, artwork, and typesetting that will 53898
be used in printing advertising material; of printed matter that 53899
offers free merchandise or chances to win sweepstake prizes and 53900
that is mailed to potential customers with advertising material 53901
described in division (B)(36)(a) of this section; and of equipment 53902
such as telephones, computers, facsimile machines, and similar 53903
tangible personal property primarily used to accept orders for 53904
direct marketing retail sales. 53905

(c) Sales of automatic food vending machines that preserve 53906
food with a shelf life of forty-five days or less by refrigeration 53907
and dispense it to the consumer. 53908

For purposes of division (B)(36) of this section, "direct 53909
marketing" means the method of selling where consumers order 53910
tangible personal property by United States mail, delivery 53911
service, or telecommunication and the vendor delivers or ships the 53912
tangible personal property sold to the consumer from a warehouse, 53913
catalogue distribution center, or similar fulfillment facility by 53914
means of the United States mail, delivery service, or common 53915
carrier. 53916

(37) Sales to a person engaged in the business of 53917

horticulture or producing livestock of materials to be	53918
incorporated into a horticulture structure or livestock structure;	53919
(38) The sale of a motor vehicle that is used exclusively for	53920
a vanpool ridesharing arrangement to persons participating in the	53921
vanpool ridesharing arrangement when the vendor is selling the	53922
vehicle pursuant to a contract between the vendor and the	53923
department of transportation;	53924
(39) Sales of personal computers, computer monitors, computer	53925
keyboards, modems, and other peripheral computer equipment to an	53926
individual who is licensed or certified to teach in an elementary	53927
or a secondary school in this state for use by that individual in	53928
preparation for teaching elementary or secondary school students;	53929
(40) <u>(39)</u> Sales to a professional racing team of any of the	53930
following:	53931
(a) Motor racing vehicles;	53932
(b) Repair services for motor racing vehicles;	53933
(c) Items of property that are attached to or incorporated in	53934
motor racing vehicles, including engines, chassis, and all other	53935
components of the vehicles, and all spare, replacement, and	53936
rebuilt parts or components of the vehicles; except not including	53937
tires, consumable fluids, paint, and accessories consisting of	53938
instrumentation sensors and related items added to the vehicle to	53939
collect and transmit data by means of telemetry and other forms of	53940
communication.	53941
(41) <u>(40)</u> Sales of used manufactured homes and used mobile	53942
homes, as defined in section 5739.0210 of the Revised Code, made	53943
on or after January 1, 2000;	53944
(42) <u>(41)</u> Sales of tangible personal property and services to	53945
a provider of electricity used or consumed directly and primarily	53946
in generating, transmitting, or distributing electricity for use	53947

by others, including property that is or is to be incorporated 53948
into and will become a part of the consumer's production, 53949
transmission, or distribution system and that retains its 53950
classification as tangible personal property after incorporation; 53951
fuel or power used in the production, transmission, or 53952
distribution of electricity; and tangible personal property and 53953
services used in the repair and maintenance of the production, 53954
transmission, or distribution system, including only those motor 53955
vehicles as are specially designed and equipped for such use. The 53956
exemption provided in this division shall be in lieu of all other 53957
exceptions in division (E)(2) of section 5739.01 of the Revised 53958
Code to which a provider of electricity may otherwise be entitled 53959
based on the use of the tangible personal property or service 53960
purchased in generating, transmitting, or distributing 53961
electricity. 53962

(42) Sales to a person providing services under division 53963
(B)(3)(s) of section 5739.01 of the Revised Code of tangible 53964
personal property and services used directly and primarily in 53965
providing taxable services under that section. 53966

For the purpose of the proper administration of this chapter, 53967
and to prevent the evasion of the tax, it is presumed that all 53968
sales made in this state are subject to the tax until the contrary 53969
is established. 53970

As used in this section, except in division (B)(16) of this 53971
section, "food" includes cereals and cereal products, milk and 53972
milk products including ice cream, meat and meat products, fish 53973
and fish products, eggs and egg products, vegetables and vegetable 53974
products, fruits, fruit products, and pure fruit juices, 53975
condiments, sugar and sugar products, coffee and coffee 53976
substitutes, tea, and cocoa and cocoa products. It does not 53977
include: spirituous liquors, wine, mixed beverages, or beer; soft 53978
drinks; sodas and beverages that are ordinarily dispensed at or in 53979

connection with bars and soda fountains, other than coffee, tea, 53980
and cocoa; root beer and root beer extracts; malt and malt 53981
extracts; mineral oils, cod liver oils, and halibut liver oil; 53982
medicines, including tonics, vitamin preparations, and other 53983
products sold primarily for their medicinal properties; and water, 53984
including mineral, bottled, and carbonated waters, and ice. 53985

(C) The levy of this tax on retail sales of recreation and 53986
sports club service shall not prevent a municipal corporation from 53987
levying any tax on recreation and sports club dues or on any 53988
income generated by recreation and sports club dues. 53989

Sec. 5739.12. Each person who has or is required to have a 53990
vendor's license, on or before the twenty-third day of each month, 53991
shall make and file a return for the preceding month, on forms 53992
prescribed by the tax commissioner, and shall pay the tax shown on 53993
the return to be due. The commissioner may require a vendor that 53994
operates from multiple locations or has multiple vendor's licenses 53995
to report all tax liabilities on one consolidated return. The 53996
return shall show the amount of tax due from the vendor to the 53997
state for the period covered by the return and such other 53998
information as the commissioner deems necessary for the proper 53999
administration of this chapter. The commissioner may extend the 54000
time for making and filing returns and paying the tax, and may 54001
require that the return for the last month of any annual or 54002
semiannual period, as determined by the commissioner, be a 54003
reconciliation return detailing the vendor's sales activity for 54004
the preceding annual or semiannual period. The reconciliation 54005
return shall be filed by the last day of the month following the 54006
last month of the annual or semiannual period. The commissioner 54007
may remit all or any part of amounts or penalties that may become 54008
due under this chapter and may adopt rules relating thereto. Such 54009
return shall be filed by mailing it to the tax commissioner, 54010
together with payment of the amount of tax shown to be due thereon 54011

after deduction of any discount provided for under this section. 54012
Remittance shall be made payable to the treasurer of state. The 54013
return shall be considered filed when received by the tax 54014
commissioner, and the payment shall be considered made when 54015
received by the tax commissioner or when credited to an account 54016
designated by the treasurer of state or the tax commissioner. 54017

If the return is filed and the amount of tax shown thereon to 54018
be due is paid on or before the date such return is required to be 54019
filed, the vendor shall be entitled to a discount of ~~three-fourths~~ 54020
one and one-tenth of one per cent of the amount shown to be due on 54021
the return, but a vendor that has selected a certified service 54022
provider as its agent shall not be entitled to the discount. 54023
Amounts paid to the clerk of courts pursuant to section 4505.06 of 54024
the Revised Code shall be subject to the ~~three-fourths~~ one and 54025
one-tenth of one per cent discount. The discount shall be in 54026
consideration for prompt payment to the clerk of courts and for 54027
other services performed by the vendor in the collection of the 54028
tax. 54029

Upon application to the commissioner, a vendor who is 54030
required to file monthly returns may be relieved of the 54031
requirement to report and pay the actual tax due, provided that 54032
the vendor agrees to remit to the tax commissioner payment of not 54033
less than an amount determined by the commissioner to be the 54034
average monthly tax liability of the vendor, based upon a review 54035
of the returns or other information pertaining to such vendor for 54036
a period of not less than six months nor more than two years 54037
immediately preceding the filing of the application. Vendors who 54038
agree to the above conditions shall make and file an annual or 54039
semiannual reconciliation return, as prescribed by the 54040
commissioner. The reconciliation return shall be filed by mailing 54041
or delivering it to the tax commissioner, together with payment of 54042
the amount of tax shown to be due thereon after deduction of any 54043

discount provided in this section. Remittance shall be made 54044
payable to the treasurer of state. Failure of a vendor to comply 54045
with any of the above conditions may result in immediate 54046
reinstatement of the requirement of reporting and paying the 54047
actual tax liability on each monthly return, and the commissioner 54048
may at the commissioner's discretion deny the vendor the right to 54049
report and pay based upon the average monthly liability for a 54050
period not to exceed two years. The amount ascertained by the 54051
commissioner to be the average monthly tax liability of a vendor 54052
may be adjusted, based upon a review of the returns or other 54053
information pertaining to the vendor for a period of not less than 54054
six months nor more than two years preceding such adjustment. 54055

The commissioner may authorize vendors whose tax liability is 54056
not such as to merit monthly returns, as ascertained by the 54057
commissioner upon the basis of administrative costs to the state, 54058
to make and file returns at less frequent intervals. When returns 54059
are filed at less frequent intervals in accordance with such 54060
authorization, the vendor shall be allowed the discount of 54061
~~three-fourths~~ one and one-tenth of one per cent in consideration 54062
for prompt payment with the return, provided the return is filed 54063
together with payment of the amount of tax shown to be due 54064
thereon, at the time specified by the commissioner, but a vendor 54065
that has selected a certified service provider as its agent shall 54066
not be entitled to the discount. 54067

Any vendor who fails to file a return or pay the full amount 54068
of the tax shown on the return to be due under this section and 54069
the rules of the commissioner may, for each such return the vendor 54070
fails to file or each such tax the vendor fails to pay in full as 54071
shown on the return within the period prescribed by this section 54072
and the rules of the commissioner, be required to forfeit and pay 54073
into the state treasury an additional charge not exceeding fifty 54074
dollars or ten per cent of the tax required to be paid for the 54075

reporting period, whichever is greater, as revenue arising from 54076
the tax imposed by this chapter, and such sum may be collected by 54077
assessment in the manner provided in section 5739.13 of the 54078
Revised Code. The commissioner may remit all or a portion of the 54079
additional charge and may adopt rules relating to the imposition 54080
and remission of the additional charge. 54081

If the amount required to be collected by a vendor from 54082
consumers is in excess of five per cent of the vendor's receipts 54083
from sales that are taxable under section 5739.02 of the Revised 54084
Code, or in the case of sales subject to a tax levied pursuant to 54085
section 5739.021, 5739.023, or 5739.026 of the Revised Code, in 54086
excess of the percentage equal to the aggregate rate of such taxes 54087
and the tax levied by section 5739.02 of the Revised Code, such 54088
excess shall be remitted along with the remittance of the amount 54089
of tax due under section 5739.10 of the Revised Code. 54090

The commissioner, if the commissioner deems it necessary in 54091
order to insure the payment of the tax imposed by this chapter, 54092
may require returns and payments to be made for other than monthly 54093
periods. The returns shall be signed by the vendor or the vendor's 54094
authorized agent. 54095

Any vendor required to file a return and pay the tax under 54096
this section, whose total payment in any year indicated in 54097
division (A) of section 5739.122 of the Revised Code equals or 54098
exceeds the amount shown in that division, shall make each payment 54099
required by this section in the second ensuing and each succeeding 54100
year by electronic funds transfer as prescribed by, and on or 54101
before the dates specified in, section 5739.122 of the Revised 54102
Code, except as otherwise prescribed by that section. For a vendor 54103
that operates from multiple locations or has multiple vendor's 54104
licenses, in determining whether the vendor's total payment equals 54105
or exceeds the amount shown in division (A) of that section, the 54106
vendor's total payment amount shall be the amount of the vendor's 54107

total tax liability for the previous calendar year for all of the 54108
vendor's locations or licenses. 54109

Sec. 5741.02. (A) For the use of the general revenue fund of 54110
the state, an excise tax is hereby levied on the storage, use, or 54111
other consumption in this state of tangible personal property or 54112
the benefit realized in this state of any service provided. The 54113
tax shall be collected pursuant to the schedules in section 54114
5739.025 of the Revised Code, provided that on and after July 1, 54115
2003, and on or before June 30, 2005, the rate of the tax shall be 54116
six per cent. 54117

(B) Each consumer, storing, using, or otherwise consuming in 54118
this state tangible personal property or realizing in this state 54119
the benefit of any service provided, shall be liable for the tax, 54120
and such liability shall not be extinguished until the tax has 54121
been paid to this state; provided, that the consumer shall be 54122
relieved from further liability for the tax if the tax has been 54123
paid to a seller in accordance with section 5741.04 of the Revised 54124
Code or prepaid by the seller in accordance with section 5741.06 54125
of the Revised Code. 54126

(C) The tax does not apply to the storage, use, or 54127
consumption in this state of the following described tangible 54128
personal property or services, nor to the storage, use, or 54129
consumption or benefit in this state of tangible personal property 54130
or services purchased under the following described circumstances: 54131

(1) When the sale of property or service in this state is 54132
subject to the excise tax imposed by sections 5739.01 to 5739.31 54133
of the Revised Code, provided said tax has been paid; 54134

(2) Except as provided in division (D) of this section, 54135
tangible personal property or services, the acquisition of which, 54136
if made in Ohio, would be a sale not subject to the tax imposed by 54137
sections 5739.01 to 5739.31 of the Revised Code; 54138

(3) Property or services, the storage, use, or other 54139
consumption of or benefit from which this state is prohibited from 54140
taxing by the Constitution of the United States, laws of the 54141
United States, or the Constitution of this state. This exemption 54142
shall not exempt from the application of the tax imposed by this 54143
section the storage, use, or consumption of tangible personal 54144
property that was purchased in interstate commerce, but that has 54145
come to rest in this state, provided that fuel to be used or 54146
transported in carrying on interstate commerce that is stopped 54147
within this state pending transfer from one conveyance to another 54148
is exempt from the excise tax imposed by this section and section 54149
5739.02 of the Revised Code; 54150

(4) Transient use of tangible personal property in this state 54151
by a nonresident tourist or vacationer, or a non-business use 54152
within this state by a nonresident of this state, if the property 54153
so used was purchased outside this state for use outside this 54154
state and is not required to be registered or licensed under the 54155
laws of this state; 54156

(5) Tangible personal property or services rendered, upon 54157
which taxes have been paid to another jurisdiction to the extent 54158
of the amount of the tax paid to such other jurisdiction. Where 54159
the amount of the tax imposed by this section and imposed pursuant 54160
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 54161
exceeds the amount paid to another jurisdiction, the difference 54162
shall be allocated between the tax imposed by this section and any 54163
tax imposed by a county or a transit authority pursuant to section 54164
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 54165
to the respective rates of such taxes. 54166

As used in this subdivision, "taxes paid to another 54167
jurisdiction" means the total amount of retail sales or use tax or 54168
similar tax based upon the sale, purchase, or use of tangible 54169
personal property or services rendered legally, levied by and paid 54170

to another state or political subdivision thereof, or to the District of Columbia, where the payment of such tax does not entitle the taxpayer to any refund or credit for such payment.

(6) The transfer of a used manufactured home or used mobile home, as defined by section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(7) Drugs that are or are intended to be distributed free of charge to a practitioner licensed to prescribe, dispense, and administer drugs to a human being in the course of a professional practice and that by law may be dispensed only by or upon the order of such a practitioner.

(D) The tax applies to the storage, use, or other consumption in this state of tangible personal property or services, the acquisition of which at the time of sale was excepted under division (E)(1) of section 5739.01 of the Revised Code from the tax imposed by section 5739.02 of the Revised Code, but which has subsequently been temporarily or permanently stored, used, or otherwise consumed in a taxable manner.

(E)(1) If any transaction is claimed to be exempt under division (E) of section 5739.01 of the Revised Code or under section 5739.02 of the Revised Code, with the exception of divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the consumer shall provide to the seller, and the seller shall obtain from the consumer, a certificate specifying the reason that the transaction is not subject to the tax. The certificate shall be provided either in a hard copy form or electronic form, as prescribed by the tax commissioner. If the transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the exemption certificate shall be provided by both the contractor and contractee. Such contractee shall be deemed to be the consumer of all items purchased under the claim of exemption if it is subsequently

determined that the exemption is not properly claimed. The 54203
certificate shall be in such form as the tax commissioner by rule 54204
prescribes. The seller shall maintain records, including exemption 54205
certificates, of all sales on which a consumer has claimed an 54206
exemption, and provide them to the tax commissioner on request. 54207

(2) If no certificate is provided or obtained within the 54208
period for filing the return for the period in which the 54209
transaction is consummated, it shall be presumed that the tax 54210
applies. The failure to have so provided or obtained a certificate 54211
shall not preclude a seller or consumer from establishing, within 54212
one hundred twenty days of the giving of notice by the 54213
commissioner of intention to levy an assessment, that the 54214
transaction is not subject to the tax. 54215

(F) A seller who files a petition for reassessment contesting 54216
the assessment of tax on transactions for which the seller 54217
obtained no valid exemption certificates, and for which the seller 54218
failed to establish that the transactions were not subject to the 54219
tax during the one-hundred-twenty-day period allowed under 54220
division (E) of this section, may present to the tax commissioner 54221
additional evidence to prove that the transactions were exempt. 54222
The seller shall file such evidence within ninety days of the 54223
receipt by the seller of the notice of assessment, except that, 54224
upon application and for reasonable cause, the tax commissioner 54225
may extend the period for submitting such evidence thirty days. 54226

(G) For the purpose of the proper administration of sections 54227
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 54228
of the tax hereby levied, it shall be presumed that any use, 54229
storage, or other consumption of tangible personal property in 54230
this state is subject to the tax until the contrary is 54231
established. 54232

Sec. 5745.01. As used in this chapter: 54233

(A) "Electric company," and "combined company," and
"telephone company," have the same meanings as in section 5727.01
of the Revised Code, except "telephone company" does not include a
non profit corporation.

(B) "Electric light company" has the same meaning as in
section 4928.01 of the Revised Code, and includes the activities
of a combined company as an electric company, but excludes
nonprofit companies and municipal corporations.

(C) "Taxpayer" means ~~an~~ either of the following:

(1) An electric light company subject to taxation by a
municipal corporation in this state for a taxable year, excluding
an electric light company that is not an electric company or a
combined company and for which an election made under section
5745.031 of the Revised Code is not in effect with respect to the
taxable year. If such a company is a qualified subchapter S
subsidiary as defined in section 1361 of the Internal Revenue Code
or a disregarded entity, the company's parent S corporation or
owner is the taxpayer for the purposes of this chapter and is
hereby deemed to have nexus with this state under the Constitution
of the United States for the purposes of this chapter.

(2) A telephone company subject to taxation by a municipal
corporation in this state for a taxable year. A telephone company
is subject to taxation under this chapter for any taxable year
that begins on or after January 1, 2004. A telephone company with
a taxable year ending in 2004 shall compute the tax imposed under
this chapter, or shall compute its net operating loss carried
forward for that taxable year, by multiplying the tax owed, or the
loss for the taxable year, by fifty per cent.

(D) "Disregarded entity" means an entity that, for its
taxable year, is by default, or has elected to be, disregarded as
an entity separate from its owner pursuant to 26 C.F.R.

301.7701-3.	54265
(E) "Taxable year" of a taxpayer is the taxpayer's taxable year for federal income tax purposes.	54266 54267
(F) "Federal taxable income" means taxable income, before operating loss deduction and special deductions, as required to be reported for the taxpayer's taxable year under the Internal Revenue Code.	54268 54269 54270 54271
(G) "Adjusted federal taxable income" means federal taxable income adjusted as follows:	54272 54273
(1) Deduct intangible income as defined in section 718.01 of the Revised Code to the extent included in federal taxable income;	54274 54275
(2) Add expenses incurred in the production of such intangible income;	54276 54277
(3) If, with respect to a qualifying taxpayer and a qualifying asset there occurs a qualifying taxable event, the qualifying taxpayer shall reduce its federal taxable income, <u>as defined in division (F) of this section</u> , by the amount of the book-tax differential <u>difference</u> for that qualifying asset if the book-tax differential <u>difference</u> is greater than zero, and shall increase its federal taxable income by the absolute value of the amount of the book-tax differential <u>difference</u> for that qualifying asset if the book-tax differential <u>difference</u> is less than zero. The adjustments provided in division (G)(3) of this section are subject to divisions (B)(3), (4), and (5) of section 5733.0510 of the Revised Code to the extent those divisions apply to the adjustments in that section for the taxable year. A taxpayer shall not deduct or add any amount under division (G)(3) of this section with respect to a qualifying asset the sale, exchange, or other disposition of which resulted in the recognition of a gain or loss that the taxpayer deducted or added, respectively, under division (G)(1) or (2) of this section.	54278 54279 54280 54281 54282 54283 54284 54285 54286 54287 54288 54289 54290 54291 54292 54293 54294 54295

For the purposes of division (G)(3) of this section, "~~net~~ 54296
~~income~~" has the same meaning as in section 5733.04 of the Revised 54297
Code, ~~and~~ "book-tax differential difference," "qualifying 54298
taxpayer," "qualifying asset," and "qualifying taxable event" have 54299
the same meanings as in section 5733.0510 of the Revised Code. 54300

(4) Add the amounts described in section 5745.042 of the 54301
Revised Code. 54302

(5) If the taxpayer is not a C corporation and is not an 54303
individual, the taxpayer shall compute "adjusted federal taxable 54304
income" as if the taxpayer were a C corporation, but with respect 54305
to each owner-employee of the taxpayer, amounts paid or accrued to 54306
a qualified self-employed retirement plan and amounts paid or 54307
accrued to or for health insurance or life insurance shall not be 54308
allowed as a deduction. Nothing in this division shall be 54309
construed as allowing the taxpayer to deduct any amount more than 54310
once. 54311

(H) "Internal Revenue Code" means the "Internal Revenue Code 54312
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as ~~amended~~ it existed on 54313
December 31, 2001. 54314

(I) "Ohio net income" means the amount determined under 54315
division (B) of section 5745.02 of the Revised Code. 54316

Sec. 5745.02. (A) The annual report filed under section 54317
5745.03 of the Revised Code determines a taxpayer's Ohio net 54318
income and the portion of Ohio net income to be apportioned to a 54319
municipal corporation. 54320

(B) A taxpayer's Ohio net income is determined by multiplying 54321
the taxpayer's adjusted federal taxable income by the sum of the 54322
property factor multiplied by one-third, the payroll factor 54323
multiplied by one-third, and the sales factor multiplied by 54324
one-third. If the denominator of one of the factors is zero, the 54325

remaining two factors each shall be multiplied by one-half instead 54326
of one-third; if the denominator of two of the factors is zero, 54327
the remaining factor shall be multiplied by one. The property, 54328
payroll, and sales factors shall be determined in the manner 54329
prescribed by divisions (B)(1), (2), and (3) of this section. 54330

(1) The property factor is a fraction, the numerator of which 54331
is the average value of the taxpayer's real and tangible personal 54332
property owned or rented, and used in business in this state 54333
during the taxable year, and the denominator of which is the 54334
average value of all the taxpayer's real and tangible personal 54335
property owned or rented, and used in business everywhere during 54336
such year. Property owned by the taxpayer is valued at its 54337
original cost. Property rented by the taxpayer is valued at eight 54338
times the net annual rental rate. "Net annual rental rate" means 54339
the annual rental rate paid by the taxpayer less any annual rental 54340
rate received by the taxpayer from subrentals. The average value 54341
of property shall be determined by averaging the values at the 54342
beginning and the end of the taxable year, but the tax 54343
commissioner may require the averaging of monthly values during 54344
the taxable year, if reasonably required to reflect properly the 54345
average value of the taxpayer's property. 54346

(2) The payroll factor is a fraction, the numerator of which 54347
is the total amount paid in this state during the taxable year by 54348
the taxpayer for compensation, and the denominator of which is the 54349
total compensation paid everywhere by the taxpayer during such 54350
year. Compensation means any form of remuneration paid to an 54351
employee for personal services. Compensation is paid in this state 54352
if: (a) the recipient's service is performed entirely within this 54353
state, (b) the recipient's service is performed both within and 54354
without this state, but the service performed without this state 54355
is incidental to the recipient's service within this state, or (c) 54356
some of the service is performed within this state and either the 54357

base of operations, or if there is no base of operations, the 54358
place from which the service is directed or controlled is within 54359
this state, or the base of operations or the place from which the 54360
service is directed or controlled is not in any state in which 54361
some part of the service is performed, but the recipient's 54362
residence is in this state. 54363

(3) The sales factor is a fraction, the numerator of which is 54364
the total sales in this state by the taxpayer during the taxable 54365
year, and the denominator of which is the total sales by the 54366
taxpayer everywhere during such year. Sales of electricity shall 54367
be situated to this state in the manner provided under section 54368
5733.059 of the Revised Code. In determining the numerator and 54369
denominator of the sales factor, receipts from the sale or other 54370
disposal of a capital asset or an asset described in section 1231 54371
of the Internal Revenue Code shall be eliminated. Also, in 54372
determining the numerator and denominator of the sales factor, in 54373
the case of a reporting taxpayer owning at least eighty per cent 54374
of the issued and outstanding common stock of one or more 54375
insurance companies or public utilities, except an electric 54376
company, a combined company, or a telephone company, or owning at 54377
least twenty-five per cent of the issued and outstanding common 54378
stock of one or more financial institutions, receipts received by 54379
the reporting taxpayer from such utilities, insurance companies, 54380
and financial institutions shall be eliminated. 54381

For the purpose of division (B)(3) of this section, sales of 54382
tangible personal property are in this state where such property 54383
is received in this state by the purchaser. In the case of 54384
delivery of tangible personal property by common carrier or by 54385
other means of transportation, the place at which such property is 54386
ultimately received after all transportation has been completed 54387
shall be considered as the place at which such property is 54388
received by the purchaser. Direct delivery in this state, other 54389

than for purposes of transportation, to a person or firm 54390
designated by a purchaser constitutes delivery to the purchaser in 54391
this state, and direct delivery outside this state to a person or 54392
firm designated by a purchaser does not constitute delivery to the 54393
purchaser in this state, regardless of where title passes or other 54394
conditions of sale. 54395

Sales, other than sales of electricity or tangible personal 54396
property, are in this state if either the income-producing 54397
activity is performed solely in this state, or the 54398
income-producing activity is performed both within and without 54399
this state and a greater proportion of the income-producing 54400
activity is performed within this state than in any other state, 54401
based on costs of performance. 54402

For the purposes of division (B)(3) of this section, the tax 54403
commissioner may adopt rules to apportion sales within this state. 54404

(C) The portion of a taxpayer's Ohio net income taxable by 54405
each municipal corporation imposing an income tax shall be 54406
determined by multiplying the taxpayer's Ohio net income by the 54407
sum of the municipal property factor multiplied by one-third, the 54408
municipal payroll factor multiplied by one-third, and the 54409
municipal sales factor multiplied by one-third, and subtracting 54410
from the product so obtained any "municipal net operating loss 54411
carryforward from prior taxable years." If the denominator of one 54412
of the factors is zero, the remaining two factors each shall be 54413
multiplied by one-half instead of one-third; if the denominator of 54414
two of the factors is zero, the remaining factor shall be 54415
multiplied by one. In calculating the "municipal net operating 54416
loss carryforward from prior taxable years" for each municipal 54417
corporation, net operating losses are apportioned in and out of a 54418
municipal corporation for the taxable year in which the net 54419
operating loss occurs in the same manner that positive net income 54420
would have been so apportioned. Any net operating loss for a 54421

municipal corporation may be applied to subsequent net income in 54422
that municipal corporation to reduce that income to zero or until 54423
the net operating loss has been fully used as a deduction. The 54424
unused portion of net operating losses for each taxable year 54425
apportioned to a municipal corporation may only be applied against 54426
the income apportioned to that municipal corporation for five 54427
subsequent taxable years. Net operating losses occurring in 54428
taxable years ending before 2002 may not be subtracted under this 54429
section. 54430

A taxpayer's municipal property, municipal payroll, and 54431
municipal sales factors for a municipal corporation shall be 54432
determined as provided in divisions (C)(1), (2), and (3) of this 54433
section. 54434

(1) The municipal property factor is the quotient obtained by 54435
dividing (a) the average value of real and tangible personal 54436
property owned or rented by the taxpayer and used in business in 54437
the municipal corporation during the taxable year by (b) the 54438
average value of all of the taxpayer's real and tangible personal 54439
property owned or rented and used in business during that taxable 54440
year in this state. The value and average value of such property 54441
shall be determined in the same manner provided in division (B)(1) 54442
of this section. 54443

(2) The municipal payroll factor is the quotient obtained by 54444
dividing (a) the total amount of compensation earned in the 54445
municipal corporation by the taxpayer's employees during the 54446
taxable year for services performed for the taxpayer and that is 54447
subject to income tax withholding by the municipal corporation by 54448
(b) the total amount of compensation paid by the taxpayer to its 54449
employees in this state during the taxable year. Compensation has 54450
the same meaning as in division (B)(2) of this section. 54451

(3) The municipal sales factor is a fraction, the numerator 54452
of which is the taxpayer's total sales in a municipal corporation 54453

during the taxable year, and the denominator of which is the 54454
taxpayer's total sales in this state during such year. 54455

For the purpose of division (C)(3) of this section, sales of 54456
tangible personal property are in the municipal corporation where 54457
such property is received in the municipal corporation by the 54458
purchaser. Sales of electricity directly to the consumer, as 54459
defined in section 5733.059 of the Revised Code, shall be 54460
considered sales of tangible personal property. In the case of the 54461
delivery of tangible personal property by common carrier or by 54462
other means of transportation, the place at which such property 54463
ultimately is received after all transportation has been completed 54464
shall be considered as the place at which the property is received 54465
by the purchaser. Direct delivery in the municipal corporation, 54466
other than for purposes of transportation, to a person or firm 54467
designated by a purchaser constitutes delivery to the purchaser in 54468
that municipal corporation, and direct delivery outside the 54469
municipal corporation to a person or firm designated by a 54470
purchaser does not constitute delivery to the purchaser in that 54471
municipal corporation, regardless of where title passes or other 54472
conditions of sale. Sales, other than sales of tangible personal 54473
property, are in the municipal corporation if either: 54474

(a) The income-producing activity is performed solely in the 54475
municipal corporation; 54476

(b) The income-producing activity is performed both within 54477
and without the municipal corporation and a greater proportion of 54478
the income-producing activity is performed within that municipal 54479
corporation than any other location in this state, based on costs 54480
of performance. 54481

For the purposes of division (C)(3) of this section, the tax 54482
commissioner may adopt rules to apportion sales within each 54483
municipal corporation. 54484

(D) If a taxpayer is a combined company as defined in section 54485
5727.01 of the Revised Code, the municipal property, payroll, and 54486
sales factors under division (C) of this section shall be adjusted 54487
as follows: 54488

(1) The numerator of the municipal property factor shall 54489
include only the value, as determined under division (C)(1) of 54490
this section, of the company's real and tangible property in the 54491
municipal corporation attributed to the company's activity as an 54492
electric company using the same methodology prescribed under 54493
section 5727.03 of the Revised Code for taxable tangible personal 54494
property. 54495

(2) The numerator of the municipal payroll factor shall 54496
include only compensation paid in the municipal corporation by the 54497
company to its employees for personal services rendered in the 54498
company's activity as an electric company. 54499

(3) The numerator of the municipal sales factor shall include 54500
only the sales of tangible personal property and services, as 54501
determined under division (C)(3) of this section, made in the 54502
municipal corporation in the course of the company's activity as 54503
an electric company. 54504

(E)(1) If the provisions for apportioning adjusted federal 54505
taxable income or Ohio net income under ~~division~~ divisions (B), 54506
(C), and (D) of this section do not fairly represent business 54507
activity in this state or among municipal corporations, the tax 54508
commissioner may adopt rules for apportioning such income by an 54509
alternative method that fairly represents business activity in 54510
this state or among municipal corporations. 54511

(2) If any of the factors determined under division (B), (C), 54512
or (D) of this section does not fairly represent the extent of a 54513
taxpayer's business activity in this state or among municipal 54514
corporations, the taxpayer may request, or the tax commissioner 54515

may require, that the taxpayer's adjusted federal taxable income 54516
or Ohio net income be determined by an alternative method, 54517
including any of the alternative methods enumerated in division 54518
(B)(2)(d) of section 5733.05 of the Revised Code. A taxpayer 54519
requesting an alternative method shall make the request in writing 54520
to the tax commissioner either with the annual report, a timely 54521
filed amended report, or a timely filed petition for reassessment. 54522
When the tax commissioner requires or permits an alternative 54523
method under division (E)(2) of this section, the tax commissioner 54524
shall cause a written notice to that effect to be delivered to any 54525
municipal corporation that would be affected by application of the 54526
alternative method. Nothing in this division shall be construed to 54527
extend any statute of limitations under this chapter. 54528

(F)(1) The tax commissioner may adopt rules providing for the 54529
combination of adjusted federal taxable incomes of taxpayers 54530
satisfying the ownership or control requirements of section 54531
5733.052 of the Revised Code if the tax commissioner finds that 54532
such combinations are necessary to properly reflect adjusted 54533
federal taxable income, Ohio net income, or the portion of Ohio 54534
net income to be taxable by municipal corporations. 54535

(2) A taxpayer satisfying the ownership or control 54536
requirements of section 5733.052 of the Revised Code with respect 54537
to one or more other taxpayers may not combine their adjusted 54538
federal taxable incomes for the purposes of this section unless 54539
rules are adopted under division (F)(1) of this section allowing 54540
such a combination or the tax commissioner finds that such a 54541
combination is necessary to properly reflect the taxpayers' 54542
adjusted federal taxable incomes, Ohio net incomes, or the portion 54543
of Ohio net incomes to be subject to taxation within a municipal 54544
corporation. 54545

(G) The tax commissioner may adopt rules providing for 54546
alternative apportionment methods for a telephone company. 54547

Sec. 5745.04. (A) As used in this section, "combined tax liability" means the total of a taxpayer's income tax liabilities to all municipal corporations in this state for a taxable year.

(B) Beginning with its taxable year beginning in 2003, each taxpayer shall file a declaration of estimated tax report with, and remit estimated taxes to, the tax commissioner, payable to the treasurer of state, at the times and in the amounts prescribed in divisions (B)(1) to (4) of this section. This division also applies to a taxpayer having a taxable year consisting of fewer than twelve months, at least one of which is in 2002, that ends before January 1, 2003. The first taxable year a taxpayer is subject to this chapter, the estimated taxes the taxpayer is required to remit under this section shall be based solely on the current taxable year and not on the liability for the preceding taxable year.

(1) Not less than twenty-five per cent of the combined tax liability for the preceding taxable year or twenty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the fourth month after the end of the preceding taxable year.

(2) Not less than fifty per cent of the combined tax liability for the preceding taxable year or forty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the sixth month after the end of the preceding taxable year.

(3) Not less than seventy-five per cent of the combined tax liability for the preceding taxable year or sixty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the ninth month after the end of the preceding taxable year.

(4) Not less than one hundred per cent of the combined tax liability for the preceding taxable year or eighty per cent of the combined tax liability for the current taxable year shall have been remitted not later than the fifteenth day of the twelfth month after the end of the preceding taxable year.

(C) Each taxpayer shall report on the declaration of estimated tax report the portion of the remittance that the taxpayer estimates that it owes to each municipal corporation for the taxable year.

(D) Upon receiving a declaration of estimated tax report and remittance of estimated taxes under this section, the tax commissioner shall immediately forward to the treasurer of state such remittance. The treasurer of state shall credit ninety-eight and one-half per cent of the remittance to the municipal income tax fund and credit the remainder to the municipal income tax administrative fund.

(E) If any remittance of estimated taxes is for one thousand dollars or more, the taxpayer shall make the remittance by electronic funds transfer as prescribed by section 5745.04 of the Revised Code.

(F) Notwithstanding section 5745.08 or 5745.09 of the Revised Code, no penalty or interest shall be imposed on a taxpayer if the declaration of estimated tax report is properly filed, and the estimated tax is paid, within the time prescribed by division (B) of this section.

Sec. 5745.042. (A) As used in this section:

(1) "Intangible expenses and costs" means expenses, losses, and costs for, related to, or in connection with, the direct or indirect acquisition, use, maintenance, management, ownership, sale, exchange, or any other direct or indirect disposition of

intangible property to the extent such amounts are allowed as 54608
deductions or costs in determining taxable income before operating 54609
loss deduction and special deductions for the taxable year under 54610
the Internal Revenue Code. Such expenses and costs include losses 54611
related to, or incurred in connection with, factoring 54612
transactions, discounting transactions, royalty, patent, 54613
technical, copyright, and licensing fees, and other similar 54614
expenses and costs. 54615

(2) "Interest expenses and costs" include amounts directly or 54616
indirectly allowed as deductions under section 163 of the Internal 54617
Revenue Code for purposes of determining taxable income. 54618

(3) "Related member" has the same meaning as in section 54619
5733.042 of the Revised Code. 54620

(B) Except as otherwise provided in section 5745.044 of the 54621
Revised Code, for taxable years beginning on or after January 1, 54622
2004, in computing adjusted federal taxable income under division 54623
(H)(4) of section 5745.01 of the Revised Code, a taxpayer shall 54624
add interest expenses and costs and intangible expenses and costs 54625
directly or indirectly paid, accrued, or incurred to, or in 54626
connection with, one or more direct or indirect transactions with 54627
one or more related members. The taxpayer shall make the 54628
adjustment required under this division in accordance with the 54629
principles and concepts set forth in section 5733.057 of the 54630
Revised Code. 54631

(C)(1) Division (B) of this section does not apply to any 54632
portion of interest expenses and costs and intangible expenses and 54633
costs for which the taxpayer can establish by a preponderance of 54634
the evidence that: 54635

(a) The related member during the same taxable year directly 54636
or indirectly paid, accrued, or incurred such portion to a person 54637
who is not a related member, and during the six-year period 54638

commencing three years prior to the first day of the taxpayer's 54639
taxable year the person or the person's related member did not 54640
pay, accrue, or incur all or any portion, amount, or similar 54641
portion of such expenses or costs to the taxpayer or to any 54642
related member of the taxpayer; and 54643

(b) The transaction giving rise to the interest expenses and 54644
costs or the intangible expenses and costs between the taxpayer 54645
and the related member did not have as a principal purpose the 54646
avoidance of any portion of the tax due by the taxpayer. 54647

(2) A taxpayer shall not be required to make any adjustment 54648
required under division (B) of this section if the increased tax, 54649
if any, attributable to such adjustment would have been avoided 54650
had the taxpayer, the related member, and any other related 54651
members to whom the taxpayer's related member pays, accrues, or 54652
incurs the expenses and costs had filed a consolidated municipal 54653
income tax return. 54654

(D) If a taxpayer required to make an adjustment under 54655
division (B) of this section fails to make the adjustment and pay 54656
the additional tax, if any, attributable to such adjustment within 54657
one year after the taxpayer files the municipal income tax report, 54658
a penalty shall be imposed equal to twice the interest charged 54659
under section 5745.07 of the Revised Code. The penalty imposed 54660
under this division is in addition to all other interest, 54661
penalties, and other charges imposed under this chapter. 54662

(E) The tax commissioner may waive, abate, modify, or refund, 54663
with interest, all or any portion of a penalty imposed under 54664
division (D) of this section if the taxpayer establishes beyond a 54665
reasonable doubt that any failure to fully comply with this 54666
section was not an attempt to avoid any portion of the tax due 54667
under this chapter. 54668

(F)(1) As used in this division, "tax difference" means the 54669

difference between the tax imposed on a taxpayer under section 54670
5733.06 of the Revised Code and the amount of tax attributable to 54671
the adjustment required under division (B) of this section that 54672
the taxpayer pays within one year from the date prescribed for 54673
payment. 54674

(2) The penalty created under division (D) of this section 54675
does not apply if the tax difference: 54676

(a) Is less than ten per cent of the tax imposed under this 54677
chapter; and 54678

(b) Is less than fifty thousand dollars. 54679

(G) Nothing in this section shall be construed as requiring a 54680
taxpayer to add interest expenses and costs and intangible 54681
expenses and costs to federal taxable income more than once in any 54682
taxable year. 54683

Sec. 5745.044. (A)(1) As used in this section, "federal 54684
income tax return" does not include any return filed for purposes 54685
of reporting withholding taxes, providing information rather than 54686
reporting income tax liability, or claiming the benefits of a tax 54687
treaty between the United States and another government. 54688

(2) "Federal income tax" does not include withholding taxes. 54689

(3) "Related member" has the same meaning as in section 54690
5733.042 of the Revised Code. 54691

(B) The adjustments required under division (B) of section 54692
5745.042 of the Revised Code for interest expenses and costs and 54693
intangible expenses and costs paid to a related member do not 54694
apply to a C corporation for the taxable year if the C corporation 54695
establishes all of the following by clear and convincing evidence: 54696

(1) The corporation paid the expenses and costs to the 54697
related member either directly or through a related member that 54698
did not charge the corporation a fee; 54699

(2) The expenses and costs were paid to a related member that, for the six-year period beginning three years prior to the payment, was not subject to federal income tax with respect to the payment and was not required to file a federal income tax return with the internal revenue service for purposes of reporting the payment; 54700
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(3) During the six-year period beginning three years prior to the payment, the related member did not directly or indirectly remit any portion of the payment to any other related member that during any portion of the six-year period was subject to federal income tax with respect to the payment and was required to file a federal income tax return with the internal revenue service for purposes of reporting the payment; 54706
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(4) In calculating its federal income tax for the taxable year in which the payment occurred, the corporation is allowed to deduct the payment under an advanced pricing agreement between the corporation and the internal revenue service, it has satisfied the documentation requirements of sections 482 and 6662(e) of the Internal Revenue Code, or it has complied with section 482 of the Internal Revenue Code; and 54713
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(5) The transaction giving rise to the payment did not have as a principal purpose the avoidance of any portion of the tax due under this chapter. 54720
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(C) A corporation claiming that the adjustments required under division (B) of section 5745.042 of the Revised Code do not apply to it must refute by clear and convincing evidence any reasonable conclusion of the tax commissioner that any of the doctrines set forth in section 5703.56 of the Revised Code should apply. 54723
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(D) If a corporation makes a payment to a related member and the payment is processed or paid through another related member as 54729
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described in division (B)(1) of this section, this section applies 54731
only to the corporation's pro rata share of the total payments 54732
made by all such related members during the taxable year, unless 54733
the corporation establishes by clear and convincing evidence that 54734
its actual payment to the related member was more than its pro 54735
rata share. 54736

(E) Any adjustments made by the internal revenue service with 54737
respect to any related member of the corporation under an advanced 54738
pricing agreement or section 482 of the Internal Revenue Code 54739
shall be presumed to be adjustments properly attributed to the 54740
corporation, unless the corporation establishes by clear and 54741
convincing evidence that the adjustment should be attributed, in 54742
whole or in part, to another person. 54743

(F) If any corporation claims the benefit provided under 54744
division (B) of this section and is not entitled to such benefit, 54745
any adjustment required by section 5745.042 of the Revised Code 54746
shall be increased by an amount equal to twice the amount of the 54747
adjustment, unless the adjustment was made under an advanced 54748
pricing agreement. 54749

Sec. 5747.026. (A) For taxable years beginning on or after 54750
January 1, 2002, a member of the national guard or a member of a 54751
reserve component of the armed forces of the United States called 54752
to active or other duty under operation Iraqi freedom may apply to 54753
the tax commissioner for an extension for filing of the return and 54754
payment of taxes required under Chapter 5747. of the Revised Code 54755
during the period of the member's duty service and for sixty days 54756
thereafter. The application shall be filed on or before the 54757
sixtieth day after the member's duty terminates. An applicant 54758
shall provide such evidence as the commissioner considers 54759
necessary to demonstrate eligibility for the extension. 54760

(B)(1) If the commissioner determines that an applicant is 54761

qualified for an extension under this section, the commissioner 54762
shall enter into a contract with the applicant for the payment of 54763
the tax in installments that begin on the sixty-first day after 54764
the applicant's duty under operation Iraqi freedom terminates. 54765
Except as provided in division (B)(3) of this section, the 54766
commissioner may prescribe such contract terms as the commissioner 54767
considers appropriate. 54768

(2) If the commissioner determines that an applicant is 54769
qualified for an extension under this section, the applicant shall 54770
not be required to file any return, report, or other tax document 54771
before the sixty-first day after the applicant's duty under 54772
operation Iraqi freedom terminates. 54773

(3) Taxes paid pursuant to a contract entered into under 54774
division (B)(1) of this section are not delinquent. The tax 54775
commissioner shall not require any payments of penalties or 54776
interest in connection with such taxes. 54777

(C) The tax commissioner shall adopt rules necessary to 54778
administer this section, including rules establishing the 54779
following: 54780

(1) Forms and procedures by which applicants may apply for 54781
extensions; 54782

(2) Criteria for eligibility; 54783

(3) A schedule for repayment of deferred taxes. 54784

Sec. 5747.12. If a person entitled to a refund under section 54785
5747.11 or 5747.13 of the Revised Code is indebted to this state 54786
for any tax, workers' compensation premium due under section 54787
4123.35 of the Revised Code, unemployment compensation 54788
contribution due under section 4141.25 of the Revised Code, or fee 54789
administered by the tax commissioner that is paid to the state or 54790
to the clerk of courts pursuant to section 4505.06 of the Revised 54791

Code, or any charge, penalty, or interest arising from such a tax, 54792
workers' compensation premium, unemployment compensation 54793
contribution, or fee, the amount refundable may be applied in 54794
satisfaction of the debt. If the amount refundable is less than 54795
the amount of the debt, it may be applied in partial satisfaction 54796
of the debt. If the amount refundable is greater than the amount 54797
of the debt, the amount remaining after satisfaction of the debt 54798
shall be refunded. If the person has more than one such debt, any 54799
debt subject to section 5739.33 or division (G) of section 5747.07 54800
of the Revised Code shall be satisfied first. This section applies 54801
only to debts that have become final. 54802

The tax commissioner may, with the consent of the taxpayer, 54803
provide for the crediting, against tax imposed under this chapter 54804
or Chapter 5748. of the Revised Code and due for any taxable year, 54805
of the amount of any refund due the taxpayer under this chapter or 54806
Chapter 5748. of the Revised Code, as appropriate, for a preceding 54807
taxable year. 54808

Sec. 5903.12. (A) As used in this section: 54809

(1) "Continuing education" means continuing education 54810
required of a licensee by law and includes, but is not limited to, 54811
the continuing education required of licensees under sections 54812
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 54813
4725.16, ~~4725.51~~, 4731.281, 4734.25, 4735.141, 4736.11, 4741.16, 54814
4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 54815
of the Revised Code. 54816

(2) "License" means a license, certificate, permit, or other 54817
authorization issued or conferred by a licensing agency under 54818
which a licensee may engage in a profession, occupation, or 54819
occupational activity. 54820

(3) "Licensee" means a person to whom all of the following 54821
apply: 54822

(a) The person has been issued a license by a licensing agency. 54823
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(b) The person is a member of the Ohio national guard, the Ohio military reserve, the Ohio naval militia, or a reserve component of the armed forces of the United States. 54825
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(c) The person has been called to active duty, whether inside or outside the United States, because of an executive order issued by the president of the United States or an act of congress, for a period in excess of thirty-one days. 54828
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(4) "Licensing agency" means any state department, board, commission, agency, or other state governmental unit authorized by the Revised Code to issue a license. 54832
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(5) "Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law. 54835
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(B) Each licensing agency, upon receiving an application from one of its licensees that is accompanied by proper documentation certifying that the licensee has been called to active duty as described in division (A)(3)(c) of this section during the current or a prior reporting period and certifying the length of that active duty, shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month. 54838
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Sec. 6109.21. (A) Except as provided in divisions (D) and (E) of this section, on and after January 1, 1994, no person shall operate or maintain a public water system in this state without a license issued by the director of environmental protection. A person who operates or maintains a public water system on January 54848
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1, 1994, shall obtain an initial license under this section in accordance with the following schedule:

(1) If the public water system is a community water system, not later than January 31, 1994;

(2) If the public water system is not a community water system and serves a nontransient population, not later than January 31, 1994;

(3) If the public water system is not a community water system and serves a transient population, not later than January 31, 1995.

A person proposing to operate or maintain a new public water system after January 1, 1994, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall submit an application for an initial license under this section to the director prior to commencing operation of the system.

A license or license renewal issued under this section shall be renewed annually. Such a license or license renewal shall expire on the thirtieth day of January in the year following its issuance. A license holder that proposes to continue operating the public water system for which the license or license renewal was issued shall apply for a license renewal at least thirty days prior to that expiration date.

The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing procedures governing and information to be included on applications for licenses and license renewals under this section. Through June 30, ~~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 54884
equals a prorated amount of the appropriate fee established under 54885
that division for the remainder of the licensing year. 54886

(B) Not later than thirty days after receiving a completed 54887
application and the appropriate license fee for an initial license 54888
under division (A) of this section, the director shall issue the 54889
license for the public water system. Not later than thirty days 54890
after receiving a completed application and the appropriate 54891
license fee for a license renewal under division (A) of this 54892
section, the director shall do one of the following: 54893

(1) Issue the license renewal for the public water system; 54894

(2) Issue the license renewal subject to terms and conditions 54895
that the director determines are necessary to ensure compliance 54896
with this chapter and rules adopted under it; 54897

(3) Deny the license renewal if the director finds that the 54898
public water system was not operated in substantial compliance 54899
with this chapter and rules adopted under it. 54900

(C) The director may suspend or revoke a license or license 54901
renewal issued under this section if the director finds that the 54902
public water system was not operated in substantial compliance 54903
with this chapter and rules adopted under it. The director shall 54904
adopt, and may amend and rescind, rules in accordance with Chapter 54905
119. of the Revised Code governing such suspensions and 54906
revocations. 54907

(D)(1) As used in division (D) of this section, "church" 54908
means a fellowship of believers, congregation, society, 54909
corporation, convention, or association that is formed primarily 54910
or exclusively for religious purposes and that is not formed or 54911
operated for the private profit of any person. 54912

(2) This section does not apply to a church that operates or 54913
maintains a public water system solely to provide water for that 54914

church or for a campground that is owned by the church and 54915
operated primarily or exclusively for members of the church and 54916
their families. A church that, on or before March 5, 1996, has 54917
obtained a license under this section for such a public water 54918
system need not obtain a license renewal under this section. 54919

(E) This section does not apply to any public or nonpublic 54920
school that meets minimum standards of the state board of 54921
education that operates or maintains a public water system solely 54922
to provide water for that school. 54923

Sec. 6117.02. (A) The board of county commissioners shall fix 54924
reasonable rates, including penalties for late payments, for the 54925
use, or the availability for use, of the sanitary facilities of a 54926
sewer district to be paid by every person and public agency whose 54927
premises are served, or capable of being served, by a connection 54928
directly or indirectly to those facilities when those facilities 54929
are owned or operated by the county and may change the rates from 54930
time to time as it considers advisable. When the sanitary 54931
facilities to be used by the county are owned by another public 54932
agency or person, the schedule of rates to be charged by the 54933
public agency or person for the use of the facilities by the 54934
county, or the formula or other procedure for their determination, 54935
shall be approved by the board at the time it enters into a 54936
contract for that use. 54937

(B) The board also shall establish reasonable charges to be 54938
collected for the privilege of connecting to the sanitary 54939
facilities of the district, with the requirement that, prior to 54940
the connection, the charges shall be paid in full, or, if 54941
determined by the board to be equitable in a resolution relating 54942
to the payment of the charges, provision considered adequate by 54943
the board shall be made for their payment in installments at the 54944
times, in the amounts, and with the security, carrying charges, 54945

and penalties as may be found by the board in that resolution to 54946
be fair and appropriate. No public agency or person shall be 54947
permitted to connect to those facilities until the charges have 54948
been paid in full or provision for their payment in installments 54949
has been made. If the connection charges are to be paid in 54950
installments, the board shall certify to the county auditor 54951
information sufficient to identify each parcel of property served 54952
by a connection and, with respect to each parcel, the total of the 54953
charges to be paid in installments, the amount of each 54954
installment, and the total number of installments to be paid. The 54955
auditor shall record and maintain the information supplied in the 54956
sewer improvement record provided for in section 6117.33 of the 54957
Revised Code until the connection charges are paid in full. The 54958
board may include amounts attributable to connection charges being 54959
paid in installments in its billings of rates and charges for the 54960
use of sanitary facilities. 54961

(C) When any of the sanitary rates or charges are not paid 54962
when due, the board may do any or all of the following as it 54963
considers appropriate: 54964

(1) Certify the unpaid rates or charges, together with any 54965
penalties, to the county auditor, who shall place them upon the 54966
real property tax list and duplicate against the property served 54967
by the connection. The certified amount shall be a lien on the 54968
property from the date placed on the real property tax list and 54969
duplicate and shall be collected in the same manner as taxes, 54970
except that, notwithstanding section 323.15 of the Revised Code, a 54971
county treasurer shall accept a payment in that amount when 54972
separately tendered as payment for the full amount of the unpaid 54973
sanitary rates or charges and associated penalties. The lien shall 54974
be released immediately upon payment in full of the certified 54975
amount. 54976

(2) Collect the unpaid rates or charges, together with any 54977

penalties, by actions at law in the name of the county from an 54978
owner, tenant, or other person or public agency that is liable for 54979
the payment of the rates or charges; 54980

(3) Terminate, in accordance with established rules, the 54981
sanitary service to the particular property and, if so determined, 54982
any county water service to that property, unless and until the 54983
unpaid sanitary rates or charges, together with any penalties, are 54984
paid in full; 54985

(4) Apply, to the extent required, any security deposit made 54986
in accordance with established rules to the payment of sanitary 54987
rates and charges for service to the particular property. 54988

All moneys collected as sanitary rates, charges, or penalties 54989
fixed or established in accordance with divisions (A) and (B) of 54990
this section for any sewer district shall be paid to the county 54991
treasurer and kept in a separate and distinct sanitary fund 54992
established by the board to the credit of the district. Except as 54993
otherwise provided in any proceedings authorizing or providing for 54994
the security for and payment of any public obligations, or in any 54995
indenture or trust or other agreement securing public obligations, 54996
moneys in the sanitary fund shall be applied first to the payment 54997
of the cost of the management, maintenance, and operation of the 54998
sanitary facilities of, or used or operated for, the district, 54999
which cost may include the county's share of management, 55000
maintenance, and operation costs under cooperative contracts for 55001
the acquisition, construction, or use of sanitary facilities and, 55002
in accordance with a cost allocation plan adopted under division 55003
(E) of this section, payment of all allowable direct and indirect 55004
costs of the district, the county sanitary engineer or sanitary 55005
engineering department, or a federal or state grant program, 55006
incurred for sanitary purposes under this chapter, and shall be 55007
applied second to the payment of debt charges payable on any 55008
outstanding public obligations issued or incurred for the 55009

acquisition or construction of sanitary facilities for or serving 55010
the district, or for the funding of a bond retirement or other 55011
fund established for the payment of or security for the 55012
obligations. Any surplus remaining may be applied to the 55013
acquisition or construction of those facilities or for the payment 55014
of contributions to be made, or costs incurred, for the 55015
acquisition or construction of those facilities under cooperative 55016
contracts. Moneys in the sanitary fund shall not be expended other 55017
than for the use and benefit of the district. 55018

(D) The board may fix reasonable rates and charges, including 55019
connection charges and penalties for late payments, to be paid by 55020
any person or public agency owning or having possession or control 55021
of any properties that are connected with, capable of being served 55022
by, or otherwise served directly or indirectly by, drainage 55023
facilities owned or operated by or under the jurisdiction of the 55024
county, including, but not limited to, properties requiring, or 55025
lying within an area of the district requiring, in the judgment of 55026
the board, the collection, control, or abatement of waters 55027
originating or accumulating in, or flowing in, into, or through, 55028
the district, and may change those rates and charges from time to 55029
time as it considers advisable. The In addition, the board may fix 55030
the rates and charges in order to pay the costs of complying with 55031
the requirements of phase II of the storm water program of the 55032
national pollutant discharge elimination system established in 40 55033
C.F.R. part 122. 55034

The rates and charges shall be payable periodically as 55035
determined by the board, except that any connection charges shall 55036
be paid in full in one payment, or, if determined by the board to 55037
be equitable in a resolution relating to the payment of those 55038
charges, provision considered adequate by the board shall be made 55039
for their payment in installments at the times, in the amounts, 55040
and with the security, carrying charges, and penalties as may be 55041

found by the board in that resolution to be fair and appropriate. 55042
The board may include amounts attributable to connection charges 55043
being paid in installments in its billings of rates and charges 55044
for the services provided by the drainage facilities. In the case 55045
of rates and charges that are fixed in order to pay the costs of 55046
complying with the requirements of phase II of the storm water 55047
program of the national pollutant discharge elimination system 55048
established in 40 C.F.R. part 122, the rates and charges may be 55049
paid annually or semiannually with real property taxes, provided 55050
that the board certifies to the county auditor information that is 55051
sufficient for the auditor to identify each parcel of property for 55052
which a rate or charge is levied and the amount of the rate or 55053
charge. 55054

When any of the drainage rates or charges are not paid when 55055
due, the board may do any or all of the following as it considers 55056
appropriate: 55057

(1) Certify the unpaid rates or charges, together with any 55058
penalties, to the county auditor, who shall place them upon the 55059
real property tax list and duplicate against the property to which 55060
the rates or charges apply. The certified amount shall be a lien 55061
on the property from the date placed on the real property tax list 55062
and duplicate and shall be collected in the same manner as taxes, 55063
except that notwithstanding section 323.15 of the Revised Code, a 55064
county treasurer shall accept a payment in that amount when 55065
separately tendered as payment for the full amount of the unpaid 55066
drainage rates or charges and associated penalties. The lien shall 55067
be released immediately upon payment in full of the certified 55068
amount. 55069

(2) Collect the unpaid rates or charges, together with any 55070
penalties, by actions at law in the name of the county from an 55071
owner, tenant, or other person or public agency that is liable for 55072
the payment of the rates or charges; 55073

(3) Terminate, in accordance with established rules, the 55074
drainage service for the particular property until the unpaid 55075
rates or charges, together with any penalties, are paid in full; 55076

(4) Apply, to the extent required, any security deposit made 55077
in accordance with established rules to the payment of drainage 55078
rates and charges applicable to the particular property. 55079

All moneys collected as drainage rates, charges, or penalties 55080
in or for any sewer district shall be paid to the county treasurer 55081
and kept in a separate and distinct drainage fund established by 55082
the board to the credit of the district. Except as otherwise 55083
provided in any proceedings authorizing or providing for the 55084
security for and payment of any public obligations, or in any 55085
indenture or trust or other agreement securing public obligations, 55086
moneys in the drainage fund shall be applied first to the payment 55087
of the cost of the management, maintenance, and operation of the 55088
drainage facilities of, or used or operated for, the district, 55089
which cost may include the county's share of management, 55090
maintenance, and operation costs under cooperative contracts for 55091
the acquisition, construction, or use of drainage facilities and, 55092
in accordance with a cost allocation plan adopted under division 55093
(E) of this section, payment of all allowable direct and indirect 55094
costs of the district, the county sanitary engineer or sanitary 55095
engineering department, or a federal or state grant program, 55096
incurred for drainage purposes under this chapter, and shall be 55097
applied second to the payment of debt charges payable on any 55098
outstanding public obligations issued or incurred for the 55099
acquisition or construction of drainage facilities for or serving 55100
the district, or for the funding of a bond retirement or other 55101
fund established for the payment of or security for the 55102
obligations. Any surplus remaining may be applied to the 55103
acquisition or construction of those facilities or for the payment 55104
of contributions to be made, or costs incurred, for the 55105

acquisition or construction of those facilities under cooperative 55106
contracts. Moneys in the drainage fund shall not be expended other 55107
than for the use and benefit of the district. 55108

(E) A board of county commissioners may adopt a cost 55109
allocation plan that identifies, accumulates, and distributes 55110
allowable direct and indirect costs that may be paid from each of 55111
the funds of the district created pursuant to divisions (C) and 55112
(D) of this section, and that prescribes methods for allocating 55113
those costs. The plan shall authorize payment from each of those 55114
funds of only those costs incurred by the district, the county 55115
sanitary engineer or sanitary engineering department, or a federal 55116
or state grant program, and those costs incurred by the general 55117
and other funds of the county for a common or joint purpose, that 55118
are necessary and reasonable for the proper and efficient 55119
administration of the district under this chapter and properly 55120
attributable to the particular fund of the district. The plan 55121
shall not authorize payment from either of the funds of any 55122
general government expense required to carry out the overall 55123
governmental responsibilities of a county. The plan shall conform 55124
to United States office of management and budget Circular A-87, 55125
"Cost Principles for State, Local, and Indian Tribal Governments," 55126
published May 17, 1995. 55127

Section 2. That existing sections 9.01, 9.83, 101.34, 101.72, 55128
101.82, 102.02, 109.57, 109.572, 117.45, 121.04, 121.08, 121.084, 55129
121.62, 122.011, 122.04, 122.08, 122.25, 122.651, 122.658, 122.87, 55130
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5111.173, 5115.011, 5115.012, 5115.06, 5115.061, 5727.39, and 55223
5727.44 of the Revised Code are hereby repealed. 55224

Section 3.00. That existing Section 3 of Am. Sub. S.B. 272 of 55225
the 123rd General Assembly, as amended by Am. Sub. H.B. 768 of the 55226
123rd General Assembly, is hereby repealed. 55227

Section 3.01. That the version of section 921.22 of the 55228
Revised Code that is scheduled to take effect July 1, 2004, be 55229
amended to read as follows: 55230

Sec. 921.22. The pesticide program fund is hereby created in 55231
the state treasury. ~~All~~ The portion of the money in the fund that 55232
is collected under this chapter shall be used to carry out the 55233

purposes of this chapter. The portion of the money in the fund 55234
that is collected under section 927.53 of the Revised Code shall 55235
be used to carry out the purposes specified in that section, the 55236
portion of the money in the fund that is collected under section 55237
927.69 of the Revised Code shall be used to carry out the purposes 55238
specified in that section and the portion of the money in the fund 55239
that is collected under section 927.701 of the Revised Code shall 55240
be used to carry out the purposes of that section. The fund shall 55241
consist of fees collected under sections 921.01 to 921.15 and 55242
section 927.69 of the Revised Code, money collected under section 55243
927.701 of the Revised Code, and all fines, penalties, costs, and 55244
damages, except court costs, that are collected by either the 55245
director of agriculture or the attorney general in consequence of 55246
any violation of this chapter. 55247

Section 3.02. That the existing version of section 921.22 of 55248
the Revised Code that is scheduled to take effect July 1, 2004, is 55249
hereby repealed. 55250

Section 3.03. Sections 3.01 and 3.02 of this act take effect 55251
July 1, 2004. 55252

Section 3.04. That the version of section 3332.04 of the 55253
Revised Code that is scheduled to take effect on July 1, 2003, be 55254
amended to read as follows: 55255

Sec. 3332.04. The state board of career colleges and schools 55256
may appoint an executive director and such other staff as may be 55257
required for the performance of the board's duties and provide 55258
necessary facilities. In selecting an executive director, the 55259
board shall appoint an individual with a background or experience 55260
in the regulation of commerce, business, or education. The board 55261
may also arrange for services and facilities to be provided by the 55262

state board of education and the Ohio board of regents. All 55263
receipts of the board shall be deposited in the ~~career colleges~~ 55264
~~and schools operating fund, which is hereby created in the state~~ 55265
~~treasury. Moneys in the fund shall be used solely for the~~ 55266
~~administration and enforcement of Chapter 3332. of the Revised~~ 55267
~~Code. All investment earnings on the fund shall be credited to the~~ 55268
to the credit of the occupational licensing and regulatory fund. 55269

Section 3.05. That the version of section 3332.04 of the 55270
Revised Code that is scheduled to take effect on July 1, 2003, is 55271
hereby repealed. 55272

Section 3.06. Sections 3.04 and 3.05 of this act take effect 55273
July 1, 2003. 55274

Section 3.06A. That the version of section 2305.234 of the 55275
Revised Code that is scheduled to take effect January 1, 2004, be 55276
amended to read as follows: 55277

Sec. 2305.234. (A) As used in this section: 55278

(1) "Chiropractic claim," "medical claim," and "optometric 55279
claim" have the same meanings as in section 2305.113 of the 55280
Revised Code. 55281

(2) "Dental claim" has the same meaning as in section 55282
2305.113 of the Revised Code, except that it does not include any 55283
claim arising out of a dental operation or any derivative claim 55284
for relief that arises out of a dental operation. 55285

(3) "Governmental health care program" has the same meaning 55286
as in section 4731.65 of the Revised Code. 55287

(4) "Health care professional" means any of the following who 55288
provide medical, dental, or other health-related diagnosis, care, 55289
or treatment: 55290

(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	55291 55292 55293
(b) Registered nurses, advanced practice nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	55294 55295
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	55296 55297
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	55298 55299
(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	55300 55301
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	55302 55303
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	55304 55305
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	55306 55307
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	55308 55309
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	55310 55311
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code.	55312 55313 55314 55315
(5) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's	55316 55317 55318 55319

activities, including medical technicians, medical assistants, 55320
dental assistants, orderlies, aides, and individuals acting in 55321
similar capacities. 55322

(6) "Indigent and uninsured person" means a person who meets 55323
all of the following requirements: 55324

(a) The person's income is not greater than one hundred fifty 55325
per cent of the current poverty line as defined by the United 55326
States office of management and budget and revised in accordance 55327
with section 673(2) of the "Omnibus Budget Reconciliation Act of 55328
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 55329

(b) The person is not eligible to receive medical assistance 55330
under Chapter 5111., disability ~~assistance~~ medical assistance 55331
under Chapter 5115. of the Revised Code, or assistance under any 55332
other governmental health care program. 55333

(c) Either of the following applies: 55334

(i) The person is not a policyholder, certificate holder, 55335
insured, contract holder, subscriber, enrollee, member, 55336
beneficiary, or other covered individual under a health insurance 55337
or health care policy, contract, or plan. 55338

(ii) The person is a policyholder, certificate holder, 55339
insured, contract holder, subscriber, enrollee, member, 55340
beneficiary, or other covered individual under a health insurance 55341
or health care policy, contract, or plan, but the insurer, policy, 55342
contract, or plan denies coverage or is the subject of insolvency 55343
or bankruptcy proceedings in any jurisdiction. 55344

(7) "Operation" means any procedure that involves cutting or 55345
otherwise infiltrating human tissue by mechanical means, including 55346
surgery, laser surgery, ionizing radiation, therapeutic 55347
ultrasound, or the removal of intraocular foreign bodies. 55348
"Operation" does not include the administration of medication by 55349
injection, unless the injection is administered in conjunction 55350

with a procedure infiltrating human tissue by mechanical means 55351
other than the administration of medicine by injection. 55352

(8) "Nonprofit shelter or health care facility" means a 55353
charitable nonprofit corporation organized and operated pursuant 55354
to Chapter 1702. of the Revised Code, or any charitable 55355
organization not organized and not operated for profit, that 55356
provides shelter, health care services, or shelter and health care 55357
services to indigent and uninsured persons, except that "shelter 55358
or health care facility" does not include a hospital as defined in 55359
section 3727.01 of the Revised Code, a facility licensed under 55360
Chapter 3721. of the Revised Code, or a medical facility that is 55361
operated for profit. 55362

(9) "Tort action" means a civil action for damages for 55363
injury, death, or loss to person or property other than a civil 55364
action for damages for a breach of contract or another agreement 55365
between persons or government entities. 55366

(10) "Volunteer" means an individual who provides any 55367
medical, dental, or other health-care related diagnosis, care, or 55368
treatment without the expectation of receiving and without receipt 55369
of any compensation or other form of remuneration from an indigent 55370
and uninsured person, another person on behalf of an indigent and 55371
uninsured person, any shelter or health care facility, or any 55372
other person or government entity. 55373

(11) "Community control sanction" has the same meaning as in 55374
section 2929.01 of the Revised Code. 55375

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 55376
health care professional who is a volunteer and complies with 55377
division (B)(2) of this section is not liable in damages to any 55378
person or government entity in a tort or other civil action, 55379
including an action on a medical, dental, chiropractic, 55380
optometric, or other health-related claim, for injury, death, or 55381

loss to person or property that allegedly arises from an action or 55382
omission of the volunteer in the provision at a nonprofit shelter 55383
or health care facility to an indigent and uninsured person of 55384
medical, dental, or other health-related diagnosis, care, or 55385
treatment, including the provision of samples of medicine and 55386
other medical products, unless the action or omission constitutes 55387
willful or wanton misconduct. 55388

(2) To qualify for the immunity described in division (B)(1) 55389
of this section, a health care professional shall do all of the 55390
following prior to providing diagnosis, care, or treatment: 55391

(a) Determine, in good faith, that the indigent and uninsured 55392
person is mentally capable of giving informed consent to the 55393
provision of the diagnosis, care, or treatment and is not subject 55394
to duress or under undue influence; 55395

(b) Inform the person of the provisions of this section; 55396

(c) Obtain the informed consent of the person and a written 55397
waiver, signed by the person or by another individual on behalf of 55398
and in the presence of the person, that states that the person is 55399
mentally competent to give informed consent and, without being 55400
subject to duress or under undue influence, gives informed consent 55401
to the provision of the diagnosis, care, or treatment subject to 55402
the provisions of this section. 55403

(3) A physician or podiatrist who is not covered by medical 55404
malpractice insurance, but complies with division (B)(2) of this 55405
section, is not required to comply with division (A) of section 55406
4731.143 of the Revised Code. 55407

(C) Subject to divisions (E) and (F)(3) of this section, 55408
health care workers who are volunteers are not liable in damages 55409
to any person or government entity in a tort or other civil 55410
action, including an action upon a medical, dental, chiropractic, 55411
optometric, or other health-related claim, for injury, death, or 55412

loss to person or property that allegedly arises from an action or 55413
omission of the health care worker in the provision at a nonprofit 55414
shelter or health care facility to an indigent and uninsured 55415
person of medical, dental, or other health-related diagnosis, 55416
care, or treatment, unless the action or omission constitutes 55417
willful or wanton misconduct. 55418

(D) Subject to divisions (E) and (F)(3) of this section and 55419
section 3701.071 of the Revised Code, a nonprofit shelter or 55420
health care facility associated with a health care professional 55421
described in division (B)(1) of this section or a health care 55422
worker described in division (C) of this section is not liable in 55423
damages to any person or government entity in a tort or other 55424
civil action, including an action on a medical, dental, 55425
chiropractic, optometric, or other health-related claim, for 55426
injury, death, or loss to person or property that allegedly arises 55427
from an action or omission of the health care professional or 55428
worker in providing for the shelter or facility medical, dental, 55429
or other health-related diagnosis, care, or treatment to an 55430
indigent and uninsured person, unless the action or omission 55431
constitutes willful or wanton misconduct. 55432

(E)(1) Except as provided in division (E)(2) of this section, 55433
the immunities provided by divisions (B), (C), and (D) of this 55434
section are not available to an individual or to a nonprofit 55435
shelter or health care facility if, at the time of an alleged 55436
injury, death, or loss to person or property, the individuals 55437
involved are providing one of the following: 55438

(a) Any medical, dental, or other health-related diagnosis, 55439
care, or treatment pursuant to a community service work order 55440
entered by a court under division (B) of section 2951.02 of the 55441
Revised Code or imposed by a court as a community control 55442
sanction; 55443

(b) Performance of an operation; 55444

(c) Delivery of a baby.	55445
(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.	55446 55447 55448 55449 55450
(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.	55451 55452 55453
(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.	55454 55455 55456 55457 55458 55459
(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.	55460 55461 55462 55463
(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.	55464 55465 55466 55467
(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.	55468 55469 55470 55471 55472 55473
Section 3.06B. That the existing version of section 2305.234	55474

of the Revised Code that is scheduled to take effect January 1, 55475
2004, is hereby repealed. 55476

Section 3.06C. Sections 3.06A and 3.06B of this act take 55477
effect January 1, 2004. 55478

Section 3.06D. That the version of section 3734.44 of the 55479
Revised Code that is scheduled to take effect January 1, 2004, be 55480
amended to read as follows: 55481

Sec. 3734.44. Notwithstanding the provisions of any law to 55482
the contrary, no permit or license shall be issued or renewed by 55483
the director of environmental protection, ~~the hazardous waste~~ 55484
~~facility board,~~ or a board of health: 55485

(A) Unless the director, ~~the hazardous waste facility board,~~ 55486
or the board of health finds that the applicant, in any prior 55487
performance record in the transportation, transfer, treatment, 55488
storage, or disposal of solid wastes, infectious wastes, or 55489
hazardous waste, has exhibited sufficient reliability, expertise, 55490
and competency to operate the solid waste, infectious waste, or 55491
hazardous waste facility, given the potential for harm to human 55492
health and the environment that could result from the 55493
irresponsible operation of the facility, or, if no prior record 55494
exists, that the applicant is likely to exhibit that reliability, 55495
expertise, and competence; 55496

(B) If any individual or business concern required to be 55497
listed in the disclosure statement or shown to have a beneficial 55498
interest in the business of the applicant or the permittee, other 55499
than an equity interest or debt liability, by the investigation 55500
thereof, has been convicted of any of the following crimes under 55501
the laws of this state or equivalent laws of any other 55502
jurisdiction: 55503

(1) Murder;	55504
(2) Kidnapping;	55505
(3) Gambling;	55506
(4) Robbery;	55507
(5) Bribery;	55508
(6) Extortion;	55509
(7) Criminal usury;	55510
(8) Arson;	55511
(9) Burglary;	55512
(10) Theft and related crimes;	55513
(11) Forgery and fraudulent practices;	55514
(12) Fraud in the offering, sale, or purchase of securities;	55515
(13) Alteration of motor vehicle identification numbers;	55516
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	55517 55518
(15) Unlawful possession or use of destructive devices or explosives;	55519 55520
(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 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;	55521 55522 55523 55524 55525 55526 55527
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	55528 55529
(18) A violation of the criminal provisions of Chapter 1331.	55530

of the Revised Code; 55531

(19) Any violation of the criminal provisions of any federal 55532
or state environmental protection laws, rules, or regulations that 55533
is committed knowingly or recklessly, as defined in section 55534
2901.22 of the Revised Code; 55535

(20) A violation of any provision of Chapter 2909. of the 55536
Revised Code; 55537

(21) Any offense specified in Chapter 2921. of the Revised 55538
Code. 55539

(C) Notwithstanding division (B) of this section, no 55540
applicant shall be denied the issuance or renewal of a permit or 55541
license on the basis of a conviction of any individual or business 55542
concern required to be listed in the disclosure statement or shown 55543
to have a beneficial interest in the business of the applicant or 55544
the permittee, other than an equity interest or debt liability, by 55545
the investigation thereof for any of the offenses enumerated in 55546
that division as disqualification criteria if that applicant has 55547
affirmatively demonstrated rehabilitation of the individual or 55548
business concern by a preponderance of the evidence. If any such 55549
individual was convicted of any of the offenses so enumerated that 55550
are felonies, a permit shall be denied unless five years have 55551
elapsed since the individual was fully discharged from 55552
imprisonment and parole for the offense, from a community control 55553
sanction imposed under section 2929.15 of the Revised Code, from a 55554
post-release control sanction imposed under section 2967.28 of the 55555
Revised Code for the offense, or imprisonment, probation, and 55556
parole for an offense that was committed prior to July 1, 1996. In 55557
determining whether an applicant has affirmatively demonstrated 55558
rehabilitation, the director, ~~the hazardous waste facility board,~~ 55559
or the board of health shall request a recommendation on the 55560
matter from the attorney general and shall consider and base the 55561
determination on the following factors: 55562

(1) The nature and responsibilities of the position a convicted individual would hold;	55563 55564
(2) The nature and seriousness of the offense;	55565
(3) The circumstances under which the offense occurred;	55566
(4) The date of the offense;	55567
(5) The age of the individual when the offense was committed;	55568
(6) Whether the offense was an isolated or repeated incident;	55569
(7) Any social conditions that may have contributed to the offense;	55570 55571
(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;	55572 55573 55574 55575 55576 55577
(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.	55578 55579 55580 55581 55582 55583 55584 55585 55586 55587 55588 55589 55590 55591 55592

(D) Unless the director, ~~the hazardous waste facility board,~~ 55593
or the board of health finds that the applicant has a history of 55594
compliance with environmental laws in this state and other 55595
jurisdictions and is presently in substantial compliance with, or 55596
on a legally enforceable schedule that will result in compliance 55597
with, environmental laws in this state and other jurisdictions; 55598

(E) With respect to the approval of a permit, if the director 55599
~~or the hazardous waste facility board~~ determines that current 55600
prosecutions or pending charges in any jurisdiction for any of the 55601
offenses enumerated in division (B) of this section against any 55602
individual or business concern required to be listed in the 55603
disclosure statement or shown by the investigation to have a 55604
beneficial interest in the business of the applicant other than an 55605
equity interest or debt liability are of such magnitude that they 55606
prevent making the finding required under division (A) of this 55607
section, provided that at the request of the applicant or the 55608
individual or business concern charged, the director ~~or the~~ 55609
~~hazardous waste facility board~~ shall defer decision upon the 55610
application during the pendency of the charge. 55611

Section 3.06E. That the existing version of section 3734.44 55612
of the Revised Code that is scheduled to take effect on January 1, 55613
2004, is hereby repealed. 55614

Section 3.06F. Sections 3.06D and 3.06E of this act take 55615
effect January 1, 2004. 55616

Section 3.07. That the versions of sections 4503.234, 55617
4511.191, and 4511.75 of the Revised Code that are scheduled to 55618
take effect January 1, 2004, be amended to read as follows: 55619

Sec. 4503.234. (A) If a court is required by section 55620
4503.233, 4503.236, 4510.11, 4510.14, 4510.16, 4510.41, 4511.19, 55621

4511.193, or 4511.203 of the Revised Code to order the criminal 55622
forfeiture of a vehicle, the order shall be issued and enforced in 55623
accordance with this division, subject to division (B) of this 55624
section. An order of criminal forfeiture issued under this 55625
division shall authorize an appropriate law enforcement agency to 55626
seize the vehicle ordered criminally forfeited upon the terms and 55627
conditions that the court determines proper. No vehicle ordered 55628
criminally forfeited pursuant to this division shall be considered 55629
contraband for purposes of section 2933.41, 2933.42, or 2933.43 of 55630
the Revised Code, but the law enforcement agency that employs the 55631
officer who seized it shall hold the vehicle for disposal in 55632
accordance with this section. A forfeiture order may be issued 55633
only after the offender has been provided with an opportunity to 55634
be heard. The prosecuting attorney shall give the offender written 55635
notice of the possibility of forfeiture by sending a copy of the 55636
relevant uniform traffic ticket or other written notice to the 55637
offender not less than seven days prior to the date of issuance of 55638
the forfeiture order. A vehicle is subject to an order of criminal 55639
forfeiture pursuant to this division upon the conviction of the 55640
offender of or plea of guilty by the offender to a violation of 55641
division (A) of section 4503.236, section 4510.11, 4510.14, 55642
4510.16, or 4511.203, or division (A) of section 4511.19 of the 55643
Revised Code, or a municipal ordinance that is substantially 55644
equivalent to any of those sections or divisions. 55645

(B)(1) Prior to the issuance of an order of criminal 55646
forfeiture pursuant to this section, the law enforcement agency 55647
that employs the law enforcement officer who seized the vehicle 55648
shall conduct or cause to be conducted a search of the appropriate 55649
public records that relate to the vehicle and shall make or cause 55650
to be made reasonably diligent inquiries to identify any 55651
lienholder or any person or entity with an ownership interest in 55652
the vehicle. The court that is to issue the forfeiture order also 55653
shall cause a notice of the potential order relative to the 55654

vehicle and of the expected manner of disposition of the vehicle 55655
after its forfeiture to be sent to any lienholder or person who is 55656
known to the court to have any right, title, or interest in the 55657
vehicle. The court shall give the notice by certified mail, return 55658
receipt requested, or by personal service. 55659

(2) No order of criminal forfeiture shall be issued pursuant 55660
to this section if a lienholder or other person with an ownership 55661
interest in the vehicle establishes to the court, by a 55662
preponderance of the evidence after filing a motion with the 55663
court, that the lienholder or other person neither knew nor should 55664
have known after a reasonable inquiry that the vehicle would be 55665
used or involved, or likely would be used or involved, in the 55666
violation resulting in the issuance of the order of criminal 55667
forfeiture or the violation of the order of immobilization issued 55668
under section 4503.233 of the Revised Code, that the lienholder or 55669
other person did not expressly or impliedly consent to the use or 55670
involvement of the vehicle in that violation, and that the lien or 55671
ownership interest was perfected pursuant to law prior to the 55672
seizure of the vehicle under section 4503.236, 4510.41, 4511.195, 55673
or 4511.203 of the Revised Code. If the lienholder or holder of 55674
the ownership interest satisfies the court that these criteria 55675
have been met, the court shall preserve the lienholder's or other 55676
person's lien or interest, and the court either shall return the 55677
vehicle to the holder, or shall order that the proceeds of any 55678
sale held pursuant to division (C)(2) of this section be paid to 55679
the lienholder or holder of the interest less the costs of 55680
seizure, storage, and maintenance of the vehicle. The court shall 55681
not return a vehicle to a lienholder or a holder of an ownership 55682
interest unless the lienholder or holder submits an affidavit to 55683
the court that states that the lienholder or holder will not 55684
return the vehicle to the person from whom the vehicle was seized 55685
pursuant to the order of criminal forfeiture or to any member of 55686
that person's family and will not otherwise knowingly permit that 55687

person or any member of that person's family to obtain possession 55688
of the vehicle. 55689

(3) No order of criminal forfeiture shall be issued pursuant 55690
to this section if a person with an interest in the vehicle 55691
establishes to the court, by a preponderance of the evidence after 55692
filing a motion with the court, that the person neither knew nor 55693
should have known after a reasonable inquiry that the vehicle had 55694
been used or was involved in the violation resulting in the 55695
issuance of the order of criminal forfeiture or the violation of 55696
the order of immobilization issued under section 4503.233 of the 55697
Revised Code, that the person did not expressly or impliedly 55698
consent to the use or involvement of the vehicle in that 55699
violation, that the interest was perfected in good faith and for 55700
value pursuant to law between the time of the arrest of the 55701
offender and the final disposition of the criminal charge in 55702
question, and that the vehicle was in the possession of the 55703
interest holder at the time of the perfection of the interest. If 55704
the court is satisfied that the interest holder has met these 55705
criteria, the court shall preserve the interest holder's interest, 55706
and the court either shall return the vehicle to the interest 55707
holder or order that the proceeds of any sale held pursuant to 55708
division (C) of this section be paid to the holder of the interest 55709
less the costs of seizure, storage, and maintenance of the 55710
vehicle. The court shall not return a vehicle to an interest 55711
holder unless the holder submits an affidavit to the court stating 55712
that the holder will not return the vehicle to the person from 55713
whom the holder acquired the holder's interest, nor to any member 55714
of that person's family, and the holder will not otherwise 55715
knowingly permit that person or any member of that person's family 55716
to obtain possession of the vehicle. 55717

(C) A vehicle ordered criminally forfeited to the state 55718
pursuant to this section shall be disposed of as follows: 55719

(1) It shall be given to the law enforcement agency that 55720
employs the law enforcement officer who seized the vehicle, if 55721
that agency desires to have it; 55722

(2) If a vehicle is not disposed of pursuant to division 55723
(C)(1) of this section, the vehicle shall be sold, without 55724
appraisal, if the value of the vehicle is two thousand dollars or 55725
more as determined by publications of the national auto dealer's 55726
association, at a public auction to the highest bidder for cash. 55727
Prior to the sale, the prosecuting attorney in the case shall 55728
cause a notice of the proposed sale to be given in accordance with 55729
law. The court shall cause notice of the sale of the vehicle to be 55730
published in a newspaper of general circulation in the county in 55731
which the court is located at least seven days prior to the date 55732
of the sale. The proceeds of a sale under this division or 55733
division (F) of this section shall be applied in the following 55734
order: 55735

(a) First, they shall be applied to the payment of the costs 55736
incurred in connection with the seizure, storage, and maintenance 55737
of, and provision of security for, the vehicle, any proceeding 55738
arising out of the forfeiture, and if any, the sale. 55739

(b) Second, the remaining proceeds after compliance with 55740
division (C)(2)(a) of this section, shall be applied to the 55741
payment of the value of any lien or ownership interest in the 55742
vehicle preserved under division (B) of this section. 55743

(c) Third, the remaining proceeds, after compliance with 55744
divisions (C)(2)(a) and (b) of this section, shall be applied to 55745
the appropriate funds in accordance with divisions (D)(1)(c) and 55746
(2) of section 2933.43 of the Revised Code, provided that the 55747
total of the amount so deposited under this division shall not 55748
exceed one thousand dollars. The remaining proceeds deposited 55749
under this division shall be used only for the purposes authorized 55750

by those divisions and division (D)(3)(a)(ii) of that section. 55751

(d) Fourth, the remaining proceeds after compliance with 55752
divisions (C)(2)(a) and (b) of this section and after deposit of a 55753
total amount of one thousand dollars under division (C)(2)(c) of 55754
this section shall be applied so that ~~fifty~~ seventy-five per cent 55755
of those remaining proceeds is paid into the reparation fund 55756
established by section 2743.191 of the Revised Code, ~~twenty-five~~ 55757
~~per cent is paid into the drug abuse resistance education programs~~ 55758
~~fund created by division (F)(2)(c) of section 4511.191 of the~~ 55759
~~Revised Code and shall be used only for the purposes authorized by~~ 55760
~~division (F)(2)(c) of that section,~~ and twenty-five per cent is 55761
applied to the appropriate funds in accordance with division 55762
(D)(1)(c) of section 2933.43 of the Revised Code. The proceeds 55763
deposited into any fund described in section 2933.43 of the 55764
Revised Code shall be used only for the purposes authorized by 55765
division (D)(1)(c), (2), and (3)(a)(ii) of that section. 55766

(D) Except as provided in division (E) of section 4511.203 of 55767
the Revised Code and notwithstanding any other provision of law, 55768
neither the registrar of motor vehicles nor any deputy registrar 55769
shall accept an application for the registration of any motor 55770
vehicle in the name of any person, or register any motor vehicle 55771
in the name of any person, if both of the following apply: 55772

(1) Any vehicle registered in the person's name was 55773
criminally forfeited under this section and section 4503.233, 55774
4503.236, 4510.10, 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 55775
4511.19, 4511.193, or 4511.203 of the Revised Code; 55776

(2) Less than five years have expired since the issuance of 55777
the most recent order of criminal forfeiture issued in relation to 55778
a vehicle registered in the person's name. 55779

(E) If a court is required by section 4503.233, 4503.236, 55780
4510.10, 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 4511.19, 55781

4511.193, or 4511.203 of the Revised Code to order the criminal 55782
forfeiture to the state of a vehicle, and the title to the motor 55783
vehicle is assigned or transferred, and division (B)(2) or (3) of 55784
this section applies, in addition to or independent of any other 55785
penalty established by law, the court may fine the offender the 55786
value of the vehicle as determined by publications of the national 55787
auto dealer's association. The proceeds from any fine imposed 55788
under this division shall be distributed in accordance with 55789
division (C)(2) of this section. 55790

(F) As used in this section and divisions (D)(1)(c), (D)(2), 55791
and (D)(3)(a)(ii) of section 2933.43 of the Revised Code in 55792
relation to proceeds of the sale of a vehicle under division (C) 55793
of this section, "prosecuting attorney" includes the prosecuting 55794
attorney, village solicitor, city director of law, or similar 55795
chief legal officer of a municipal corporation who prosecutes the 55796
case resulting in the conviction or guilty plea in question. 55797

(G) If the vehicle to be forfeited has an average retail 55798
value of less than two thousand dollars as determined by 55799
publications of the national auto dealer's association, no public 55800
auction is required to be held. In such a case, the court may 55801
direct that the vehicle be disposed of in any manner that it 55802
considers appropriate, including assignment of the certificate of 55803
title to the motor vehicle to a salvage dealer or a scrap metal 55804
processing facility. The court shall not transfer the vehicle to 55805
the person who is the vehicle's immediate previous owner. 55806

If the court assigns the motor vehicle to a salvage dealer or 55807
scrap metal processing facility and the court is in possession of 55808
the certificate of title to the motor vehicle, it shall send the 55809
assigned certificate of title to the motor vehicle to the clerk of 55810
the court of common pleas of the county in which the salvage 55811
dealer or scrap metal processing facility is located. The court 55812
shall mark the face of the certificate of title with the words 55813

"FOR DESTRUCTION" and shall deliver a photocopy of the certificate 55814
of title to the salvage dealer or scrap metal processing facility 55815
for its records. 55816

If the court is not in possession of the certificate of title 55817
to the motor vehicle, the court shall issue an order transferring 55818
ownership of the motor vehicle to a salvage dealer or scrap metal 55819
processing facility, send the order to the clerk of the court of 55820
common pleas of the county in which the salvage dealer or scrap 55821
metal processing facility is located, and send a photocopy of the 55822
order to the salvage dealer or scrap metal processing facility for 55823
its records. The clerk shall make the proper notations or entries 55824
in the clerk's records concerning the disposition of the motor 55825
vehicle. 55826

Sec. 4511.191. (A)(1) "Physical control" has the same meaning 55827
as in section 4511.194 of the Revised Code. 55828

(2) Any person who operates a vehicle, streetcar, or 55829
trackless trolley upon a highway or any public or private property 55830
used by the public for vehicular travel or parking within this 55831
state or who is in physical control of a vehicle, streetcar, or 55832
trackless trolley shall be deemed to have given consent to a 55833
chemical test or tests of the person's whole blood, blood serum or 55834
plasma, breath, or urine to determine the alcohol, drug, or 55835
alcohol and drug content of the person's whole blood, blood serum 55836
or plasma, breath, or urine if arrested for a violation of 55837
division (A) or (B) of section 4511.19 of the Revised Code, 55838
section 4511.194 of the Revised Code, or a municipal OVI 55839
ordinance. 55840

(3) The chemical test or tests under division (A)(2) of this 55841
section shall be administered at the request of a law enforcement 55842
officer having reasonable grounds to believe the person was 55843
operating or in physical control of a vehicle, streetcar, or 55844

trackless trolley in violation of a division, section, or 55845
ordinance identified in division (A)(2) of this section. The law 55846
enforcement agency by which the officer is employed shall 55847
designate which of the tests shall be administered. 55848

(4) Any person who is dead or unconscious, or who otherwise 55849
is in a condition rendering the person incapable of refusal, shall 55850
be deemed to have consented as provided in division (A)(2) of this 55851
section, and the test or tests may be administered, subject to 55852
sections 313.12 to 313.16 of the Revised Code. 55853

(B)(1) Upon receipt of the sworn report of a law enforcement 55854
officer who arrested a person for a violation of division (A) or 55855
(B) of section 4511.19 of the Revised Code, section 4511.194 of 55856
the Revised Code, or a municipal OVI ordinance that was completed 55857
and sent to the registrar and a court pursuant to section 4511.192 55858
of the Revised Code in regard to a person who refused to take the 55859
designated chemical test, the registrar shall enter into the 55860
registrar's records the fact that the person's driver's or 55861
commercial driver's license or permit or nonresident operating 55862
privilege was suspended by the arresting officer under this 55863
division and that section and the period of the suspension, as 55864
determined under this section. The suspension shall be subject to 55865
appeal as provided in section 4511.197 of the Revised Code. The 55866
suspension shall be for whichever of the following periods 55867
applies: 55868

(a) Except when division (B)(1)(b), (c), or (d) of this 55869
section applies and specifies a different class or length of 55870
suspension, the suspension shall be a class C suspension for the 55871
period of time specified in division (B)(3) of section 4510.02 of 55872
the Revised Code. 55873

(b) If the arrested person, within six years of the date on 55874
which the person refused the request to consent to the chemical 55875
test, had refused one previous request to consent to a chemical 55876

test, the suspension shall be a class B suspension imposed for the 55877
period of time specified in division (B)(2) of section 4510.02 of 55878
the Revised Code. 55879

(c) If the arrested person, within six years of the date on 55880
which the person refused the request to consent to the chemical 55881
test, had refused two previous requests to consent to a chemical 55882
test, the suspension shall be a class A suspension imposed for the 55883
period of time specified in division (B)(1) of section 4510.02 of 55884
the Revised Code. 55885

(d) If the arrested person, within six years of the date on 55886
which the person refused the request to consent to the chemical 55887
test, had refused three or more previous requests to consent to a 55888
chemical test, the suspension shall be for five years. 55889

(2) The registrar shall terminate a suspension of the 55890
driver's or commercial driver's license or permit of a resident or 55891
of the operating privilege of a nonresident, or a denial of a 55892
driver's or commercial driver's license or permit, imposed 55893
pursuant to division (B)(1) of this section upon receipt of notice 55894
that the person has entered a plea of guilty to, or has been 55895
convicted of, operating a vehicle in violation of section 4511.19 55896
of the Revised Code or in violation of a municipal OVI ordinance, 55897
if the offense for which the conviction is had or the plea is 55898
entered arose from the same incident that led to the suspension or 55899
denial. 55900

The registrar shall credit against any judicial suspension of 55901
a person's driver's or commercial driver's license or permit or 55902
nonresident operating privilege imposed pursuant to section 55903
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 55904
Revised Code for a violation of a municipal OVI ordinance, any 55905
time during which the person serves a related suspension imposed 55906
pursuant to division (B)(1) of this section. 55907

(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.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, 55940
the person has been convicted of or pleaded guilty to two 55941
violations of a statute or ordinance described in division 55942
(C)(1)(b) of this section, the suspension shall be a class B 55943
suspension imposed for the period of time specified in division 55944
(B)(2) of section 4510.02 of the Revised Code. 55945

(d) If, within six years of the date the test was conducted, 55946
the person has been convicted of or pleaded guilty to more than 55947
two violations of a statute or ordinance described in division 55948
(C)(1)(b) of this section, the suspension shall be a class A 55949
suspension imposed for the period of time specified in division 55950
(B)(1) of section 4510.02 of the Revised Code. 55951

(2) The registrar shall terminate a suspension of the 55952
driver's or commercial driver's license or permit of a resident or 55953
of the operating privilege of a nonresident, or a denial of a 55954
driver's or commercial driver's license or permit, imposed 55955
pursuant to division (C)(1) of this section upon receipt of notice 55956
that the person has entered a plea of guilty to, or has been 55957
convicted of, operating a vehicle in violation of section 4511.19 55958
of the Revised Code or in violation of a municipal OVI ordinance, 55959
if the offense for which the conviction is had or the plea is 55960
entered arose from the same incident that led to the suspension or 55961
denial. 55962

The registrar shall credit against any judicial suspension of 55963
a person's driver's or commercial driver's license or permit or 55964
nonresident operating privilege imposed pursuant to section 55965
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 55966
Revised Code for a violation of a municipal OVI ordinance, any 55967
time during which the person serves a related suspension imposed 55968
pursuant to division (C)(1) of this section. 55969

(D)(1) A suspension of a person's driver's or commercial 55970

driver's license or permit or nonresident operating privilege 55971
under this section for the time described in division (B) or (C) 55972
of this section is effective immediately from the time at which 55973
the arresting officer serves the notice of suspension upon the 55974
arrested person. Any subsequent finding that the person is not 55975
guilty of the charge that resulted in the person being requested 55976
to take the chemical test or tests under division (A) of this 55977
section does not affect the suspension. 55978

(2) If a person is arrested for operating a vehicle, 55979
streetcar, or trackless trolley in violation of division (A) or 55980
(B) of section 4511.19 of the Revised Code or a municipal OVI 55981
ordinance, or for being in physical control of a vehicle, 55982
streetcar, or trackless trolley in violation of section 4511.194 55983
of the Revised Code, regardless of whether the person's driver's 55984
or commercial driver's license or permit or nonresident operating 55985
privilege is or is not suspended under division (B) or (C) of this 55986
section or Chapter 4510. of the Revised Code, the person's initial 55987
appearance on the charge resulting from the arrest shall be held 55988
within five days of the person's arrest or the issuance of the 55989
citation to the person, subject to any continuance granted by the 55990
court pursuant to section 4511.197 of the Revised Code regarding 55991
the issues specified in that division. 55992

(E) When it finally has been determined under the procedures 55993
of this section and sections 4511.192 through 4511.197 of the 55994
Revised Code that a nonresident's privilege to operate a vehicle 55995
within this state has been suspended, the registrar shall give 55996
information in writing of the action taken to the motor vehicle 55997
administrator of the state of the person's residence and of any 55998
state in which the person has a license. 55999

(F) At the end of a suspension period under this section, 56000
under section 4511.194, section 4511.196, or division (G) of 56001
section 4511.19 of the Revised Code, or under section 4510.07 of 56002

the Revised Code for a violation of a municipal OVI ordinance and 56003
upon the request of the person whose driver's or commercial 56004
driver's license or permit was suspended and who is not otherwise 56005
subject to suspension, cancellation, or disqualification, the 56006
registrar shall return the driver's or commercial driver's license 56007
or permit to the person upon the occurrence of all of the 56008
conditions specified in divisions (F)(1) and (2) of this section: 56009

(1) A showing that the person has proof of financial 56010
responsibility, a policy of liability insurance in effect that 56011
meets the minimum standards set forth in section 4509.51 of the 56012
Revised Code, or proof, to the satisfaction of the registrar, that 56013
the person is able to respond in damages in an amount at least 56014
equal to the minimum amounts specified in section 4509.51 of the 56015
Revised Code. 56016

(2) Subject to the limitation contained in division (F)(3) of 56017
this section, payment by the person to the bureau of motor 56018
vehicles of a license reinstatement fee of four hundred 56019
twenty-five dollars, which fee shall be deposited in the state 56020
treasury and credited as follows: 56021

(a) One hundred twelve dollars and fifty cents shall be 56022
credited to the statewide treatment and prevention fund created by 56023
section 4301.30 of the Revised Code. The fund shall be used to pay 56024
the costs of driver treatment and intervention programs operated 56025
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 56026
director of alcohol and drug addiction services shall determine 56027
the share of the fund that is to be allocated to alcohol and drug 56028
addiction programs authorized by section 3793.02 of the Revised 56029
Code, and the share of the fund that is to be allocated to 56030
drivers' intervention programs authorized by section 3793.10 of 56031
the Revised Code. 56032

(b) Seventy-five dollars shall be credited to the reparations 56033
fund created by section 2743.191 of the Revised Code. 56034

(c) Thirty-seven dollars and fifty cents shall be credited to 56035
the indigent drivers alcohol treatment fund, which is hereby 56036
established. Except as otherwise provided in division (F)(2)(c) of 56037
this section, moneys in the fund shall be distributed by the 56038
department of alcohol and drug addiction services to the county 56039
indigent drivers alcohol treatment funds, the county juvenile 56040
indigent drivers alcohol treatment funds, and the municipal 56041
indigent drivers alcohol treatment funds that are required to be 56042
established by counties and municipal corporations pursuant to 56043
this section, and shall be used only to pay the cost of an alcohol 56044
and drug addiction treatment program attended by an offender or 56045
juvenile traffic offender who is ordered to attend an alcohol and 56046
drug addiction treatment program by a county, juvenile, or 56047
municipal court judge and who is determined by the county, 56048
juvenile, or municipal court judge not to have the means to pay 56049
for the person's attendance at the program or to pay the costs 56050
specified in division (H)(4) of this section in accordance with 56051
that division. Moneys in the fund that are not distributed to a 56052
county indigent drivers alcohol treatment fund, a county juvenile 56053
indigent drivers alcohol treatment fund, or a municipal indigent 56054
drivers alcohol treatment fund under division (H) of this section 56055
because the director of alcohol and drug addiction services does 56056
not have the information necessary to identify the county or 56057
municipal corporation where the offender or juvenile offender was 56058
arrested may be transferred by the director of budget and 56059
management to the statewide treatment and prevention fund created 56060
by section 4301.30 of the Revised Code, upon certification of the 56061
amount by the director of alcohol and drug addiction services. 56062

(d) Seventy-five dollars shall be credited to the Ohio 56063
rehabilitation services commission established by section 3304.12 56064
of the Revised Code, to the services for rehabilitation fund, 56065
which is hereby established. The fund shall be used to match 56066

available federal matching funds where appropriate, and for any 56067
other purpose or program of the commission to rehabilitate people 56068
with disabilities to help them become employed and independent. 56069

(e) ~~Seventy-five~~ Sixty dollars shall be ~~deposited into the~~ 56070
~~state treasury and~~ credited to the ~~drug abuse resistance education~~ 56071
public transportation grant programs fund, which is hereby 56072
established, to be used by the ~~attorney general for the purposes~~ 56073
~~specified in division (L)(4) of this section~~ department of 56074
transportation to match available federal public transportation 56075
funds and for the department's related operating expenses. 56076

(f) Thirty dollars shall be credited to the state bureau of 56077
motor vehicles fund created by section 4501.25 of the Revised 56078
Code. 56079

(g) Twenty dollars shall be credited to the trauma and 56080
emergency medical services grants fund created by section 4513.263 56081
of the Revised Code. 56082

(h) Fifteen dollars shall be credited to the public safety 56083
investigative unit fund, which is hereby established, to be used 56084
by the department of public safety investigative unit for the 56085
enforcement of the laws and rules described in division (B)(1) of 56086
section 5502.14 of the Revised Code. 56087

(3) If a person's driver's or commercial driver's license or 56088
permit is suspended under this section, under section 4511.196 or 56089
division (G) of section 4511.19 of the Revised Code, under section 56090
4510.07 of the Revised Code for a violation of a municipal OVI 56091
ordinance or under any combination of the suspensions described in 56092
division (F)(3) of this section, and if the suspensions arise from 56093
a single incident or a single set of facts and circumstances, the 56094
person is liable for payment of, and shall be required to pay to 56095
the bureau, only one reinstatement fee of four hundred twenty-five 56096
dollars. The reinstatement fee shall be distributed by the bureau 56097

in accordance with division (F)(2) of this section. 56098

~~(4) The attorney general shall use amounts in the drug abuse 56099
resistance education programs fund to award grants to law 56100
enforcement agencies to establish and implement drug abuse 56101
resistance education programs in public schools. Grants awarded to 56102
a law enforcement agency under this section shall be used by the 56103
agency to pay for not more than fifty per cent of the amount of 56104
the salaries of law enforcement officers who conduct drug abuse 56105
resistance education programs in public schools. The attorney 56106
general shall not use more than six per cent of the amounts the 56107
attorney general's office receives under division (F)(2)(e) of 56108
this section to pay the costs it incurs in administering the grant 56109
program established by division (F)(2)(e) of this section and in 56110
providing training and materials relating to drug abuse resistance 56111
education programs. 56112~~

~~The attorney general shall report to the governor and the 56113
general assembly each fiscal year on the progress made in 56114
establishing and implementing drug abuse resistance education 56115
programs. These reports shall include an evaluation of the 56116
effectiveness of these programs. 56117~~

(G) Suspension of a commercial driver's license under 56118
division (B) or (C) of this section shall be concurrent with any 56119
period of disqualification under section 3123.611 or 4506.16 of 56120
the Revised Code or any period of suspension under section 3123.58 56121
of the Revised Code. No person who is disqualified for life from 56122
holding a commercial driver's license under section 4506.16 of the 56123
Revised Code shall be issued a driver's license under Chapter 56124
4507. of the Revised Code during the period for which the 56125
commercial driver's license was suspended under division (B) or 56126
(C) of this section. No person whose commercial driver's license 56127
is suspended under division (B) or (C) of this section shall be 56128
issued a driver's license under Chapter 4507. of the Revised Code 56129

during the period of the suspension. 56130

(H)(1) Each county shall establish an indigent drivers 56131
alcohol treatment fund, each county shall establish a juvenile 56132
indigent drivers alcohol treatment fund, and each municipal 56133
corporation in which there is a municipal court shall establish an 56134
indigent drivers alcohol treatment fund. All revenue that the 56135
general assembly appropriates to the indigent drivers alcohol 56136
treatment fund for transfer to a county indigent drivers alcohol 56137
treatment fund, a county juvenile indigent drivers alcohol 56138
treatment fund, or a municipal indigent drivers alcohol treatment 56139
fund, all portions of fees that are paid under division (L) of 56140
this section and that are credited under that division to the 56141
indigent drivers alcohol treatment fund in the state treasury for 56142
a county indigent drivers alcohol treatment fund, a county 56143
juvenile indigent drivers alcohol treatment fund, or a municipal 56144
indigent drivers alcohol treatment fund, and all portions of fines 56145
that are specified for deposit into a county or municipal indigent 56146
drivers alcohol treatment fund by section 4511.193 of the Revised 56147
Code shall be deposited into that county indigent drivers alcohol 56148
treatment fund, county juvenile indigent drivers alcohol treatment 56149
fund, or municipal indigent drivers alcohol treatment fund in 56150
accordance with division (H)(2) of this section. Additionally, all 56151
portions of fines that are paid for a violation of section 4511.19 56152
of the Revised Code or of any prohibition contained in Chapter 56153
4510. of the Revised Code, and that are required under section 56154
4511.19 or any provision of Chapter 4510. of the Revised Code to 56155
be deposited into a county indigent drivers alcohol treatment fund 56156
or municipal indigent drivers alcohol treatment fund shall be 56157
deposited into the appropriate fund in accordance with the 56158
applicable division. 56159

(2) That portion of the license reinstatement fee that is 56160
paid under division (F) of this section and that is credited under 56161

that division to the indigent drivers alcohol treatment fund shall 56162
be deposited into a county indigent drivers alcohol treatment 56163
fund, a county juvenile indigent drivers alcohol treatment fund, 56164
or a municipal indigent drivers alcohol treatment fund as follows: 56165

(a) If the suspension in question was imposed under this 56166
section, that portion of the fee shall be deposited as follows: 56167

(i) If the fee is paid by a person who was charged in a 56168
county court with the violation that resulted in the suspension, 56169
the portion shall be deposited into the county indigent drivers 56170
alcohol treatment fund under the control of that court; 56171

(ii) If the fee is paid by a person who was charged in a 56172
juvenile court with the violation that resulted in the suspension, 56173
the portion shall be deposited into the county juvenile indigent 56174
drivers alcohol treatment fund established in the county served by 56175
the court; 56176

(iii) If the fee is paid by a person who was charged in a 56177
municipal court with the violation that resulted in the 56178
suspension, the portion shall be deposited into the municipal 56179
indigent drivers alcohol treatment fund under the control of that 56180
court. 56181

(b) If the suspension in question was imposed under section 56182
4511.19 of the Revised Code or under section 4510.07 of the 56183
Revised Code for a violation of a municipal OVI ordinance, that 56184
portion of the fee shall be deposited as follows: 56185

(i) If the fee is paid by a person whose license or permit 56186
was suspended by a county court, the portion shall be deposited 56187
into the county indigent drivers alcohol treatment fund under the 56188
control of that court; 56189

(ii) If the fee is paid by a person whose license or permit 56190
was suspended by a municipal court, the portion shall be deposited 56191
into the municipal indigent drivers alcohol treatment fund under 56192

the control of that court. 56193

(3) Expenditures from a county indigent drivers alcohol 56194
treatment fund, a county juvenile indigent drivers alcohol 56195
treatment fund, or a municipal indigent drivers alcohol treatment 56196
fund shall be made only upon the order of a county, juvenile, or 56197
municipal court judge and only for payment of the cost of the 56198
attendance at an alcohol and drug addiction treatment program of a 56199
person who is convicted of, or found to be a juvenile traffic 56200
offender by reason of, a violation of division (A) of section 56201
4511.19 of the Revised Code or a substantially similar municipal 56202
ordinance, who is ordered by the court to attend the alcohol and 56203
drug addiction treatment program, and who is determined by the 56204
court to be unable to pay the cost of attendance at the treatment 56205
program or for payment of the costs specified in division (H)(4) 56206
of this section in accordance with that division. The alcohol and 56207
drug addiction services board or the board of alcohol, drug 56208
addiction, and mental health services established pursuant to 56209
section 340.02 or 340.021 of the Revised Code and serving the 56210
alcohol, drug addiction, and mental health service district in 56211
which the court is located shall administer the indigent drivers 56212
alcohol treatment program of the court. When a court orders an 56213
offender or juvenile traffic offender to attend an alcohol and 56214
drug addiction treatment program, the board shall determine which 56215
program is suitable to meet the needs of the offender or juvenile 56216
traffic offender, and when a suitable program is located and space 56217
is available at the program, the offender or juvenile traffic 56218
offender shall attend the program designated by the board. A 56219
reasonable amount not to exceed five per cent of the amounts 56220
credited to and deposited into the county indigent drivers alcohol 56221
treatment fund, the county juvenile indigent drivers alcohol 56222
treatment fund, or the municipal indigent drivers alcohol 56223
treatment fund serving every court whose program is administered 56224
by that board shall be paid to the board to cover the costs it 56225

incurs in administering those indigent drivers alcohol treatment programs. 56226
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(4) If a county, juvenile, or municipal court determines, in consultation with the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health district in which the court is located, that the funds in the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of the court are more than sufficient to satisfy the purpose for which the fund was established, as specified in divisions (H)(1) to (3) of this section, the court may declare a surplus in the fund. If the court declares a surplus in the fund, the court may expend the amount of the surplus in the fund for alcohol and drug abuse assessment and treatment of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply: 56228
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(a) The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged. 56246
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(b) The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used. 56249
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Sec. 4511.75. (A) The driver of a vehicle, streetcar, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of mental retardation 56252
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and developmental disabilities, or child attending a program 56257
offered by a head start agency, shall stop at least ten feet from 56258
the front or rear of the school bus and shall not proceed until 56259
such school bus resumes motion, or until signaled by the school 56260
bus driver to proceed. 56261

It is no defense to a charge under this division that the 56262
school bus involved failed to display or be equipped with an 56263
automatically extended stop warning sign as required by division 56264
(B) of this section. 56265

(B) Every school bus shall be equipped with amber and red 56266
visual signals meeting the requirements of section 4511.771 of the 56267
Revised Code, and an automatically extended stop warning sign of a 56268
type approved by the state board of education, which shall be 56269
actuated by the driver of the bus whenever but only whenever the 56270
bus is stopped or stopping on the roadway for the purpose of 56271
receiving or discharging school children, persons attending 56272
programs offered by community boards of mental health and county 56273
boards of mental retardation and developmental disabilities, or 56274
children attending programs offered by head start agencies. A 56275
school bus driver shall not actuate the visual signals or the stop 56276
warning sign in designated school bus loading areas where the bus 56277
is entirely off the roadway or at school buildings when children 56278
or persons attending programs offered by community boards of 56279
mental health and county boards of mental retardation and 56280
developmental disabilities are loading or unloading at curbside or 56281
at buildings when children attending programs offered by head 56282
start agencies are loading or unloading at curbside. The visual 56283
signals and stop warning sign shall be synchronized or otherwise 56284
operated as required by rule of the board. 56285

(C) Where a highway has been divided into four or more 56286
traffic lanes, a driver of a vehicle, streetcar, or trackless 56287
trolley need not stop for a school bus approaching from the 56288

opposite direction which has stopped for the purpose of receiving 56289
or discharging any school child, persons attending programs 56290
offered by community boards of mental health and county boards of 56291
mental retardation and developmental disabilities, or children 56292
attending programs offered by head start agencies. The driver of 56293
any vehicle, streetcar, or trackless trolley overtaking the school 56294
bus shall comply with division (A) of this section. 56295

(D) School buses operating on divided highways or on highways 56296
with four or more traffic lanes shall receive and discharge all 56297
school children, persons attending programs offered by community 56298
boards of mental health and county boards of mental retardation 56299
and developmental disabilities, and children attending programs 56300
offered by head start agencies on their residence side of the 56301
highway. 56302

(E) No school bus driver shall start the driver's bus until 56303
after any child, person attending programs offered by community 56304
boards of mental health and county boards of mental retardation 56305
and developmental disabilities, or child attending a program 56306
offered by a head start agency who may have alighted therefrom has 56307
reached a place of safety on the child's or person's residence 56308
side of the road. 56309

(F)(1) Whoever violates division (A) of this section may be 56310
fined an amount not to exceed five hundred dollars. A person who 56311
is issued a citation for a violation of division (A) of this 56312
section is not permitted to enter a written plea of guilty and 56313
waive the person's right to contest the citation in a trial but 56314
instead must appear in person in the proper court to answer the 56315
charge. 56316

(2) In addition to and independent of any other penalty 56317
provided by law, the court or mayor may impose upon an offender 56318
who violates this section a class seven suspension of the 56319
offender's driver's license, commercial driver's license, 56320

temporary instruction permit, probationary license, or nonresident 56321
operating privilege from the range specified in division (A)(7) of 56322
section 4510.02 of the Revised Code. When a license is suspended 56323
under this section, the court or mayor shall cause the offender to 56324
deliver the license to the court, and the court or clerk of the 56325
court immediately shall forward the license to the registrar of 56326
motor vehicles, together with notice of the court's action. 56327

(G) As used in this section: 56328

(1) "Head start agency" has the same meaning as in ~~division~~ 56329
~~(A)(1)~~ of section 3301.31 of the Revised Code. 56330

(2) "School bus," as used in relation to children who attend 56331
a program offered by a head start agency, means a bus that is 56332
owned and operated by a head start agency, is equipped with an 56333
automatically extended stop warning sign of a type approved by the 56334
state board of education, is painted the color and displays the 56335
markings described in section 4511.77 of the Revised Code, and is 56336
equipped with amber and red visual signals meeting the 56337
requirements of section 4511.771 of the Revised Code, irrespective 56338
of whether or not the bus has fifteen or more children aboard at 56339
any time. "School bus" does not include a van owned and operated 56340
by a head start agency, irrespective of its color, lights, or 56341
markings. 56342

Section 3.08. That the existing versions of sections 56343
4503.234, 4511.191, and 4511.75 of the Revised Code that are 56344
scheduled to take effect January 1, 2004, are hereby repealed. 56345

Section 3.09. Sections 3.07 and 3.08 of this act take effect 56346
January 1, 2004. 56347

Section 3.10. Section 4723.063 of the Revised Code is hereby 56348
repealed, effective December 31, 2013. 56349

Section 4. Except as otherwise provided, all appropriation items (AI) in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2004 and the amounts in the second column are for fiscal year 2005.

FND AI	AI TITLE	APPROPRIATIONS	56356
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Section 5. ACC ACCOUNTANCY BOARD OF OHIO 56357

General Services Fund Group 56358

4J8 889-601	CPA Education Assistance	\$ 209,510 \$ 209,510	56359
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4K9 889-609	Operating Expenses	\$ 1,010,583 \$ 1,055,578	56360
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TOTAL GSF General Services Fund 56361

Group		\$ 1,220,093 \$ 1,265,088	56362
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TOTAL ALL BUDGET FUND GROUPS		\$ 1,220,093 \$ 1,265,088	56363
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Section 6. PAY ACCRUED LEAVE LIABILITY 56365

Accrued Leave Liability Fund Group 56366

806 995-666	Accrued Leave Fund	\$ 70,783,792 \$ 78,296,200	56367
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807 995-667	Disability Fund	\$ 47,269,465 \$ 50,098,308	56368
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TOTAL ALF Accrued Leave Liability 56369

Fund Group		\$ 118,053,257 \$ 128,394,508	56370
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Agency Fund Group 56371

808 995-668	State Employee Health Benefit Fund	\$ 312,724,593 \$ 371,450,611	56372
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809 995-669	Dependent Care Spending Account	\$ 3,691,169 \$ 4,060,286	56373
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810 995-670	Life Insurance Investment Fund	\$ 1,925,110 \$ 1,992,489	56374
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811 995-671	Parental Leave Benefit	\$ 4,350,302 \$ 4,785,332	56375
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Fund				
TOTAL AGY Agency Fund Group	\$	332,691,174	\$	382,288,718
TOTAL ALL BUDGET FUND GROUPS	\$	440,744,431	\$	510,683,226
ACCRUED LEAVE LIABILITY FUND				56378
The foregoing appropriation item 995-666, Accrued Leave Fund,				56379
shall be used to make payments from the Accrued Leave Liability				56380
Fund (Fund 806), pursuant to section 125.211 of the Revised Code.				56381
If it is determined by the Director of Budget and Management that				56382
additional amounts are necessary, the amounts are appropriated.				56383
STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND				56384
The foregoing appropriation item 995-667, Disability Fund,				56385
shall be used to make payments from the State Employee Disability				56386
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the				56387
Revised Code. If it is determined by the Director of Budget and				56388
Management that additional amounts are necessary, the amounts are				56389
appropriated.				56390
STATE EMPLOYEE HEALTH BENEFIT FUND				56391
The foregoing appropriation item 995-668, State Employee				56392
Health Benefit Fund, shall be used to make payments from the State				56393
Employee Health Benefit Fund (Fund 808), pursuant to section				56394
124.87 of the Revised Code. If it is determined by the Director of				56395
Budget and Management that additional amounts are necessary, the				56396
amounts are appropriated.				56397
DEPENDENT CARE SPENDING ACCOUNT				56398
The foregoing appropriation item 995-669, Dependent Care				56399
Spending Account, shall be used to make payments from the				56400
Dependent Care Spending Account (Fund 809) to employees eligible				56401
for dependent care expenses. If it is determined by the Director				56402
of Budget and Management that additional amounts are necessary,				56403
the amounts are appropriated.				56404

LIFE INSURANCE INVESTMENT FUND				56405
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.				56406 56407 56408 56409 56410 56411 56412
PARENTAL LEAVE BENEFIT FUND				56413
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.				56414 56415 56416 56417 56418 56419
Section 7. ADJ ADJUTANT GENERAL				56420
General Revenue Fund				56421
GRF 745-401 Ohio Military Reserve	\$	14,889	\$ 15,188	56422
GRF 745-404 Air National Guard	\$	1,915,177	\$ 1,939,762	56423
GRF 745-409 Central Administration	\$	3,976,734	\$ 3,899,590	56424
GRF 745-499 Army National Guard	\$	3,987,516	\$ 4,086,222	56425
GRF 745-502 Ohio National Guard	\$	100,953	\$ 102,973	56426
Unit Fund				
TOTAL GRF General Revenue Fund	\$	9,995,269	\$ 10,043,735	56427
General Services Fund Group				56428
534 745-612 Armory Improvements	\$	534,304	\$ 534,304	56429
536 745-620 Camp Perry/Buckeye Inn	\$	1,094,970	\$ 1,094,970	56430
Operations				
537 745-604 ONG Maintenance	\$	219,826	\$ 219,826	56431
TOTAL GSF General Services Fund	\$	1,849,100	\$ 1,849,100	56432

Group

Federal Special Revenue Fund Group					56433
3E8 745-628 Air National Guard	\$	11,901,459	\$	12,174,760	56434
Operations and Maintenance Agreement					
3R8 745-603 Counter Drug	\$	25,000	\$	25,000	56435
Operations					
3S0 745-602 Higher Ground Training	\$	10,937	\$	10,937	56436
341 745-615 Air National Guard	\$	2,181,960	\$	2,312,877	56437
Base Security					
342 745-616 Army National Guard	\$	8,109,221	\$	8,686,892	56438
Service Agreement					
TOTAL FED Federal Special Revenue	\$	22,228,577	\$	23,210,466	56439
Fund Group					
State Special Revenue Fund Group					56440
528 745-605 Marksmanship	\$	66,078	\$	66,078	56441
Activities					
TOTAL SSR State Special Revenue	\$	66,078	\$	66,078	56442
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	34,139,024	\$	35,169,379	56443

Section 8. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 56445

General Revenue Fund					56446
GRF 100-402 Unemployment	\$	100,000	\$	100,000	56447
Compensation					
GRF 100-405 Agency Audit Expenses	\$	350,000	\$	350,000	56448
GRF 100-406 County & University	\$	400,000	\$	400,000	56449
Human Resources Services					
GRF 100-410 Veterans' Records	\$	19,729	\$	47,123	56450
Conversion					
GRF 100-417 MARCS	\$	900,000	\$	900,000	56451

GRF 100-418	Digital Government	\$	1,500,000	\$	1,500,000	56452
GRF 100-419	Network Security	\$	1,000,000	\$	1,000,000	56453
GRF 100-421	OAKS Project Implementation	\$	450,000	\$	450,000	56454
GRF 100-433	State of Ohio Computer Center	\$	4,936,073	\$	4,991,719	56455
GRF 100-439	Equal Opportunity Certification Programs	\$	500,000	\$	500,000	56456
GRF 100-447	OBA - Building Rent Payments	\$	105,675,000	\$	117,027,700	56457
GRF 100-448	OBA - Building Operating Payments	\$	25,445,550	\$	26,003,250	56458
GRF 100-449	DAS - Building Operating Payments	\$	4,264,675	\$	4,460,417	56459
GRF 100-451	Minority Affairs	\$	50,000	\$	50,000	56460
GRF 100-734	Major Maintenance - State Bldgs	\$	45,000	\$	45,000	56461
GRF 102-321	Construction Compliance	\$	1,250,000	\$	1,250,000	56462
GRF 130-321	State Agency Support Services	\$	1,500,000	\$	1,500,000	56463
TOTAL GRF	General Revenue Fund	\$	148,386,027	\$	160,575,209	56464
	General Services Fund Group					56465
112 100-616	Director's Office	\$	5,503,547	\$	5,503,547	56466
115 100-632	Central Service Agency	\$	431,176	\$	448,574	56467
117 100-644	General Services Division - Operating	\$	7,622,861	\$	8,653,304	56468
122 100-637	Fleet Management	\$	1,669,589	\$	1,652,849	56469
125 100-622	Human Resources Division - Operating	\$	21,489,800	\$	21,764,800	56470
127 100-627	Vehicle Liability Insurance	\$	3,363,894	\$	3,344,644	56471
128 100-620	Collective Bargaining	\$	3,410,952	\$	3,410,952	56472

130	100-606	Risk Management Reserve	\$	217,904	\$	223,904	56473
131	100-639	State Architect's Office	\$	6,510,117	\$	6,473,867	56474
132	100-631	DAS Building Management	\$	10,921,019	\$	10,721,430	56475
188	100-649	Equal Opportunity Division - Operating	\$	1,082,353	\$	1,103,697	56476
201	100-653	General Services Resale Merchandise	\$	1,533,000	\$	1,553,000	56477
210	100-612	State Printing	\$	6,160,200	\$	6,674,421	56478
4P3	100-603	Departmental MIS Services	\$	6,077,535	\$	6,233,638	56479
427	100-602	Investment Recovery	\$	4,023,473	\$	3,953,216	56480
5C2	100-605	MARCS Administration	\$	6,632,527	\$	9,268,178	56481
5C3	100-608	Skilled Trades	\$	1,840,327	\$	1,905,655	56482
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000	56483
5L7	100-610	Professional Development	\$	2,700,000	\$	2,700,000	56484
5V6	100-619	Employee Educational Development	\$	809,071	\$	811,129	56485
TOTAL GSF General Services Fund Group							56486
			\$	103,999,345	\$	108,400,805	56487
Intragovernmental Service Fund Group							56488
133	100-607	Information Technology Fund	\$	100,987,526	\$	102,272,838	56489
4N6	100-617	Major IT Purchases	\$	15,452,006	\$	10,617,166	56490
TOTAL ISF Intragovernmental Service Fund Group							56491
			\$	116,439,532	\$	112,890,004	56492
Agency Fund Group							56493
113	100-628	Unemployment Compensation Pass	\$	4,200,000	\$	4,200,000	56494

	Through			
124 100-629	Payroll Deductions	\$ 1,971,000,000	\$ 2,050,000,000	56495
TOTAL AGY	Agency Fund Group	\$ 1,975,200,000	\$ 2,054,200,000	56496
	Holding Account Redistribution Fund Group			56497
R08 100-646	General Services	\$ 20,000	\$ 20,000	56498
	Refunds			
TOTAL 090	Holding Account			56499
	Redistribution Fund Group	\$ 20,000	\$ 20,000	56500
TOTAL ALL BUDGET FUND GROUPS		\$ 2,344,044,904	\$ 2,436,086,018	56501

Section 8.01. AGENCY AUDIT EXPENSES 56503

The foregoing appropriation item 100-405, Agency Audit 56504
 Expenses, shall be used for auditing expenses designated in 56505
 division (A)(1) of section 117.13 of the Revised Code for those 56506
 state agencies audited on a biennial basis. 56507

Section 8.02. OHIO BUILDING AUTHORITY 56508

The foregoing appropriation item 100-447, OBA - Building Rent 56509
 Payments, shall be used to meet all payments at the times they are 56510
 required to be made during the period from July 1, 2003, to June 56511
 30, 2005, by the Department of Administrative Services to the Ohio 56512
 Building Authority pursuant to leases and agreements under Chapter 56513
 152. of the Revised Code, but limited to the aggregate amount of 56514
 \$222,702,700. These appropriations are the source of funds pledged 56515
 for bond service charges on obligations issued pursuant to Chapter 56516
 152. of the Revised Code. 56517

The foregoing appropriation item 100-448, OBA - Building 56518
 Operating Payments, shall be used to meet all payments at the 56519
 times that they are required to be made during the period from 56520
 July 1, 2003, to June 30, 2005, by the Department of 56521
 Administrative Services to the Ohio Building Authority pursuant to 56522
 leases and agreements under Chapter 152. of the Revised Code, but 56523

limited to the aggregate amount of \$51,448,800. 56524

The payments to the Ohio Building Authority are for the 56525
purpose of paying the expenses of agencies that occupy space in 56526
the various state facilities. The Department of Administrative 56527
Services may enter into leases and agreements with the Ohio 56528
Building Authority providing for the payment of these expenses. 56529
The Ohio Building Authority shall report to the Department of 56530
Administrative Services and the Office of Budget and Management 56531
not later than five months after the start of a fiscal year the 56532
actual expenses incurred by the Ohio Building Authority in 56533
operating the facilities and any balances remaining from payments 56534
and rentals received in the prior fiscal year. The Department of 56535
Administrative Services shall reduce subsequent payments by the 56536
amount of the balance reported to it by the Ohio Building 56537
Authority. 56538

Section 8.03. DAS - BUILDING OPERATING PAYMENTS 56539

The foregoing appropriation item 100-449, DAS - Building 56540
Operating Payments, shall be used to pay the rent expenses of 56541
veterans organizations pursuant to section 123.024 of the Revised 56542
Code in fiscal years 2004 and 2005. 56543

The foregoing appropriation item, 100-449, DAS - Building 56544
Operating Payments, may be used to provide funding for the cost of 56545
property appraisals or building studies that the Department of 56546
Administrative Services may be required to obtain for property 56547
that is being sold by the state or property under consideration to 56548
be renovated or purchased by the state. 56549

Notwithstanding section 125.28 of the Revised Code, the 56550
remaining portion of the appropriation may be used to pay the 56551
operating expenses of state facilities maintained by the 56552
Department of Administrative Services that are not billed to 56553
building tenants. These expenses may include, but are not limited 56554

to, the costs for vacant space and space undergoing renovation, 56555
and the rent expenses of tenants that are relocated due to 56556
building renovations. These payments shall be processed by the 56557
Department of Administrative Services through intrastate transfer 56558
vouchers and placed in the Building Management Fund (Fund 132). 56559

Section 8.04. CENTRAL SERVICE AGENCY FUND 56560

The Director of Budget and Management may transfer up to 56561
\$423,200 in fiscal year 2004 and up to \$427,700 in fiscal year 56562
2005 from the Occupational Licensing and Regulatory Fund (Fund 56563
4K9) to the Central Service Agency Fund (Fund 115). The Director 56564
of Budget and Management may transfer up to \$40,700 in fiscal year 56565
2004 and up to \$41,200 in fiscal year 2005 from the State Medical 56566
Board Operating Fund (Fund 5C6) to the Central Service Agency Fund 56567
(Fund 115). The appropriation item 100-632, Central Service 56568
Agency, shall be used to purchase the necessary equipment, 56569
products, and services to maintain a local area network for the 56570
professional licensing boards, and to support their licensing 56571
applications in fiscal years 2004 and 2005. The amount of the cash 56572
transfer is appropriated to appropriation item 100-632, Central 56573
Service Agency. 56574

Section 8.05. COLLECTIVE BARGAINING ARBITRATION EXPENSES 56575

With approval of the Director of Budget and Management, the 56576
Department of Administrative Services may seek reimbursement from 56577
state agencies for the actual costs and expenses the department 56578
incurs in the collective bargaining arbitration process. The 56579
reimbursements shall be processed through intrastate transfer 56580
vouchers and placed in the Collective Bargaining Fund (Fund 128). 56581

Section 8.06. EQUAL OPPORTUNITY PROGRAM 56582

The Department of Administrative Services, with the approval 56583

of the Director of Budget and Management, shall establish charges 56584
for recovering the costs of administering the activities supported 56585
by the State EEO Fund (Fund 188). These charges shall be deposited 56586
to the credit of the State EEO Fund (Fund 188) upon payment made 56587
by state agencies, state-supported or state-assisted institutions 56588
of higher education, and tax-supported agencies, municipal 56589
corporations, and other political subdivisions of the state, for 56590
services rendered. 56591

Section 8.07. MERCHANDISE FOR RESALE 56592

The foregoing appropriation item 100-653, General Services 56593
Resale Merchandise, shall be used to account for merchandise for 56594
resale, which is administered by the General Services Division. 56595
Deposits to the fund may comprise the cost of merchandise for 56596
resale and shipping fees. 56597

Section 8.08. DEPARTMENTAL MIS 56598

The foregoing appropriation item 100-603, Departmental MIS 56599
Services, may be used to pay operating expenses of management 56600
information systems activities in the Department of Administrative 56601
Services. The Department of Administrative Services shall 56602
establish charges for recovering the costs of management 56603
information systems activities. These charges shall be deposited 56604
to the credit of the Departmental MIS Services Fund (Fund 4P3). 56605

Notwithstanding any other language to the contrary, the 56606
Director of Budget and Management may transfer up to \$1,000,000 of 56607
fiscal year 2004 appropriations and up to \$1,000,000 of fiscal 56608
year 2005 appropriations from appropriation item 100-603, 56609
Departmental MIS Services, to any Department of Administrative 56610
Services non-General Revenue Fund appropriation item. The 56611
appropriations transferred shall be used to make payments for 56612
management information systems services. 56613

Section 8.09. INVESTMENT RECOVERY FUND 56614

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 427) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code. 56615
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Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the State Property Inventory and Fixed Assets Management System Program. 56620
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Of the foregoing appropriation item 100-602, Investment Recovery, up to \$1,958,155 in fiscal year 2004 and up to \$2,049,162 in fiscal year 2005 shall be used to pay the operating expenses of the State Surplus Property Program, the Surplus Federal Property Program, and the State Property Inventory and Fixed Assets Management System Program pursuant to Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code. 56624
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Of the foregoing appropriation item 100-602, Investment Recovery, \$2,221,029 in fiscal year 2004 and \$2,130,022 in fiscal year 2005 shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds pursuant to division (A)(2) of section 125.14 of the Revised Code. If it is determined by the Director of Administrative Services that additional appropriations are necessary for the transfer of such sale proceeds, the Director of Administrative Services may request the Director of Budget and Management to increase the amounts. Such amounts are hereby 56635
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appropriated. 56645

Notwithstanding division (B) of section 125.14 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, shall transfer up to \$2,811,197 of the amounts held for transfer to the General Revenue Fund from the Investment Recovery Fund to the General Services Fund (Fund 117) during the biennium beginning July 1, 2003, and ending June 30, 2005. The cash transferred to the General Services Fund shall be used to pay the operating expenses of the Competitive Sealed Proposal Program, to provide operating cash for the General Services Fund, and to provide operating cash for the newly created rate pools for Real Estate Leasing and Interior Design Services. 56646
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Section 8.10. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 56658

Notwithstanding division (B)(3) of section 4505.09 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, may transfer up to \$4,887,390 in fiscal year 2004 and \$1,000,000 in fiscal year 2005 from the Automated Title Processing System (Fund 849) to the Multi-Agency Radio Communications Systems Administration Fund (Fund 5C2). The cash transferred to the Multi-Agency Radio Communications Systems Administration Fund shall be used for the development of the MARCS system. 56659
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Effective with the implementation of the Multi-Agency Radio Communications System, the Director of Administrative Services shall collect user fees from participants in the system. The Director of Administrative Services, with the advice of the Multi-Agency Radio Communications System Steering Committee and the Director of Budget and Management, shall determine the amount of the fees and the manner by which the fees shall be collected. Such user charges shall comply with the applicable cost principles 56668
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issued by the federal Office of Management and Budget. All moneys 56676
from user charges and fees shall be deposited in the state 56677
treasury to the credit of the Multi-Agency Radio Communications 56678
System Administration Fund (Fund 5C2). All interest income derived 56679
from the investment of the fund shall accrue to the fund. 56680

Section 8.10a. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 56681
ADMINISTRATION FUND (FUND 5C2) TRANSFER TO THE GRF 56682

On July 31, 2003, or as soon as possible thereafter, the 56683
Director of Budget and Management shall transfer \$1,000,000 cash 56684
from the Multi-Agency Radio Communications System Administration 56685
Fund (Fund 5C2) to the General Revenue Fund. 56686

Section 8.11. WORKFORCE DEVELOPMENT FUND 56687

There is hereby established in the state treasury the 56688
Workforce Development Fund (Fund 5D7). The foregoing appropriation 56689
item 100-621, Workforce Development, shall be used to make 56690
payments from the fund. The fund shall be under the supervision of 56691
the Department of Administrative Services, which may adopt rules 56692
with regard to administration of the fund. The fund shall be used 56693
to pay the costs of the Workforce Development Program, if any, as 56694
previously established by Article 37 of the contract between the 56695
State of Ohio and OCSEA/AFSCME, Local 11, effective March 1, 2000, 56696
and as modified by any successor labor contract between the State 56697
of Ohio and OCSEA/AFSCME. The program shall be administered in 56698
accordance with the contract. Revenues shall accrue to the fund as 56699
specified in the contract. The fund may be used to pay direct and 56700
indirect costs of the program that are attributable to staff, 56701
consultants, and service providers. All income derived from the 56702
investment of the fund shall accrue to the fund. 56703

If it is determined by the Director of Administrative 56704
Services that additional appropriation amounts are necessary, the 56705

Director of Administrative Services may request that the Director 56706
of Budget and Management increase such amounts. Such amounts are 56707
hereby appropriated. 56708

Section 8.12. PROFESSIONAL DEVELOPMENT FUND 56709

The foregoing appropriation item 100-610, Professional 56710
Development, shall be used to make payments from the Professional 56711
Development Fund (Fund 5L7) pursuant to section 124.182 of the 56712
Revised Code. 56713

Section 8.13. EMPLOYEE EDUCATIONAL DEVELOPMENT 56714

There is hereby established in the state treasury the 56715
Employee Educational Development Fund (Fund 5V6). The foregoing 56716
appropriation item 100-619, Employee Educational Development, 56717
shall be used to make payments from the fund. The fund shall be 56718
used to pay the costs of the administration of educational 56719
programs per existing collective bargaining agreements with 56720
District 1199, the Health Care and Social Service Union; State 56721
Council of Professional Educators; Ohio Education Association; 56722
National Education Association; the Fraternal Order of Police Ohio 56723
Labor Council, Unit 2; and the Ohio State Troopers Association, 56724
Units 1 and 15. The fund shall be under the supervision of the 56725
Department of Administrative Services, which may adopt rules with 56726
regard to administration of the fund. The fund shall be 56727
administered in accordance with the applicable sections of the 56728
collective bargaining agreements between the State and the 56729
aforementioned unions. The Department of Administrative Services, 56730
with the approval of the Director of Budget and Management, shall 56731
establish charges for recovering the costs of administering the 56732
educational programs. Receipts for these charges shall be 56733
deposited into the Employee Educational Development Fund. All 56734
income derived from the investment of the funds shall accrue to 56735

the fund. 56736

If it is determined by the Director of Administrative 56737
Services that additional appropriation amounts are necessary, the 56738
Director of Administrative Services may request that the Director 56739
of Budget and Management increase such amounts. Such amounts are 56740
hereby appropriated with the approval of the Director of Budget 56741
and Management. 56742

Upon the request of the Director of Administrative Services, 56743
the Director of Budget and Management shall transfer any cash 56744
balances attributable to educational programs per existing 56745
collective bargaining agreements with District 1199, the Health 56746
Care and Social Service Union; State Council of Professional 56747
Educators; Ohio Education Association; National Education 56748
Association; the Fraternal Order of Police Ohio Labor Council, 56749
Unit 2; and the Ohio State Troopers Association, Units 1 and 15 56750
from the Human Resources Services Fund (Fund 125) to the Employee 56751
Educational Development Fund (Fund 5V6). 56752

Section 8.14. MAJOR IT PURCHASES 56753

The Director of Administrative Services shall compute the 56754
amount of revenue attributable to the amortization of all 56755
equipment purchases and capitalized systems from appropriation 56756
item 100-607, Information Technology Fund; appropriation item 56757
100-617, Major IT Purchases; and appropriation item CAP-837, Major 56758
IT Purchases, which is recovered by the Department of 56759
Administrative Services as part of the rates charged by the 56760
Information Technology Fund (Fund 133) created in section 125.15 56761
of the Revised Code. The Director of Budget and Management may 56762
transfer cash in an amount not to exceed the amount of 56763
amortization computed from the Information Technology Fund (Fund 56764
133) to the Major IT Purchases Fund (Fund 4N6). 56765

Section 8.15. INFORMATION TECHNOLOGY ASSESSMENT 56766

The Director of Administrative Services, with the approval of 56767
the Director of Budget and Management, may establish an 56768
information technology assessment for the purpose of recovering 56769
the cost of selected infrastructure and statewide programs. Such 56770
assessment shall comply with applicable cost principles issued by 56771
the federal Office of Management and Budget. The information 56772
technology assessment shall be charged to all organized bodies, 56773
offices, or agencies established by the laws of the state for the 56774
exercise of any function of state government except for the 56775
General Assembly, any legislative agency, the Supreme Court, the 56776
other courts of record in Ohio, or any judicial agency, the 56777
Adjutant General, the Bureau of Workers' Compensation, and 56778
institutions administered by a board of trustees. Any state-entity 56779
exempted by this section may utilize the infrastructure or 56780
statewide program by participating in the information technology 56781
assessment. All charges for the information technology assessment 56782
shall be deposited to the credit of the Information Technology 56783
Fund (Fund 133) created in section 125.15 of the Revised Code. 56784

Section 8.16. UNEMPLOYMENT COMPENSATION FUND 56785

The foregoing appropriation item 100-628, Unemployment 56786
Compensation Pass Through, shall be used to make payments from the 56787
Unemployment Compensation Fund (Fund 113), pursuant to section 56788
4141.241 of the Revised Code. If it is determined that additional 56789
amounts are necessary, such amounts are hereby appropriated. 56790

Section 8.17. PAYROLL WITHHOLDING FUND 56791

The foregoing appropriation item 100-629, Payroll Deductions, 56792
shall be used to make payments from the Payroll Withholding Fund 56793
(Fund 124). If it is determined by the Director of Budget and 56794

Management that additional appropriation amounts are necessary, 56795
such amounts are hereby appropriated. 56796

Section 8.18. GENERAL SERVICES REFUNDS 56797

The foregoing appropriation item 100-646, General Services 56798
Refunds, shall be used to hold bid guarantee and building plans 56799
and specifications deposits until they are refunded. The Director 56800
of Administrative Services may request that the Director of Budget 56801
and Management transfer cash received for the costs of providing 56802
the building plans and specifications to contractors from the 56803
General Services Refunds Fund to the State Architect's Office Fund 56804
(Fund 131). Prior to the transfer of cash, the Director of 56805
Administrative Services shall certify that such amounts are in 56806
excess of amounts required for refunding deposits and are directly 56807
related to costs of producing building plans and specifications. 56808
If it is determined that additional appropriations are necessary, 56809
such amounts are hereby appropriated. 56810

Section 8.19. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 56811
SERVICE PAYMENTS 56812

The Director of Administrative Services, in consultation with 56813
the Multi-Agency Radio Communication System (MARCS) Steering 56814
Committee and the Director of Budget and Management, shall 56815
determine the share of debt service payments attributable to 56816
spending for MARCS components that are not specific to any one 56817
agency and that shall be charged to agencies supported by the 56818
motor fuel tax. Such share of debt service payments shall be 56819
calculated for MARCS capital disbursements made beginning July 1, 56820
1997. Within thirty days of any payment made from appropriation 56821
item 100-447, OBA - Building Rent Payments, the Director of 56822
Administrative Services shall certify to the Director of Budget 56823
and Management the amount of this share. The Director of Budget 56824

and Management shall transfer such amounts to the General Revenue Fund from the State Highway Safety Fund (Fund 036) established in section 4501.06 of the Revised Code.

The Director of Administrative Services shall consider renting or leasing existing tower sites at reasonable or current market rates, so long as these existing sites are equipped with the technical capabilities to support the MARCS project.

Section 8.20. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY

Whenever the Director of Administrative Services declares a "public exigency," as provided in division (C) of section 123.15 of the Revised Code, the Director shall also notify the members of the Controlling Board.

Section 8.21. GENERAL SERVICE CHARGES

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs in the General Services Fund (Fund 117) and the State Printing Fund (Fund 210).

Section 8.22. ASSESSMENTS ON STATE AGENCIES, BOARDS, AND COMMISSIONS

For fiscal year 2004 and fiscal year 2005, the Director of Administrative Services shall not increase rates, charges, or fees for centralized services provided by the Department of Administrative Services and specified in Payroll Letter 824, effective July 17, 2002. This provision shall not apply to payroll deductions for employee health, vision, and dental benefits, employers' share of pension contributions, or amounts deducted for accrued leave or disability leave. Nor shall this provision apply to charges or deductions for programs operated by the Department

of Administrative Services in accordance with any collective 56854
bargaining agreement. 56855

The Director of Administrative Services shall not increase 56856
rates or charges assessed to state agencies, boards, and 56857
commissions for other centralized services provided by the General 56858
Services Division and in effect as of June 30, 2003. However, the 56859
rate charged for mail services may be adjusted to account for 56860
increases in federal postage rates. 56861

Section 9. AAM COMMISSION ON AFRICAN AMERICAN MALES 56862

General Revenue Fund 56863

GRF 036-100 Personal Services \$ 212,492 \$ 218,610 56864

GRF 036-200 Maintenance \$ 50,180 \$ 50,180 56865

GRF 036-300 Equipment \$ 4,000 \$ 4,000 56866

GRF 036-501 CAAM Awards and \$ 8,143 \$ 765 56867

Scholarships

GRF 036-502 Community Projects \$ 25,185 \$ 26,445 56868

TOTAL GRF General Revenue Fund \$ 300,000 \$ 300,000 56869

State Special Revenue Fund Group 56870

4H3 036-601 Commission on African \$ 10,000 \$ 10,000 56871

American Males -

Gifts/Grants

TOTAL SSR State Special Revenue \$ 10,000 \$ 10,000 56872

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 310,000 \$ 310,000 56873

COMMISSION ON AFRICAN AMERICAN MALES PROGRESS REVIEW 56874

Annually, not later than the thirty-first day of December, 56875
the Commission on African American Males shall internally prepare 56876
and submit to the chairperson and ranking minority member of the 56877
Human Services Subcommittee of the Finance and Appropriations 56878
Committee of the House of Representatives a report that 56879

demonstrates the progress that has been made toward meeting the Commission's mission statement. 56880
56881

Section 10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 56882

General Revenue Fund 56883

GRF 029-321 Operating Expenses \$ 363,769 \$ 379,769 56884

TOTAL GRF General Revenue Fund \$ 363,769 \$ 379,769 56885

TOTAL ALL BUDGET FUND GROUPS \$ 363,769 \$ 379,769 56886

OPERATING 56887

The Chief Administrative Officer of the House of Representatives and the Clerk of the Senate shall determine, by mutual agreement, which of them shall act as fiscal agent for the Joint Committee on Agency Rule Review. 56888
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Section 11. AGE DEPARTMENT OF AGING 56892

General Revenue Fund 56893

GRF 490-321 Operating Expenses \$ 1,908,867 \$ 1,908,867 56894

GRF 490-403 PASSPORT \$ 74,808,877 \$ 80,946,032 56895

GRF 490-405 Golden Buckeye Card \$ 267,628 \$ 267,628 56896

GRF 490-406 Senior Olympics \$ 16,636 \$ 16,636 56897

GRF 490-408 STARS \$ 2,125,223 \$ 2,167,728 56898

GRF 490-409 Ohio Community Service \$ 228,048 \$ 228,048 56899

Council Operations

GRF 490-410 Long-Term Care \$ 729,685 \$ 729,685 56900

Ombudsman

GRF 490-411 Senior Community \$ 10,971,431 \$ 10,971,431 56901

Services

GRF 490-412 Residential State \$ 9,960,356 \$ 9,960,356 56902

Supplement

GRF 490-414 Alzheimers Respite \$ 4,346,689 \$ 4,346,689 56903

GRF 490-416 Transportation for \$ 138,369 \$ 138,369 56904

Elderly

GRF 490-506 Senior Volunteers	\$	375,471	\$	375,471	56905
TOTAL GRF General Revenue Fund	\$	105,877,280	\$	112,056,940	56906
General Services Fund Group					56907
480 490-606 Senior Citizens	\$	372,677	\$	372,677	56908
Services Special					
Events					
5T4 490-615 Aging Network Support	\$	252,830	\$	252,830	56909
TOTAL GSF General Services Fund					56910
Group	\$	625,507	\$	625,507	56911
Federal Special Revenue Fund Group					56912
3C4 490-607 PASSPORT	\$	140,563,071	\$	143,208,159	56913
3M3 490-611 Federal Aging	\$	25,541,095	\$	26,818,149	56914
Nutrition					
3M4 490-612 Federal Supportive	\$	26,305,294	\$	27,094,453	56915
Services					
3R7 490-617 Ohio Community Service	\$	8,951,150	\$	8,905,150	56916
Council Programs					
322 490-618 Older Americans	\$	12,904,949	\$	13,298,626	56917
Support Services					
TOTAL FED Federal Special Revenue					56918
Fund Group	\$	214,265,559	\$	219,324,537	56919
State Special Revenue Fund Group					56920
4C4 490-609 Regional Long-Term	\$	451,190	\$	451,190	56921
Care Ombudsman Program					
4J4 490-610 PASSPORT/Residential	\$	33,268,052	\$	33,263,984	56922
State Supplement					
4U9 490-602 PASSPORT Fund	\$	5,000,000	\$	5,000,000	56923
5W1 490-616 Resident Services	\$	250,000	\$	250,000	56924
Coordinator Program					
624 490-604 OCSC Community Support	\$	2,500	\$	2,500	56925
TOTAL SSR State Special Revenue					56926
Fund Group	\$	38,971,742	\$	38,967,674	56927

TOTAL ALL BUDGET FUND GROUPS \$ 359,740,088 \$ 370,974,658 56928

Section 11.01. PRE-ADMISSION REVIEW FOR NURSING FACILITY 56930
ADMISSION 56931

Pursuant to sections 5101.751 and 5101.754 of the Revised Code and an interagency agreement, the Department of Job and Family Services shall designate the Department of Aging to perform assessments under sections 5101.75 and 5111.204 of the Revised Code. Of the foregoing appropriation item 490-403, PASSPORT, the Department of Aging may use not more than \$2,511,309 in fiscal year 2004 and \$2,574,092 in fiscal year 2005 to perform the assessments for persons not eligible for Medicaid in accordance with the department's interagency agreement with the Department of Job and Family Services and to assist individuals in planning for their long-term health care needs.

Section 11.02. PASSPORT 56943

Appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, may be used to assess clients regardless of Medicaid eligibility.

The Director of Aging shall adopt rules under section 111.15 of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver-funded PASSPORT Home Care Program.

Appropriation item 490-403, PASSPORT, and the amounts set aside 56959
for the PASSPORT Waiver Program in appropriation item 490-610, 56960
PASSPORT/Residential State Supplement, may also be used to support 56961
the Department of Aging's administrative costs associated with 56962
operating the PASSPORT program. 56963

The foregoing appropriation item 490-607, PASSPORT, shall be 56964
used to provide the federal matching share for all PASSPORT 56965
program costs determined by the Department of Job and Family 56966
Services to be eligible for Medicaid reimbursement. 56967

SENIOR COMMUNITY SERVICES 56968

The foregoing appropriation item 490-411, Senior Community 56969
Services, shall be used for services designated by the Department 56970
of Aging, including, but not limited to, home-delivered and 56971
congregate meals, transportation services, personal care services, 56972
respite services, adult day services, home repair, care 56973
coordination, and decision support systems. Service priority shall 56974
be given to low income, frail, and cognitively impaired persons 60 56975
years of age and over. The department shall promote cost sharing 56976
by service recipients for those services funded with block grant 56977
funds, including, where possible, sliding-fee scale payment 56978
systems based on the income of service recipients. 56979

ALZHEIMERS RESPITE 56980

The foregoing appropriation item 490-414, Alzheimers Respite, 56981
shall be used to fund only Alzheimer's disease services under 56982
section 173.04 of the Revised Code. 56983

TRANSPORTATION FOR ELDERLY 56984

The foregoing appropriation item 490-416, Transportation for 56985
Elderly, shall be used for noncapital expenses related to 56986
transportation services for the elderly that provide access to 56987
such things as healthcare services, congregate meals, 56988
socialization programs, and grocery shopping. The funds pass 56989

through and shall be administered by the Area Agencies on Aging.	56990
The appropriation shall be allocated to the following agencies:	56991
(A) Up to \$34,912 in fiscal year 2004 and up to \$34,039 in fiscal year 2005 to the Jewish Vocational Services/Cincinnati;	56992 56993
(B) Up to \$34,912 in fiscal year 2004 and up to \$34,039 in fiscal year 2005 to the Jewish Community Center of Cleveland;	56994 56995
(C) Up to \$34,912 in fiscal year 2004 and up to \$34,039 in fiscal year 2005 to the Wexner Heritage Village/Columbus;	56996 56997
(D) Up to \$15,469 in fiscal year 2004 and up to \$15,082 in fiscal year 2005 to the Jewish Family Services of Dayton;	56998 56999
(E) Up to \$7,805 in fiscal year 2004 and up to \$7,610 in fiscal year 2005 to the Jewish Community Center of Akron;	57000 57001
(F) Up to \$3,832 in fiscal year 2004 and up to \$3,736 in fiscal year 2005 to the Jewish Community Center/Youngstown;	57002 57003
(G) Up to \$2,270 in fiscal year 2004 and up to \$2,214 in fiscal year 2005 to the Jewish Community Center/Canton;	57004 57005
(H) Up to \$7,805 in fiscal year 2004 and up to \$7,610 in fiscal year 2005 to the Jewish Community Center/Sylvania.	57006 57007
Agencies receiving funding from appropriation item 490-416, Transportation for Elderly, shall coordinate services with other local service agencies.	57008 57009 57010
RESIDENTIAL STATE SUPPLEMENT	57011
Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment and for determining the amount per month the eligible resident will receive shall be as follows:	57012 57013 57014 57015
(A) \$900 for a residential care facility, as defined in section 3721.01 of the Revised Code;	57016 57017
(B) \$900 for an adult group home, as defined in Chapter 3722.	57018

of the Revised Code;	57019
(C) \$800 for an adult foster home, as defined in Chapter 173.	57020
of the Revised Code;	57021
(D) \$800 for an adult family home, as defined in Chapter	57022
3722. of the Revised Code;	57023
(E) \$800 for an adult community alternative home, as defined	57024
in Chapter 3724. of the Revised Code;	57025
(F) \$800 for an adult residential facility, as defined in	57026
Chapter 5119. of the Revised Code;	57027
(G) \$600 for adult community mental health housing services,	57028
as defined in division (B)(5) of section 173.35 of the Revised	57029
Code.	57030
The Departments of Aging and Job and Family Services shall	57031
reflect these amounts in any applicable rules the departments	57032
adopt under section 173.35 of the Revised Code.	57033
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	57034
The Department of Aging may transfer cash by intrastate	57035
transfer vouchers from the foregoing appropriation items 490-412,	57036
Residential State Supplement, and 490-610, PASSPORT/Residential	57037
State Supplement, to the Department of Job and Family Services'	57038
Fund 4J5, Home and Community-Based Services for the Aged Fund. The	57039
funds shall be used to make benefit payments to Residential State	57040
Supplement recipients.	57041
LONG-TERM CARE OMBUDSMAN	57042
The foregoing appropriation item 490-410, Long-Term Care	57043
Ombudsman, shall be used for a program to fund ombudsman program	57044
activities in nursing homes, adult care facilities, boarding	57045
homes, and home and community care services.	57046
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAMS	57047

The foregoing appropriation item 490-609, Regional Long-Term Care Ombudsman Programs, shall be used solely to pay the costs of operating the regional long-term care ombudsman programs.

PASSPORT/RESIDENTIAL STATE SUPPLEMENT

Of the foregoing appropriation item 490-610, PASSPORT/Residential State Supplement, up to \$2,835,000 each fiscal year may be used to fund the Residential State Supplement Program. The remaining available funds shall be used to fund the PASSPORT program.

TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL SUPPORTIVE SERVICES, AND OLDER AMERICANS SUPPORT SERVICES

Upon written request of the Director of Aging, the Director of Budget and Management may transfer appropriation authority among appropriation items 490-611, Federal Aging Nutrition, 490-612, Federal Supportive Services, and 490-618, Older Americans Support Services, in amounts not to exceed 30 per cent of the appropriation from which the transfer is made. The Department of Aging shall report such transfers to the Controlling Board at the next regularly scheduled meeting of the board.

OHIO COMMUNITY SERVICE COUNCIL

The foregoing appropriation items 490-409, Ohio Community Service Council Operations, and 490-617, Ohio Community Service Council Programs, shall be used in accordance with section 121.40 of the Revised Code.

Section 12. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF 700-321	Operating Expenses	\$	2,737,665	\$	2,771,628	57074
GRF 700-401	Animal Disease Control	\$	3,621,815	\$	3,621,815	57075
GRF 700-402	Amusement Ride Safety	\$	278,767	\$	275,943	57076

GRF 700-403	Dairy Division	\$	1,494,597	\$	1,494,153	57077
GRF 700-404	Ohio Proud	\$	197,727	\$	197,229	57078
GRF 700-405	Animal Damage Control	\$	44,954	\$	44,954	57079
GRF 700-406	Consumer Analytical Lab	\$	819,281	\$	872,241	57080
GRF 700-407	Food Safety	\$	999,042	\$	999,042	57081
GRF 700-409	Farmland Preservation	\$	256,993	\$	256,993	57082
GRF 700-410	Plant Industry	\$	1,109,867	\$	1,107,677	57083
GRF 700-411	International Trade and Market Development	\$	521,049	\$	517,524	57084
GRF 700-412	Weights and Measures	\$	914,137	\$	909,120	57085
GRF 700-413	Gypsy Moth Prevention	\$	546,118	\$	576,299	57086
GRF 700-414	Concentrated Animal Feeding Facilities Advisory Committee	\$	16,521	\$	16,086	57087
GRF 700-415	Poultry Inspection	\$	270,645	\$	267,743	57088
GRF 700-418	Livestock Regulation Program	\$	1,306,911	\$	1,306,911	57089
GRF 700-424	Livestock Testing and Inspections	\$	123,347	\$	123,347	57090
GRF 700-499	Meat Inspection Program - State Share	\$	4,451,611	\$	4,496,889	57091
GRF 700-501	County Agricultural Societies	\$	381,091	\$	381,091	57092
TOTAL GRF	General Revenue Fund	\$	20,092,138	\$	20,236,685	57093
	Federal Special Revenue Fund Group					57094
3J4 700-607	Indirect Cost	\$	938,785	\$	949,877	57095
3R2 700-614	Federal Plant Industry	\$	1,400,000	\$	1,425,000	57096
326 700-618	Meat Inspection Service - Federal Share	\$	4,876,904	\$	4,951,291	57097
336 700-617	Ohio Farm Loan Revolving Fund	\$	181,774	\$	181,774	57098

382	700-601	Cooperative Contracts	\$	2,400,000	\$	2,500,000	57099
	TOTAL FED	Federal Special Revenue					57100
	Fund Group		\$	9,797,463	\$	10,007,942	57101
	State Special Revenue Fund Group						57102
4C9	700-605	Feed, Fertilizer, and Lime Inspection	\$	986,765	\$	1,008,541	57103
4D2	700-609	Auction Education	\$	30,476	\$	30,476	57104
4E4	700-606	Utility Radiological Safety	\$	73,059	\$	73,059	57105
4P7	700-610	Food Safety Inspection	\$	575,797	\$	582,711	57106
4R0	700-636	Ohio Proud Marketing	\$	40,300	\$	38,300	57107
4R2	700-637	Dairy Inspection Fund	\$	1,157,603	\$	1,184,183	57108
4T6	700-611	Poultry and Meat Inspection	\$	46,162	\$	47,294	57109
4T7	700-613	International Trade and Market Development Rotary	\$	41,238	\$	42,000	57110
4V5	700-615	Animal Industry Lab Fees	\$	711,944	\$	711,944	57111
494	700-612	Agricultural Commodity Marketing Program	\$	170,077	\$	170,220	57112
496	700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,099	57113
497	700-627	Commodity Handlers Regulatory Program	\$	664,118	\$	664,118	57114
498	700-628	Commodity Indemnity Fund	\$	250,000	\$	250,000	57115
5B8	700-629	Auctioneers	\$	291,672	\$	365,390	57116
5H2	700-608	Metrology Lab	\$	105,879	\$	108,849	57117
5L8	700-604	Livestock Management Program	\$	250,000	\$	250,000	57118
578	700-620	Ride Inspection Fees	\$	497,000	\$	497,000	57119
579	700-630	Scale Certification	\$	168,785	\$	171,677	57120
652	700-634	Laboratory Services	\$	1,043,444	\$	1,074,447	57121

669 700-635 Pesticide Program	\$	2,243,232	\$	2,243,232	57122
TOTAL SSR State Special Revenue					57123
Fund Group	\$	10,418,650	\$	10,584,540	57124
Clean Ohio Fund Group					57125
057 700-632 Clean Ohio	\$	149,000	\$	149,000	57126
Agricultural Easement					
TOTAL CLR Clean Ohio Fund Group	\$	149,000	\$	149,000	57127
TOTAL ALL BUDGET FUND GROUPS	\$	40,457,251	\$	40,978,167	57128
 FAMILY FARM LOAN PROGRAM					57129
 Notwithstanding Chapter 166. of the Revised Code, up to					57130
\$1,500,000 in each fiscal year shall be transferred from moneys in					57131
the Facilities Establishment Fund (Fund 037) to the Family Farm					57132
Loan Fund (Fund 5H1) in the Department of Development. These					57133
moneys shall be used for loan guarantees. The transfer is subject					57134
to Controlling Board approval.					57135
 Financial assistance from the Family Farm Loan Fund (Fund					57136
5H1) shall be repaid to Fund 5H1. This fund is established in					57137
accordance with sections 166.031, 901.80, 901.81, 901.82, and					57138
901.83 of the Revised Code.					57139
 When the Family Farm Loan Fund (Fund 5H1) ceases to exist,					57140
all outstanding balances, all loan repayments, and any other					57141
outstanding obligations shall revert to the Facilities					57142
Establishment Fund (Fund 037).					57143
 CLEAN OHIO AGRICULTURAL EASEMENT					57144
 The foregoing appropriation item 700-632, Clean Ohio					57145
Agricultural Easement, shall be used by the Department of					57146
Agriculture in administering sections 901.21, 901.22, and 5301.67					57147
to 5301.70 of the Revised Code.					57148
 Section 13. AIR AIR QUALITY DEVELOPMENT AUTHORITY					57149
 General Revenue Fund					57150

GRF 898-604	Coal Development Office	\$	588,041	\$	599,802	57151
GRF 898-901	Coal R&D Gen Obligation Debt Service	\$	7,231,200	\$	9,185,100	57152
TOTAL GRF General Revenue Fund		\$	7,819,241	\$	9,784,902	57153
Agency Fund Group						57154
4Z9 898-602	Small Business Ombudsman	\$	233,482	\$	233,482	57155
5A0 898-603	Small Business Assistance	\$	197,463	\$	197,463	57156
570 898-601	Operating Expenses	\$	243,383	\$	243,383	57157
TOTAL AGY Agency Fund Group		\$	674,328	\$	674,328	57158
Coal Research/Development Fund						57159
046 898-604	Coal Research & Dev Fund	\$	13,168,357	\$	13,168,357	57160
TOTAL 046 Coal Research & Dev Fund		\$	13,168,357	\$	13,168,357	57161
TOTAL ALL BUDGET FUND GROUPS		\$	21,661,926	\$	23,627,587	57162

Section 13.01. COAL DEVELOPMENT OFFICE 57164

The foregoing appropriation item GRF 898-402, Coal Development Office, shall be used for the administrative costs of the Coal Development Office. 57165
57166
57167

Section 13.02. COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 57168
57169

The foregoing appropriation item GRF 898-901, Coal R&D Gen Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made under sections 151.01 and 151.07 of the Revised Code during the period from July 1, 2003, to June 30, 2005. The Office of the Sinking Fund or the Director of Budget and Management shall 57170
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57172
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57175

effectuate the required payments by an intrastate transfer 57176
voucher. 57177

Section 13.03. SCIENCE AND TECHNOLOGY COLLABORATION 57178

The Air Quality Development Authority shall work in close 57179
collaboration with the Department of Development, Board of 57180
Regents, and the Third Frontier Commission in relation to 57181
appropriation items and programs listed in the following 57182
paragraph, and other technology-related appropriations and 57183
programs in the Department of Development, Air Quality Development 57184
Authority, and the Board of Regents as those agencies may 57185
designate, to ensure implementation of a coherent state strategy 57186
with respect to science and technology. 57187

Each of the following appropriations and programs: 195-401, 57188
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 57189
Third Frontier Action Fund; 898-604, Coal Research and Development 57190
Fund; 235-454, Research Challenge; 235-510, Ohio Supercomputer 57191
Center; 235-527, Ohio Aerospace Institute; 235-535, Agricultural 57192
Research and Development Center; 235-553, Dayton Area Graduate 57193
Studies Institute; 235-554, Computer Science Graduate Education; 57194
235-556, Ohio Academic Resources Network; and 195-405, Biomedical 57195
Research and Technology Transfer Trust, shall be reviewed annually 57196
by the Third Frontier Commission with respect to its development 57197
of complementary relationships within a combined state science and 57198
technology investment portfolio and its overall contribution to 57199
the state's science and technology strategy, including the 57200
adoption of appropriately consistent criteria for: 57201

(1) the scientific merit of activities supported by the 57202
program; 57203

(2) the relevance of the program's activities to commercial 57204
opportunities in the private sector; 57205

(3) the private sector's involvement in a process that 57206
continually evaluates commercial opportunities to use the work 57207
supported by the program; and 57208

(4) the ability of the program and recipients of grant 57209
funding from the program to engage in activities that are 57210
collaborative, complementary, and efficient with respect to the 57211
expenditure of state funds. 57212

All programs listed in the preceding paragraph shall provide 57213
annual reports to the Third Frontier Commission discussing 57214
existing, planned, or possible collaborations between programs and 57215
recipients of grant funding related to technology, development, 57216
commercialization, and supporting Ohio's economic development. The 57217
annual review by the Third Frontier Commission shall be a 57218
comprehensive review of the entire state science and technology 57219
program portfolio rather than a review of individual programs. 57220

Section 14. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 57221
SERVICES 57222

General Revenue Fund 57223

GRF 038-321 Operating Expenses	\$	1,200,293	\$	1,200,293	57224
GRF 038-401 Treatment Services	\$	36,012,306	\$	36,012,306	57225
GRF 038-404 Prevention Services	\$	1,055,033	\$	1,055,033	57226
TOTAL GRF General Revenue Fund	\$	38,267,632	\$	38,267,632	57227

General Services Fund 57228

5T9 038-616 Problem Gambling	\$	60,000	\$	60,000	57229
Services					
TOTAL GSF General Services Fund	\$	60,000	\$	60,000	57230

Group

Federal Special Revenue Fund Group 57231

3G3 038-603 Drug Free Schools	\$	3,500,000	\$	3,500,000	57232
3G4 038-614 Substance Abuse Block	\$	67,335,499	\$	68,079,223	57233

Grant			
3H8	038-609	Demonstration Grants	\$ 7,093,075 \$ 7,093,075 57234
3J8	038-610	Medicaid	\$ 30,000,000 \$ 30,000,000 57235
3N8	038-611	Administrative	\$ 500,000 \$ 500,000 57236
Reimbursement			
TOTAL FED Federal Special Revenue			57237
Fund Group			\$ 108,428,574 \$ 109,172,298 57238
State Special Revenue Fund Group			57239
475	038-621	Statewide Treatment	\$ 15,191,182 \$ 15,191,182 57240
and Prevention			
5P1	038-615	Credentialing	\$ 225,000 \$ 0 57241
689	038-604	Education and	\$ 280,000 \$ 280,000 57242
Conferences			
TOTAL SSR State Special Revenue			57243
Fund Group			\$ 15,696,182 \$ 15,471,182 57244
TOTAL ALL BUDGET FUND GROUPS			\$ 162,452,388 \$ 162,971,112 57245
AM. SUB. H.B. 484 OF THE 122nd GENERAL ASSEMBLY			57246
Of the foregoing appropriation item 038-401, Treatment			57247
Services, \$4 million in each fiscal year shall be allocated for			57248
services to families, adults, and adolescents pursuant to the			57249
requirements of Am. Sub. H.B. 484 of the 122nd General Assembly.			57250
TALBERT HOUSE			57251
Of the foregoing appropriation item 038-401, Treatment			57252
Services, \$200,000 in each fiscal year shall be allocated to			57253
establish a Talbert House Facility in Butler County.			57254
SERVICES FOR TANF-ELIGIBLE INDIVIDUALS			57255
Of the foregoing appropriation item 038-401, Treatment			57256
Services, \$5 million each year shall be used to fund TANF-eligible			57257
expenditures for substance abuse prevention and treatment services			57258
to children, or their families, whose income is at or below 200			57259
per cent of the official income poverty guideline. The Director of			57260

Alcohol and Drug Addiction Services and the Director of Job and Family Services shall develop operating and reporting guidelines for these programs.

PARENT AWARENESS TASK FORCE

The Parent Awareness Task Force shall study ways to engage more parents in activities, coalitions, and educational programs in Ohio relating to alcohol and other drug abuse prevention. Of the foregoing appropriation item 038-404, Prevention Services, \$30,000 in each fiscal year may be used to support the functions of the Parent Awareness Task Force.

Section 15. AMB AMBULANCE LICENSING BOARD

General Services Fund Group				57272
4N1 915-601 Operating Expenses	\$	272,340	\$ 284,054	57273
TOTAL GSF General Services Fund Group				57274
	\$	272,340	\$ 284,054	57275
TOTAL ALL BUDGET FUND GROUPS	\$	272,340	\$ 284,054	57276

Section 16. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS

General Services Fund Group				57279
4K9 891-609 Operating Expenses	\$	480,574	\$ 479,574	57280
TOTAL GSF General Services Fund Group				57281
	\$	480,574	\$ 479,574	57282
TOTAL ALL BUDGET FUND GROUPS	\$	480,574	\$ 479,574	57283

Section 17. ART OHIO ARTS COUNCIL

General Revenue Fund				57286
GRF 370-100 Personal Services	\$	1,896,848	\$ 1,892,879	57287
GRF 370-200 Maintenance	\$	547,404	\$ 532,998	57288
GRF 370-300 Equipment	\$	27,788	\$ 27,056	57289
GRF 370-502 Program Subsidies	\$	9,896,320	\$ 9,648,912	57290
TOTAL GRF General Revenue Fund	\$	12,368,360	\$ 12,101,845	57291

General Services Fund Group				57292
4B7 370-603 Per Cent for Art	\$	86,366	\$ 86,366	57293
Acquisitions				
460 370-602 Gifts and Donations	\$	429,325	\$ 429,325	57294
TOTAL GSF General Services Fund	\$	515,691	\$ 515,691	57295
Group				
Federal Special Revenue Fund Group				57296
314 370-601 Federal Programs	\$	1,657,300	\$ 1,657,300	57297
TOTAL FED Federal Special Revenue	\$	1,657,300	\$ 1,657,300	57298
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	14,541,351	\$ 14,274,836	57299
PROGRAM SUBSIDIES				57300
A museum is not eligible to receive funds from appropriation				57301
item 370-502, Program Subsidies, if \$8,000,000 or more in capital				57302
appropriations were appropriated by the state for the museum				57303
between January 1, 1986, and December 31, 2002.				57304
PER CENT FOR ART ACQUISITIONS				57305
The unencumbered balance remaining from prior projects of				57306
appropriation item 370-603, Per Cent for Art Acquisitions, shall				57307
be used by the Ohio Arts Council to pay for start-up costs in				57308
connection with the selection of artists of new Per Cent for Art				57309
projects.				57310
Section 18. AFC OHIO ARTS AND SPORTS FACILITIES COMMISSION				57311
General Revenue Fund				57312
GRF 371-321 Operating Expenses	\$	67,451	\$ 67,451	57313
GRF 371-401 Lease Rental Payments	\$	36,283,800	\$ 37,617,700	57314
TOTAL GRF General Revenue Fund	\$	36,351,251	\$ 37,685,151	57315
State Special Revenue Fund Group				57316
4T8 371-601 Riffe Theatre	\$	23,194	\$ 23,194	57317
Equipment Maintenance				

4T8 371-603 Project Administration \$ 1,035,377 \$ 1,074,339 57318
TOTAL SSR State Special Revenue \$ 1,058,571 \$ 1,097,533 57319
Group

TOTAL ALL BUDGET FUND GROUPS \$ 37,409,822 \$ 38,782,684 57320

OHIO BUILDING AUTHORITY LEASE PAYMENTS 57321

The foregoing appropriation item 371-401, Lease Rental 57322
Payments, shall be used by the Arts and Sports Facilities 57323
Commission for payments to the Ohio Building Authority for the 57324
period from July 1, 2003, to June 30, 2005, pursuant to the 57325
primary leases and agreements for those buildings made under 57326
Chapter 152. of the Revised Code, but limited to the aggregate 57327
amount of \$73,901,500. This appropriation is the source of funds 57328
pledged for bond service charges on related obligations issued 57329
pursuant to Chapter 152. of the Revised Code. 57330

OPERATING EXPENSES 57331

The foregoing appropriation item 371-603, Project 57332
Administration, shall be used by the Ohio Arts and Sports 57333
Facilities Commission to carry out its responsibilities pursuant 57334
to this section and Chapter 3383. of the Revised Code. 57335

Within ten days after the effective date of this section, or 57336
as soon as possible thereafter, the Director of Budget and 57337
Management shall determine the amount of cash from interest 57338
earnings to be transferred from the Arts Facilities Building Fund 57339
(Fund 030) and the Sports Facilities Building Fund (Fund 024) to 57340
the Arts and Sports Facilities Commission Administration Fund 57341
(Fund 4T8). The total amount transferred in fiscal year 2004 and 57342
fiscal year 2005 may not exceed the total biennial appropriation 57343
of \$2,109,716 in appropriation item 371-603, Project 57344
Administration. 57345

By July 10, 2004, or as soon as possible thereafter, the 57346
Director of Budget and Management shall determine the amount of 57347

cash from interest earnings to be transferred from the Arts 57348
 Facilities Building Fund (Fund 030) and the Sports Facilities 57349
 Building Fund (Fund 024) to the Arts and Sports Commission 57350
 Administration Fund (Fund 4T8). The total amount transferred in 57351
 fiscal year 2004 and in fiscal year 2005 may not exceed the total 57352
 biennial appropriation of \$2,109,716 in appropriation item 57353
 371-603, Project Administration. 57354

Section 19. ATH ATHLETIC COMMISSION 57355

General Services Fund Group 57356
 4K9 175-609 Athletic Commission - \$ 188,250 \$ 200,205 57357
 Operating
 TOTAL GSF General Services Fund \$ 188,250 \$ 200,205 57358
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 188,250 \$ 200,205 57359

TRANSFER OF CASH BALANCE FROM FUND 5R1 57360

On July 1, 2003, or as soon thereafter as possible, the 57361
 Director of Budget and Management shall transfer the cash balance 57362
 in the Athlete Agents Registration Fund (Fund 5R1) that was 57363
 created in former section 4771.22 of the Revised Code to the 57364
 Occupational Licensing and Regulatory Fund (Fund 4K9). The 57365
 director shall cancel any existing encumbrances against 57366
 appropriation item 175-602, Athlete Agents Registration (Fund 57367
 5R1), and reestablish them against appropriation item 175-609, 57368
 Athletic Commission - Operating (Fund 4K9). The amounts of the 57369
 reestablished encumbrances are hereby appropriated. 57370

Section 20. AGO ATTORNEY GENERAL 57371

General Revenue Fund 57372
 GRF 055-321 Operating Expenses \$ 53,885,937 \$ 53,885,937 57373
 GRF 055-406 Community Police Match \$ 2,258,843 \$ 2,258,843 57374
 and Law Enforcement

		Assistance				
GRF	055-411	County Sheriffs	\$	574,168	\$	574,168 57375
GRF	055-415	County Prosecutors	\$	481,245	\$	481,245 57376
TOTAL GRF		General Revenue Fund	\$	57,200,193	\$	57,200,193 57377
		General Services Fund Group				57378
106	055-612	General Reimbursement	\$	18,870,196	\$	18,870,196 57379
107	055-624	Employment Services	\$	984,396	\$	984,396 57380
195	055-660	Workers' Compensation	\$	7,769,628	\$	7,769,628 57381
		Section				
4Y7	055-608	Title Defect	\$	570,623	\$	570,623 57382
		Rescission				
4Z2	055-609	BCI Asset Forfeiture	\$	332,109	\$	332,109 57383
		and Cost Reimbursement				
418	055-615	Charitable Foundations	\$	1,899,066	\$	1,899,066 57384
420	055-603	Attorney General	\$	446,449	\$	446,449 57385
		Antitrust				
421	055-617	Police Officers'	\$	1,193,213	\$	1,193,213 57386
		Training Academy Fee				
5A9	055-618	Telemarketing Fraud	\$	52,378	\$	52,378 57387
		Enforcement				
590	055-633	Peace Officer Private	\$	98,370	\$	98,370 57388
		Security Fund				
629	055-636	Corrupt Activity	\$	108,230	\$	108,230 57389
		Investigation and				
		Prosecution				
631	055-637	Consumer Protection	\$	1,373,832	\$	1,373,832 57390
		Enforcement				
TOTAL GSF		General Services Fund				57391
Group			\$	33,698,490	\$	33,698,490 57392
		Federal Special Revenue Fund Group				57393
3E5	055-638	Anti-Drug Abuse	\$	1,923,400	\$	1,981,102 57394
3R6	055-613	Attorney General	\$	3,730,191	\$	3,842,097 57395

Federal Funds					
306	055-620	Medicaid Fraud Control	\$ 2,882,970	\$ 2,969,459	57396
381	055-611	Civil Rights Legal	\$ 390,815	\$ 390,815	57397
Service					
383	055-634	Crime Victims	\$ 17,561,250	\$ 18,439,313	57398
Assistance					
TOTAL FED Federal Special Revenue					57399
Fund Group			\$ 26,488,626	\$ 27,622,786	57400
State Special Revenue Fund Group					57401
402	055-616	Victims of Crime	\$ 27,933,893	\$ 27,933,893	57402
417	055-621	Domestic Violence	\$ 14,492	\$ 14,492	57403
Shelter					
419	055-623	Claims Section	\$ 13,649,954	\$ 13,649,954	57404
659	055-641	Solid and Hazardous	\$ 621,159	\$ 621,159	57405
Waste Background					
Investigations					
TOTAL SSR State Special Revenue					57406
Fund Group			\$ 42,219,498	\$ 42,219,498	57407
Holding Account Redistribution Fund Group					57408
R03	055-629	Bingo License Refunds	\$ 5,200	\$ 5,200	57409
R04	055-631	General Holding	\$ 275,000	\$ 275,000	57410
Account					
R05	055-632	Antitrust Settlements	\$ 10,400	\$ 10,400	57411
R18	055-630	Consumer Frauds	\$ 750,000	\$ 750,000	57412
R42	055-601	Organized Crime	\$ 200,000	\$ 200,000	57413
Commission Account					
TOTAL 090 Holding Account					57414
Redistribution Fund Group			\$ 1,240,600	\$ 1,240,600	57415
TOTAL ALL BUDGET FUND GROUPS			\$ 160,847,407	\$ 161,981,567	57416
WORKERS' COMPENSATION SECTION					57417
The Workers' Compensation Section Fund (Fund 195) shall					57418
receive payments from the Bureau of Workers' Compensation and the					57419

Ohio Industrial Commission at the beginning of each quarter of 57420
each fiscal year to fund legal services to be provided to the 57421
Bureau of Workers' Compensation and the Ohio Industrial Commission 57422
during the ensuing quarter. Such advance payment shall be subject 57423
to adjustment. 57424

In addition, the Bureau of Workers' Compensation shall 57425
transfer payments at the beginning of each quarter for the support 57426
of the Workers' Compensation Fraud Unit. 57427

All amounts shall be mutually agreed upon by the Attorney 57428
General, the Bureau of Workers' Compensation, and the Ohio 57429
Industrial Commission. 57430

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 57431

The foregoing appropriation item 055-636, Corrupt Activity 57432
Investigation and Prosecution, shall be used as provided by 57433
division (D)(2) of section 2923.35 of the Revised Code to dispose 57434
of the proceeds, fines, and penalties credited to the Corrupt 57435
Activity Investigation and Prosecution Fund, which is created in 57436
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 57437
is determined that additional amounts are necessary, the amounts 57438
are hereby appropriated. 57439

COMMUNITY POLICE MATCH AND LAW ENFORCEMENT ASSISTANCE 57440

In fiscal years 2004 and 2005, the Attorney General's Office 57441
may request the Director of Budget and Management to transfer 57442
appropriation authority from appropriation item 055-321, Operating 57443
Expenses, to appropriation item 055-406, Community Police Match 57444
and Law Enforcement Assistance. The Director of Budget and 57445
Management shall then transfer appropriation authority from 57446
appropriation item 055-321, Operating Expenses, to appropriation 57447
item 055-406, Community Police Match and Law Enforcement 57448
Assistance. Moneys transferred to appropriation item 055-406, 57449
Community Police Match and Law Enforcement Assistance, shall be 57450

used to pay operating expenses and to provide grants to local law 57451
enforcement agencies and communities for the purpose of supporting 57452
law enforcement-related activities. 57453

Section 21. AUD AUDITOR OF STATE 57454

General Revenue Fund 57455

GRF 070-321 Operating Expenses \$ 31,038,838 \$ 31,038,838 57456

GRF 070-403 Fiscal Watch/Emergency \$ 200,180 \$ 200,180 57457

Technical Assistance

GRF 070-405 Electronic Data \$ 823,193 \$ 823,193 57458

Processing - Auditing
and Administration

GRF 070-406 Uniform Accounting \$ 1,548,773 \$ 1,548,773 57459

Network/Technology
Improvements Fund

TOTAL GRF General Revenue Fund \$ 33,610,984 \$ 33,610,984 57460

General Services Fund Group 57461

109 070-601 Public Audit Expense - \$ 10,592,547 \$ 11,651,800 57462

Intra-State

422 070-601 Public Audit Expense - \$ 37,617,072 \$ 39,497,925 57463

Local Government

584 070-603 Training Program \$ 124,999 \$ 131,250 57464

675 070-605 Uniform Accounting \$ 3,015,760 \$ 3,317,336 57465

Network

TOTAL GSF General Services Fund 57466

Group \$ 51,350,378 \$ 54,598,311 57467

Holding Account Redistribution Fund Group 57468

R06 070-604 Continuous Receipts \$ 50,000 \$ 60,000 57469

TOTAL 090 Holding Account 57470

Redistribution Fund Group \$ 50,000 \$ 60,000 57471

TOTAL ALL BUDGET FUND GROUPS \$ 85,011,362 \$ 88,269,295 57472

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 57473

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 limited to, the following: duties related to the determination or termination of fiscal watch or fiscal emergency of municipal corporations, counties, or townships as outlined in Chapter 118. of the Revised Code and of school districts as outlined in Chapter 3316. of the Revised Code; development of preliminary accounting reports; performance of annual forecasts; provision of performance audits; and supervisory, accounting, or auditing services for the mentioned public entities and school districts. The unencumbered balance of appropriation item 070-403, Fiscal Watch/Emergency Technical Assistance, at the end of fiscal year 2004 is transferred to fiscal year 2005 for use under the same appropriation item.

ELECTRONIC DATA PROCESSING

The unencumbered balance of appropriation item 070-405, Electronic Data Processing - Auditing and Administration, at the end of fiscal year 2004 is transferred to fiscal year 2005 for use under the same appropriation item.

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND

The foregoing appropriation item 070-406, Uniform Accounting Network/Technology Improvements Fund, shall be used to pay the costs of developing and implementing the Uniform Accounting Network and technology improvements for the Office of the Auditor of State. The unencumbered balance of the appropriation at the end of fiscal year 2004 is transferred to fiscal year 2005 to pay the costs of developing and implementing the Uniform Accounting Network and technology improvements for the Office of the Auditor

of State.				57505
Section 22. BRB BOARD OF BARBER EXAMINERS				57506
General Services Fund Group				57507
4K9 877-609 Operating Expenses	\$	535,853	\$ 555,037	57508
TOTAL GSF General Services Fund				57509
Group	\$	535,853	\$ 555,037	57510
TOTAL ALL BUDGET FUND GROUPS	\$	535,853	\$ 555,037	57511
Section 23. OBM OFFICE OF BUDGET AND MANAGEMENT				57513
General Revenue Fund				57514
GRF 042-321 Budget Development and	\$	3,087,913	\$ 2,850,687	57515
Implementation				
GRF 042-409 Commission Closures	\$	95,000	\$ 0	57516
GRF 042-410 National Association	\$	27,089	\$ 27,902	57517
Dues				
GRF 042-412 Audit of Auditor of	\$	49,450	\$ 51,000	57518
State				
TOTAL GRF General Revenue Fund	\$	3,259,452	\$ 2,929,589	57519
General Services Fund Group				57520
105 042-603 State Accounting	\$	9,131,651	\$ 9,375,862	57521
TOTAL GSF General Services Fund	\$	9,131,651	\$ 9,375,862	57522
Group				
State Special Revenue Fund Group				57523
5N4 042-602 OAKS Project	\$	2,062,875	\$ 2,069,125	57524
Implementation				
TOTAL SSR State Special Revenue	\$	2,062,875	\$ 2,069,125	57525
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	14,453,978	\$ 14,374,576	57526
STATE SERVICES REVIEW				57527
Of the forgoing appropriation item, 042-321, Budget				57528

Development and Implementation, \$495,444 in fiscal year 2004 and 57529
 \$495,443 in fiscal year 2005 shall be used to support the duties 57530
 described in the sections of this act entitled "State Services 57531
 Review." 57532

AUDIT COSTS 57533

Of the foregoing appropriation item 042-603, State 57534
 Accounting, not more than \$400,000 in fiscal year 2004 and 57535
 \$415,000 in fiscal year 2005 shall be used to pay for centralized 57536
 audit costs associated with either Single Audit Schedules or 57537
 financial statements prepared in conformance with generally 57538
 accepted accounting principles for the state. 57539

Section 24. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 57540

General Revenue Fund 57541

GRF 874-321 Operating Expenses	\$	2,803,662	\$	2,784,329	57542
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TOTAL GRF General Revenue Fund	\$	2,803,662	\$	2,784,329	57543
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General Services Fund Group 57544

4G5 874-603 Capitol Square	\$	15,000	\$	15,000	57545
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Maintenance Expenses

4S7 874-602 Statehouse Gift	\$	770,484	\$	770,484	57546
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Shop/Events

TOTAL GSF General Services 57547

Fund Group	\$	785,484	\$	785,484	57548
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Underground Parking Garage 57549

208 874-601 Underground Parking	\$	2,996,801	\$	2,959,721	57550
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Garage Operating

TOTAL UPG Underground Parking 57551

Garage	\$	2,996,801	\$	2,959,721	57552
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TOTAL ALL BUDGET FUND GROUPS	\$	6,585,947	\$	6,529,534	57553
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Section 25. SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS 57555

General Services Fund Group				57556
4K9 233-601 Operating Expenses	\$	404,025	\$ 431,525	57557
TOTAL GSF General Services Fund	\$	404,025	\$ 431,525	57558
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	404,025	\$ 431,525	57559

Section 26. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 57561

General Services Fund Group				57562
4K9 930-609 Operating Expenses	\$	225,000	\$ 450,000	57563
TOTAL GSF General Services Fund	\$	225,000	\$ 450,000	57564
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	225,000	\$ 450,000	57565

Notwithstanding any other law to the contrary, upon 57566
certification by the Director of Administrative Services, the 57567
Director of Budget and Management may transfer cash in an amount 57568
not to exceed the fiscal year 2004 appropriation from Fund 5P1 57569
(Credentialing Fund) to Fund 4K9 (Occupational Licensing). The 57570
amount transferred is hereby appropriated. The cash shall be used 57571
to pay expenses related to establishing the Chemical Dependency 57572
Professionals Board, including, but not limited to, travel 57573
reimbursement of board members. 57574

Upon completion of the transition of the Department of 57575
Alcohol and Drug Addiction's certificates and credentials issuance 57576
program to the Chemical Dependency Professionals Board, the 57577
Director of Alcohol and Drug Addiction Services shall certify to 57578
the Director of Budget and Management the remaining cash in Fund 57579
5P1 (Credentialing Fund). The Director of Budget and Management 57580
shall transfer the certified balance from Fund 5P1 to Fund 4K9 57581
(Occupational Licensing). This transition shall be completed in 57582
accordance with Section 5 of Am. Sub. H.B. 496 of the 124th 57583
General Assembly. 57584

Section 27.	CHR STATE BOARD OF CHIROPRACTIC EXAMINERS				57585
	General Services Fund Group				57586
	4K9 878-609 Operating Expenses	\$	591,724	\$	591,724
	TOTAL GSF General Services Fund				57588
	Group	\$	591,724	\$	591,724
	TOTAL ALL BUDGET FUND GROUPS	\$	591,724	\$	591,724
	CHIROPRACTIC LICENSE EXAMINATION REQUIREMENTS				57591
	If the State Chiropractic Board refused to issue a license to				57592
	practice chiropractic to an individual solely because the				57593
	individual did not meet the examination requirements of division				57594
	(B)(4)(b) or (c) of section 4734.20 of the Revised Code, as				57595
	specified on and after the effective date of Am. Sub. H.B. 506 of				57596
	the 123rd General Assembly but before the effective date of this				57597
	section, the Board shall reconsider the application and issue or				57598
	refuse to issue a license according to the examination				57599
	requirements specified in division (B)(4)(b) or (c) of section				57600
	4734.20 of the Revised Code, as amended by this act.				57601
	Section 28.				57602
	CIV OHIO CIVIL RIGHTS COMMISSION				57602
	General Revenue Fund				57603
	GRF 876-100 Personal Services	\$	7,007,734	\$	7,007,734
	GRF 876-200 Maintenance	\$	400,000	\$	400,000
	GRF 876-300 Equipment	\$	91,298	\$	91,298
	TOTAL GRF General Revenue Fund	\$	7,499,032	\$	7,499,032
	Federal Special Revenue Fund Group				57608
	334 876-601 Federal Programs	\$	3,965,000	\$	3,790,000
	TOTAL FED Federal Special Revenue				57610
	Fund Group	\$	3,965,000	\$	3,790,000
	State Special Revenue Fund Group				57612
	217 876-604 General Reimbursement	\$	20,951	\$	20,951

TOTAL SSR State Special				57614
Revenue Fund Group	\$	20,951	\$ 20,951	57615
TOTAL ALL BUDGET FUND GROUPS	\$	11,484,983	\$ 11,309,983	57616
Section 29. COM DEPARTMENT OF COMMERCE				57618
General Revenue Fund				57619
GRF 800-402 Grants-Volunteer Fire	\$	647,953	\$ 647,953	57620
Departments				
GRF 800-410 Labor and Worker	\$	3,700,040	\$ 3,725,040	57621
Safety				
Total GRF General Revenue Fund	\$	4,347,993	\$ 4,372,993	57622
General Services Fund Group				57623
163 800-620 Division of	\$	3,385,803	\$ 3,490,056	57624
Administration				
163 800-637 Information Technology	\$	4,982,851	\$ 5,001,315	57625
5F1 800-635 Small Government Fire	\$	250,000	\$ 250,000	57626
Departments				
TOTAL GSF General Services Fund				57627
Group	\$	8,618,654	\$ 8,741,371	57628
Federal Special Revenue Fund Group				57629
348 800-622 Underground Storage	\$	195,008	\$ 195,008	57630
Tanks				
348 800-624 Leaking Underground	\$	1,850,000	\$ 1,850,000	57631
Storage Tanks				
349 800-626 OSHA Enforcement	\$	1,527,750	\$ 1,604,140	57632
TOTAL FED Federal Special Revenue				57633
Fund Group	\$	3,572,758	\$ 3,649,148	57634
State Special Revenue Fund Group				57635
4B2 800-631 Real Estate Appraisal	\$	60,000	\$ 60,000	57636
Recovery				
4H9 800-608 Cemeteries	\$	273,465	\$ 273,465	57637
4L5 800-609 Fireworks Training and	\$	10,976	\$ 10,976	57638

		Education				
4X2	800-619	Financial Institutions	\$	1,760,798	\$	1,940,843 57639
5B9	800-632	PI & Security Guard	\$	1,188,716	\$	1,188,716 57640
		Provider				
5K7	800-621	Penalty Enforcement	\$	50,000	\$	50,000 57641
543	800-602	Unclaimed	\$	7,051,051	\$	7,051,051 57642
		Funds-Operating				
543	800-625	Unclaimed Funds-Claims	\$	25,512,867	\$	25,512,867 57643
544	800-612	Banks	\$	6,657,997	\$	6,657,997 57644
545	800-613	Savings Institutions	\$	2,765,618	\$	2,894,330 57645
546	800-610	Fire Marshal	\$	11,723,994	\$	11,787,994 57646
547	800-603	Real Estate	\$	250,000	\$	250,000 57647
		Education/Research				
548	800-611	Real Estate Recovery	\$	100,000	\$	100,000 57648
549	800-614	Real Estate	\$	3,586,754	\$	3,705,892 57649
550	800-617	Securities	\$	4,600,000	\$	4,800,000 57650
552	800-604	Credit Union	\$	2,613,356	\$	2,751,852 57651
553	800-607	Consumer Finance	\$	3,194,787	\$	3,228,019 57652
556	800-615	Industrial Compliance	\$	24,627,687	\$	25,037,257 57653
6A4	800-630	Real Estate	\$	658,506	\$	664,006 57654
		Appraiser-Operating				
653	800-629	UST	\$	1,353,632	\$	1,249,632 57655
		Registration/Permit Fee				
		TOTAL SSR State Special Revenue				57656
		Fund Group	\$	98,040,204	\$	99,214,897 57657
		Liquor Control Fund Group				57658
043	800-601	Merchandising	\$	341,079,554	\$	353,892,432 57659
043	800-627	Liquor Control	\$	15,278,936	\$	14,012,955 57660
		Operating				
043	800-633	Economic Development	\$	23,277,500	\$	29,029,500 57661
		Debt Service				
043	800-636	Revitalization Debt	\$	4,747,800	\$	9,736,300 57662

Service					
TOTAL LCF Liquor Control				57663	
Fund Group	\$	384,383,790	\$	406,671,187	57664
TOTAL ALL BUDGET FUND GROUPS	\$	498,963,399	\$	522,649,596	57665
GRANTS-VOLUNTEER FIRE DEPARTMENTS					57666
The foregoing appropriation item 800-402, Grants-Volunteer					57667
Fire Departments, shall be used to make annual grants to volunteer					57668
fire departments of up to \$10,000, or up to \$25,000 if the					57669
volunteer fire department provides service for an area affected by					57670
a natural disaster. The grant program shall be administered by the					57671
Fire Marshal under the Department of Commerce. The Fire Marshal					57672
shall adopt rules necessary for the administration and operation					57673
of the grant program.					57674
LABOR AND WORKER SAFETY					57675
The Department of Commerce may designate a portion of					57676
appropriation item 800-410, Labor and Worker Safety, to be used to					57677
match federal funding for the OSHA on-site consultation program.					57678
SMALL GOVERNMENT FIRE DEPARTMENTS					57679
Upon the request of the Director of Commerce, the Director of					57680
Budget and Management shall transfer \$250,000 cash in each fiscal					57681
year from the State Fire Marshal Fund (Fund 546) within the State					57682
Special Revenue Fund Group to the Small Government Fire					57683
Departments Fund (Fund 5F1) within the General Services Fund					57684
Group.					57685
Notwithstanding section 3737.17 of the Revised Code, the					57686
foregoing appropriation item 800-635, Small Government Fire					57687
Departments, may be used to provide loans to private fire					57688
departments.					57689
PENALTY ENFORCEMENT					57690
The foregoing appropriation item 800-621, Penalty					57691

Enforcement, shall be used to enforce sections 4115.03 to 4115.16 57692
of the Revised Code. 57693

UNCLAIMED FUNDS PAYMENTS 57694

The foregoing appropriation item 800-625, Unclaimed 57695
Funds-Claims, shall be used to pay claims pursuant to section 57696
169.08 of the Revised Code. If it is determined that additional 57697
amounts are necessary, the amounts are hereby appropriated. 57698

BANKS FUND (FUND 544) TRANSFER TO THE GRF 57699

On July 31, 2003, or as soon as possible thereafter, the 57700
Director of Budget and Management shall transfer \$2,000,000 cash 57701
from the Banks Fund (Fund 544) to the General Revenue Fund. 57702

FIRE MARSHAL FUND (FUND 546) TRANSFER TO THE GRF 57703

On July 31, 2003, or as soon as possible thereafter, the 57704
Director of Budget and Management shall transfer \$10,000,000 cash 57705
from the Fire Marshal Fund (Fund 546) to the General Revenue Fund. 57706

REAL ESTATE FUND (FUND 549) TRANSFER TO THE GRF 57707

On July 31, 2003, or as soon as possible thereafter, the 57708
Director of Budget and Management shall transfer \$1,000,000 cash 57709
from the Real Estate Fund (Fund 549) to the General Revenue Fund. 57710

INDUSTRIAL COMPLIANCE FUND (FUND 556) TRANSFER TO THE GRF 57711

On July 31, 2003, or as soon as possible thereafter, the 57712
Director of Budget and Management shall transfer \$1,000,000 cash 57713
from the Industrial Compliance Fund (Fund 556), to the General 57714
Revenue Fund. 57715

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 57716

The foregoing appropriation item 800-601, Merchandising, 57717
shall be used pursuant to section 4301.12 of the Revised Code. If 57718
it is determined that additional amounts are necessary, the 57719
amounts are hereby appropriated. 57720

ECONOMIC DEVELOPMENT DEBT SERVICE 57721

The foregoing appropriation item 800-633, Economic 57722
Development Debt Service, shall be used to meet all payments at 57723
the times they are required to be made during the period from July 57724
1, 2003, to June 30, 2005, for bond service charges on obligations 57725
issued under Chapter 166. of the Revised Code. If it is determined 57726
that additional appropriations are necessary for this purpose, 57727
such amounts are hereby appropriated, subject to the limitations 57728
set forth in section 166.11 of the Revised Code. The General 57729
Assembly acknowledges that an appropriation for this purpose is 57730
not required, but is made in this form and in this act for record 57731
purposes only. 57732

REVITALIZATION DEBT SERVICE 57733

The foregoing appropriation item 800-636, Revitalization Debt 57734
Service, shall be used to pay debt service and related financing 57735
costs under sections 151.01 and 151.40 of the Revised Code during 57736
the period from July 1, 2003, to June 30, 2005. If it is 57737
determined that additional appropriations are necessary for this 57738
purpose, such amounts are hereby appropriated. The General 57739
Assembly acknowledges the priority of the pledge of a portion of 57740
receipts from that source to obligations issued and to be issued 57741
under Chapter 166. of the Revised Code. 57742

ADMINISTRATIVE ASSESSMENTS 57743

Notwithstanding any other provision of law to the contrary, 57744
Fund 163, Division of Administration, shall receive assessments 57745
from all operating funds of the department in accordance with 57746
procedures prescribed by the Director of Commerce and approved by 57747
the Director of Budget and Management. 57748

Section 30. OCC OFFICE OF CONSUMERS' COUNSEL 57749

General Services Fund Group 57750

5F5 053-601 Operating Expenses	\$	9,277,519	\$	9,277,519	57751
TOTAL GSF General Services Fund	\$	9,277,519	\$	9,277,519	57752
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	9,277,519	\$	9,277,519	57753

Section 31. CEB CONTROLLING BOARD 57755

General Revenue Fund					57756
GRF 911-401 Emergency	\$	5,000,000	\$	5,000,000	57757
Purposes/Contingencies					
GRF 911-404 Mandate Assistance	\$	1,462,500	\$	1,462,500	57758
GRF 911-441 Ballot Advertising	\$	487,500	\$	487,500	57759
Costs					
TOTAL GRF General Revenue Fund	\$	6,950,000	\$	6,950,000	57760
State Special Revenue Fund Group					57761
5E2 911-601 Disaster Services	\$	4,000,000	\$	0	57762
TOTAL SSR State Special					57763
Revenue Fund Group	\$	4,000,000	\$	0	57764
TOTAL ALL BUDGET FUND GROUPS	\$	10,950,000	\$	6,950,000	57765

FEDERAL SHARE 57766

In transferring appropriations to or from appropriation items 57767
that have federal shares identified in this act, the Controlling 57768
Board shall add or subtract corresponding amounts of federal 57769
matching funds at the percentages indicated by the state and 57770
federal division of the appropriations in this act. Such changes 57771
are hereby appropriated. 57772

DISASTER ASSISTANCE 57773

Pursuant to requests submitted by the Department of Public 57774
Safety, the Controlling Board may approve transfers from the 57775
Emergency Purposes Fund to a Department of Public Safety General 57776
Revenue Fund appropriation item to provide funding for assistance 57777
to political subdivisions made necessary by natural disasters or 57778

emergencies. Such transfers may be requested and approved prior to 57779
the occurrence of any specific natural disasters or emergencies in 57780
order to facilitate the provision of timely assistance. 57781

SOUTHERN OHIO CORRECTIONAL FACILITY COST 57782

The Office of Criminal Justice Services and the Public 57783
Defender Commission may each request, upon approval of the 57784
Director of Budget and Management, additional funds from the 57785
Emergency Purposes Fund for costs related to the disturbance that 57786
occurred on April 11, 1993, at the Southern Ohio Correctional 57787
Facility in Lucasville, Ohio. 57788

DISASTER SERVICES 57789

Pursuant to requests submitted by the Department of Public 57790
Safety, the Controlling Board may approve transfers from the 57791
foregoing appropriation item 911-601, Disaster Services, to a 57792
Department of Public Safety General Revenue Fund appropriation 57793
item to provide for assistance to political subdivisions made 57794
necessary by natural disasters or emergencies. These transfers may 57795
be requested and approved prior to the occurrence of any specific 57796
natural disasters or emergencies in order to facilitate the 57797
provision of timely assistance. The Emergency Management Agency of 57798
the Department of Public Safety shall use the funding for disaster 57799
aid requests that meet the Emergency Management Agency's criteria 57800
for assistance. 57801

The foregoing appropriation item 911-601, Disaster Services, 57802
shall be used by the Controlling Board, pursuant to requests 57803
submitted by state agencies, to transfer cash and appropriation 57804
authority to any fund and appropriation item for the payment of 57805
state agency program expenses as follows: 57806

(A) The southern Ohio flooding, referred to as 57807
FEMA-DR-1164-OH; 57808

(B) The flood/storm disaster referred to as FEMA-DR-1227-OH; 57809

(C) The Southern Ohio flooding, referred to as FEMA-DR-1321-OH;	57810 57811
(D) The flooding referred to as FEMA-DR-1339-OH;	57812
(E) The tornado/storms referred to as FEMA-DR-1343-OH;	57813
(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.	57814 57815 57816
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.	57817 57818 57819
MANDATE ASSISTANCE	57820
(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:	57821 57822 57823 57824
(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;	57825 57826 57827 57828
(2) The cost, primarily to small villages and townships, of providing firefighter training and equipment or gear;	57829 57830
(3) The cost to school districts of in-service training for child abuse detection.	57831 57832
(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	57833 57834 57835 57836 57837 57838 57839

assistance.			57840
	ADMINISTERING	ESTIMATED ANNUAL	57841
PROGRAM	AGENCY	AMOUNT	57842
Prosecution Costs	Office of Criminal	\$146,500	57843
	Justice Services		57844
Firefighter Training	Department of	\$731,000	57845
Costs	Commerce		
Child Abuse Detection	Department of	\$585,000	57846
Training Costs	Education		
(C) Subject to the total amount appropriated in each fiscal			57847
year for appropriation item 911-404, Mandate Assistance, the			57848
Department of Commerce, the Office of Criminal Justice Services,			57849
and the Department of Education may request from the Controlling			57850
Board that amounts smaller or larger than these estimated annual			57851
amounts be transferred to each program.			57852
(D) In addition to making the initial transfers requested by			57853
the Department of Commerce, the Office of Criminal Justice			57854
Services, and the Department of Education, the Controlling Board			57855
may transfer appropriations received by a state agency under this			57856
section back to appropriation item 911-404, Mandate Assistance, or			57857
to one or more of the other programs of state financial assistance			57858
identified under this section.			57859
(E) It is expected that not all costs incurred by local units			57860
of government, school districts, and fire departments under each			57861
of the three programs of state financial assistance identified			57862
under this section will be fully reimbursed by the state.			57863
Reimbursement levels may vary by program and shall be based on:			57864
the relationship between the appropriation transfers requested by			57865
the Department of Commerce, the Office of Criminal Justice			57866
Services, and the Department of Education and provided by the			57867
Controlling Board for each of the programs; the rules and			57868
procedures established for each program by the administering state			57869

agency; and the actual costs incurred by local units of government, school districts, and fire departments. 57870
57871

(F) Each of these programs of state financial assistance shall be carried out as follows: 57872
57873

(1) PROSECUTION COSTS 57874

(a) Appropriations may be transferred to the Office of Criminal Justice Services to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services. 57875
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(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules that the Office of Criminal Justice Services shall adopt, apply to the Office of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office. 57881
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(c) Twice each year, the Office of Criminal Justice Services shall designate counties to receive grants from those counties that have submitted one or more applications in compliance with the rules that have been adopted by the Office of Criminal Justice Services for the receipt of such grants. In each year's first round of grant awards, if sufficient appropriations have been made, up to a total of \$100,000 may be awarded. In each year's second round of grant awards, the remaining appropriations available for this purpose may be awarded. 57890
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(d) If for a given round of grants there are insufficient appropriations to make grant awards to all the eligible counties, 57899
57900

the first priority shall be given to counties with cases involving 57901
aggravated murder and murder; second priority shall be given to 57902
cases involving a felony of the first degree; and third priority 57903
shall be given to cases involving a felony of the second degree. 57904
Within these priorities, the grant awards shall be based on the 57905
order in which the applications were received, except that 57906
applications for cases involving a felony of the first or second 57907
degree shall not be considered in more than two consecutive rounds 57908
of grant awards. 57909

(2) FIREFIGHTER TRAINING COSTS 57910

Appropriations may be transferred to the Department of 57911
Commerce for use as full or partial reimbursement to local units 57912
of government and fire departments for the cost of firefighter 57913
training and equipment or gear. In accordance with rules that the 57914
department shall adopt, a local unit of government or fire 57915
department may apply to the department for a grant to cover all 57916
documented costs that are incurred to provide firefighter training 57917
and equipment or gear. The department shall make grants within the 57918
limits of the funding provided, with priority given to fire 57919
departments that serve small villages and townships. 57920

(3) CHILD ABUSE DETECTION TRAINING COSTS 57921

Appropriations may be transferred to the Department of 57922
Education for disbursement to local school districts as full or 57923
partial reimbursement for the cost of providing in-service 57924
training for child abuse detection. In accordance with rules that 57925
the department shall adopt, a local school district may apply to 57926
the department for a grant to cover all documented costs that are 57927
incurred to provide in-service training for child abuse detection. 57928
The department shall make grants within the limits of the funding 57929
provided. 57930

(G) Any moneys allocated within appropriation item 911-404, 57931

Mandate Assistance, not fully utilized may, upon application of 57932
the Ohio Public Defender Commission, and with the approval of the 57933
Controlling Board, be disbursed to boards of county commissioners 57934
to provide additional reimbursement for the costs incurred by 57935
counties in providing defense to indigent defendants pursuant to 57936
Chapter 120. of the Revised Code. 57937

The amount to be disbursed to each county shall be allocated 57938
proportionately on the basis of the total amount of reimbursement 57939
paid to each county as a percentage of the amount of reimbursement 57940
paid to all of the counties during the most recent state fiscal 57941
year for which data is available and as calculated by the Ohio 57942
Public Defender Commission. 57943

BALLOT ADVERTISING COSTS 57944

Pursuant to requests submitted by the Ohio Ballot Board, the 57945
Controlling Board shall approve transfers from the foregoing 57946
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 57947
Ballot Board appropriation item in order to reimburse county 57948
boards of elections for the cost of public notices associated with 57949
statewide ballot initiatives. 57950

Of the foregoing appropriation item 911-441, Ballot 57951
Advertising Costs, the Director of Budget and Management shall 57952
transfer any amounts that are not needed for the purpose of 57953
reimbursing county boards of elections for the cost of public 57954
notices associated with statewide ballot initiatives to 57955
appropriation item 911-404, Mandate Assistance. 57956

Section 32. COS STATE BOARD OF COSMETOLOGY 57957

General Services Fund Group 57958
4K9 879-609 Operating Expenses \$ 2,681,359 \$ 2,822,359 57959
TOTAL GSF General Services Fund 57960
Group \$ 2,681,359 \$ 2,822,359 57961

TOTAL ALL BUDGET FUND GROUPS \$ 2,681,359 \$ 2,822,359 57962

Section 33. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND 57964
FAMILY THERAPIST BOARD 57965

General Services Fund Group 57966

4K9 899-609 Operating Expenses \$ 1,021,524 \$ 1,044,812 57967

TOTAL GSF General Services Fund 57968

Group \$ 1,021,524 \$ 1,044,812 57969

TOTAL ALL BUDGET FUND GROUPS \$ 1,021,524 \$ 1,044,812 57970

Section 34. CLA COURT OF CLAIMS 57972

General Revenue Fund 57973

GRF 015-321 Operating Expenses \$ 2,452,000 \$ 2,477,000 57974

TOTAL GRF General Revenue Fund \$ 2,452,000 \$ 2,477,000 57975

State Special Revenue Fund Group 57976

5K2 015-603 CLA Victims of Crime \$ 1,532,043 \$ 1,582,684 57977

TOTAL SSR State Special Revenue 57978

Fund Group \$ 1,532,043 \$ 1,582,684 57979

TOTAL ALL BUDGET FUND GROUPS \$ 3,984,043 \$ 4,059,684 57980

OFFICE SPACE RENTAL EXPENSES 57981

Of the foregoing appropriation item 015-321, Operating 57982

Expenses, in fiscal year 2005, \$302,000 shall be for the purpose 57983

of paying fiscal year 2005 office space rental expenses. Upon 57984

approval of the Controlling Board, the Court of Claims may expend 57985

up to \$302,000 for the purpose of paying fiscal year 2005 office 57986

space rental expenses. 57987

Section 35. CJS OFFICE OF CRIMINAL JUSTICE SERVICES 57988

General Revenue Fund 57989

GRF 196-401 Criminal Justice \$ 534,570 \$ 520,503 57990

Information System

GRF 196-403	Center for Violence Prevention	\$	20,000	\$	20,000	57991
GRF 196-405	Violence Prevention Subsidy	\$	707,076	\$	688,469	57992
GRF 196-424	Operating Expenses	\$	1,181,371	\$	1,177,971	57993
TOTAL GRF	General Revenue Fund	\$	2,443,017	\$	2,406,943	57994
General Services Fund Group						57995
4P6 196-601	General Services	\$	135,450	\$	86,500	57996
TOTAL GSF	Services Fund Group	\$	135,450	\$	86,500	57997
Federal Special Revenue Fund Group						57998
3L5 196-604	Justice Program	\$	30,334,908	\$	30,311,870	57999
3U1 196-602	Criminal Justice Federal Programs	\$	1,000,000	\$	0	58000
3V8 196-605	Federal Program Purposes FFY 01	\$	250,000	\$	0	58001
TOTAL FED	Federal Special Revenue Fund Group	\$	31,584,908	\$	30,311,870	58002
TOTAL ALL BUDGET	FUND GROUPS	\$	34,163,375	\$	32,805,313	58003
INDIGENT DEFENSE						58004
The Office of Criminal Justice Services shall make all						58005
efforts to maximize the amount of funding available for the						58006
defense of indigent persons.						58007
CRIMINAL JUSTICE INFORMATION SYSTEM						58008
The foregoing appropriation item 196-401, Criminal Justice						58009
Information System, shall be used by the Office of Criminal						58010
Justice Services to work on a plan to improve Ohio's criminal						58011
justice information systems. The Director of Criminal Justice						58012
Services shall evaluate the progress of this plan and issue a						58013
report to the Governor, the Speaker and the Minority Leader of the						58014
House of Representatives, the President and the Minority Leader of						58015
the Senate, the Criminal Justice Policy Board, and the Legislative						58016

Service Commission by the first day of January of each year of the				58017
two-year biennium beginning July 1, 2003, and ending June 30,				58018
2005.				58019
VIOLENCE PREVENTION SUBSIDY				58020
Of the foregoing appropriation item 196-405, Violence				58021
Prevention Subsidy, \$60,000 in fiscal year 2004 shall be used for				58022
Montgomery County's STVM Safe House Domestic Transitional Housing.				58023
OPERATING EXPENSES				58024
Of the foregoing appropriation item 196-424, Operating				58025
Expenses, up to \$650,000 in each fiscal year shall be used for the				58026
purpose of matching federal funds.				58027
JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT				58028
The foregoing appropriation item 196-602, Criminal Justice				58029
Federal Programs, shall be used to fund and close out the Juvenile				58030
Accountability Incentive Block Grant Program for federal fiscal				58031
year 1999.				58032
Section 36. DEN STATE DENTAL BOARD				58033
General Services Fund Group				58034
4K9 880-609 Operating Expenses	\$	1,324,456	\$ 1,346,656	58035
TOTAL GSF General Services Fund				58036
Group	\$	1,324,456	\$ 1,346,656	58037
TOTAL ALL BUDGET FUND GROUPS	\$	1,324,456	\$ 1,346,656	58038
Section 37. BDP BOARD OF DEPOSIT				58040
General Services Fund Group				58041
4M2 974-601 Board of Deposit	\$	1,676,000	\$ 1,676,000	58042
TOTAL GSF General Services Fund				58043
Group	\$	1,676,000	\$ 1,676,000	58044
TOTAL ALL BUDGET FUND GROUPS	\$	1,676,000	\$ 1,676,000	58045

BOARD OF DEPOSIT EXPENSE FUND				58046
Upon receiving certification of expenses from the Treasurer				58047
of State, the Director of Budget and Management shall transfer				58048
cash from the Investment Earnings Redistribution Fund (Fund 608)				58049
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund				58050
shall be used to pay for banking charges and fees required for the				58051
operation of the State of Ohio Regular Account.				58052
Section 38. DEV DEPARTMENT OF DEVELOPMENT				58053
General Revenue Fund				58054
GRF 195-321 Operating Expenses	\$	2,695,236	\$ 3,020,115	58055
GRF 195-401 Thomas Edison Program	\$	16,334,934	\$ 16,334,934	58056
GRF 195-404 Small Business	\$	1,740,722	\$ 1,740,722	58057
Development				
GRF 195-405 Minority Business	\$	1,620,755	\$ 1,669,378	58058
Development Division				
GRF 195-407 Travel and Tourism	\$	4,549,345	\$ 4,549,345	58059
GRF 195-412 Business Development	\$	8,905,530	\$ 8,905,530	58060
Grants				
GRF 195-414 First Frontier Match	\$	389,987	\$ 389,987	58061
GRF 195-415 Economic Development	\$	5,594,975	\$ 5,594,975	58062
Division and Regional				
Offices				
GRF 195-416 Governor's Office of	\$	4,372,324	\$ 4,372,324	58063
Appalachia				
GRF 195-417 Urban/Rural Initiative	\$	589,390	\$ 589,390	58064
GRF 195-422 Third Frontier Action	\$	16,790,000	\$ 16,790,000	58065
Fund				
GRF 195-426 Clean Ohio	\$	518,730	\$ 518,730	58066
Administration				
GRF 195-432 International Trade	\$	4,492,713	\$ 4,492,713	58067
GRF 195-434 Investment in Training	\$	12,227,500	\$ 12,227,500	58068

	Grants					
GRF 195-436	Labor/Management	\$	811,869	\$	811,869	58069
	Cooperation					
GRF 195-441	Low and Moderate	\$	44,000,000	\$	44,000,000	58070
	Income Housing					
GRF 195-497	CDBG Operating Match	\$	1,107,400	\$	1,107,400	58071
GRF 195-498	State Energy Match	\$	100,000	\$	100,000	58072
GRF 195-501	Appalachian Local	\$	380,080	\$	380,080	58073
	Development Districts					
GRF 195-502	Appalachian Regional	\$	238,274	\$	246,803	58074
	Commission Dues					
GRF 195-507	Travel and Tourism	\$	780,000	\$	780,000	58075
	Grants					
GRF 195-515	Economic Development	\$	5,000,000	\$	5,000,000	58076
	Contingency					
GRF 195-905	Third Frontier	\$	0	\$	7,360,000	58077
	Research &					
	Commercialization					
	General Obligation					
	Debt Service					
TOTAL GRF	General Revenue Fund	\$	133,239,764	\$	140,981,795	58078
	General Services Fund Group				58079	
135 195-605	Supportive Services	\$	7,417,068	\$	7,539,686	58080
136 195-621	International Trade	\$	24,915	\$	24,915	58081
685 195-636	General Reimbursements	\$	1,316,012	\$	1,232,530	58082
TOTAL GSF	General Services Fund					58083
Group		\$	8,757,995	\$	8,797,131	58084
	Federal Special Revenue Fund Group				58085	
3K8 195-613	Community Development	\$	65,000,000	\$	65,000,000	58086
	Block Grant					
3K9 195-611	Home Energy Assistance	\$	85,036,000	\$	85,036,000	58087
	Block Grant					

3K9	195-614	HEAP Weatherization	\$	16,219,479	\$	16,219,479	58088
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000	58089
		Block Grant					
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	58090
308	195-602	Appalachian Regional	\$	350,200	\$	350,200	58091
		Commission					
308	195-603	Housing and Urban	\$	5,000,000	\$	5,000,000	58092
		Development					
308	195-605	Federal Projects	\$	15,300,248	\$	15,300,248	58093
308	195-609	Small Business	\$	4,196,381	\$	4,296,381	58094
		Administration					
308	195-618	Energy Federal Grants	\$	3,397,659	\$	3,397,659	58095
335	195-610	Oil Overcharge	\$	8,500,000	\$	8,500,000	58096
380	195-622	Housing Development	\$	5,606,080	\$	5,667,627	58097
		Operating					
TOTAL FED Federal Special Revenue							58098
Fund Group			\$	273,841,047	\$	274,002,594	58099
State Special Revenue Fund Group							58100
4F2	195-639	State Special Projects	\$	540,183	\$	290,183	58101
4H4	195-641	First Frontier	\$	500,000	\$	500,000	58102
4S0	195-630	Enterprise Zone	\$	211,900	\$	211,900	58103
		Operating					
4S1	195-634	Job Creation Tax	\$	375,800	\$	375,800	58104
		Credit Operating					
4W1	195-646	Minority Business	\$	2,580,597	\$	2,580,597	58105
		Enterprise Loan					
444	195-607	Water and Sewer	\$	523,775	\$	523,775	58106
		Commission Loans					
445	195-617	Housing Finance	\$	5,040,843	\$	4,983,738	58107
		Operating					
450	195-624	Minority Business	\$	13,563	\$	13,563	58108
		Bonding Program					
		Administration					

451	195-625	Economic Development	\$	2,358,310	\$	2,358,310	58109
		Financing Operating					
5M4	195-659	Universal Service	\$	170,000,000	\$	170,000,000	58110
5M5	195-660	Energy Efficiency	\$	12,000,000	\$	12,000,000	58111
		Revolving Loan					
611	195-631	Water and Sewer	\$	15,713	\$	15,713	58112
		Administration					
617	195-654	Volume Cap	\$	200,000	\$	200,000	58113
		Administration					
646	195-638	Low and Moderate	\$	44,000,000	\$	44,000,000	58114
		Income Housing Trust					
		Fund					
TOTAL	SSR	State Special Revenue					58115
Fund Group			\$	238,360,684	\$	238,053,579	58116
Facilities Establishment		Fund Group					58117
037	195-615	Facilities	\$	63,931,149	\$	63,931,149	58118
		Establishment					
4Z6	195-647	Rural Industrial Park	\$	5,000,000	\$	5,000,000	58119
		Loan					
5D2	195-650	Urban Redevelopment	\$	10,475,000	\$	10,475,000	58120
		Loans					
5H1	195-652	Family Farm Loan	\$	1,500,000	\$	1,500,000	58121
		Guarantee					
5S8	195-627	Rural Development	\$	5,000,000	\$	5,000,000	58122
		Initiative					
5S9	195-628	Capital Access Loan	\$	3,000,000	\$	3,000,000	58123
		Program					
TOTAL	037	Facilities					58124
Establishment		Fund Group	\$	88,906,149	\$	88,906,149	58125
Clean Ohio Revitalization		Fund					58126
003	195-663	Clean Ohio Operating	\$	150,000	\$	150,000	58127
TOTAL	003	Clean Ohio Revitalization	\$	150,000	\$	150,000	58128

Fund

TOTAL ALL BUDGET FUND GROUPS \$ 743,255,639 \$ 750,891,248

Section 38.01. THOMAS EDISON PROGRAM 58131

The foregoing appropriation item 195-401, Thomas Edison 58132
Program, shall be used for the purposes of sections 122.28 to 58133
122.38 of the Revised Code in order to provide funds for 58134
cooperative public and private efforts in technological innovation 58135
to promote the development and transfer of technology by and to 58136
Ohio businesses that will lead to the creation of jobs, and to 58137
provide for the administration of this program by the Technology 58138
Division. 58139

Of the foregoing appropriation item 195-401, Thomas Edison 58140
Program, not more than \$2,000,000 in fiscal year 2004 and 58141
\$2,300,000 in fiscal year 2005 shall be used for operating 58142
expenditures in administering the programs of the Technology 58143
Division. 58144

Section 38.02. SMALL BUSINESS DEVELOPMENT 58145

The foregoing appropriation item 195-404, Small Business 58146
Development, shall be used to ensure that the unique needs and 58147
concerns of small businesses are addressed. 58148

The foregoing appropriation item 195-404, Small Business 58149
Development, may be used to provide grants to local organizations 58150
to support the operation of Small Business Development Centers and 58151
other local economic development activity promoting small 58152
business, and for the cost of administering the small business 58153
development center program. The centers shall provide technical, 58154
financial, and management consultation for small business and 58155
shall facilitate access to state and federal programs. These funds 58156
shall be used as matching funds for grants from the United States 58157
Small Business Administration and other federal agencies, pursuant 58158

to Public Law No. 96-302 (1980) as amended by Public Law No. 58159
98-395 (1984), and regulations and policy guidelines for the 58160
programs under this law. 58161

In addition, the Office of Small Business may operate the 58162
1st-Stop Business Connection and implement and coordinate the 58163
duties imposed on the Department of Development by Am. Sub. S.B. 58164
239 of the 115th General Assembly. 58165

MINORITY BUSINESS DEVELOPMENT DIVISION 58166

Of the foregoing appropriation item 195-405, Minority 58167
Business Development Division, up to \$1,060,000 but not less than 58168
\$954,000 in each fiscal year shall be used to fund minority 58169
contractors and business assistance organizations. The Minority 58170
Business Development Division shall determine which cities need 58171
minority contractors and business assistance organizations by 58172
utilizing United States Census Bureau data and zip codes to locate 58173
the highest concentrations of minority businesses. The Minority 58174
Business Development Division also shall determine the numbers of 58175
minority contractors and business assistance organizations 58176
necessary and the amount of funding to be provided each. In 58177
addition, the Minority Business Development Division shall 58178
continue to plan and implement business conferences. 58179

Section 38.04. BUSINESS DEVELOPMENT 58180

The foregoing appropriation item 195-412, Business 58181
Development Grants, shall be used as an incentive for attracting 58182
and retaining business opportunities for the state. Any such 58183
business opportunity, whether new, expanding, or relocating in 58184
Ohio, is eligible for funding. The project must create or retain a 58185
significant number of jobs for Ohioans. Grant awards may be 58186
considered only when (1) the project's viability hinges on an 58187
award of funds from appropriation item 195-412, Business 58188
Development Grants; (2) all other public or private sources of 58189

financing have been considered; or (3) the funds act as a catalyst 58190
for the infusion into the project of other financing sources. 58191

The department's primary goal shall be to award funds to 58192
political subdivisions of the state for off-site infrastructure 58193
improvements. In order to meet the particular needs of economic 58194
development in a region, the department may elect to award funds 58195
directly to a business for on-site infrastructure improvements. 58196
"Infrastructure improvements" mean improvements to water system 58197
facilities, sewer and sewage treatment facilities, electric or gas 58198
service facilities, fiber optic facilities, rail facilities, site 58199
preparation, and parking facilities. The Director of Development 58200
may recommend the funds be used in an alternative manner when 58201
deemed appropriate to meet an extraordinary economic development 58202
opportunity or need. 58203

The foregoing appropriation item 195-412, Business 58204
Development Grants, may be expended only after the submission of a 58205
request to the Controlling Board by the Department of Development 58206
outlining the planned use of the funds, and the subsequent 58207
approval of the request by the Controlling Board. 58208

The foregoing appropriation item 195-412, Business 58209
Development Grants, may be used for, but is not limited to, 58210
construction, rehabilitation, and acquisition projects for rail 58211
freight assistance as requested by the Department of 58212
Transportation. The Director of Transportation shall submit the 58213
proposed projects to the Director of Development for an evaluation 58214
of potential economic benefit. 58215

Section 38.05. FIRST FRONTIER MATCH 58216

The foregoing appropriation item 195-414, First Frontier 58217
Match, shall be used as matching funds to targeted counties for 58218
the purpose of marketing state, regional, and local 58219
characteristics that may attract economic development. "Targeted 58220

counties" mean counties that have a population of less than 58221
175,000 residents. The appropriation may be used either for 58222
marketing programs by individual targeted counties or for regional 58223
marketing campaigns that are marketing programs in which at least 58224
one targeted county is participating with one or more other 58225
targeted counties or larger counties. 58226

ECONOMIC DEVELOPMENT DIVISION AND REGIONAL OFFICES 58227

The foregoing appropriation item 195-415, Economic 58228
Development Division and Regional Offices, shall be used for the 58229
operating expenses of the Economic Development Division and the 58230
regional economic development offices and for grants for 58231
cooperative economic development ventures. 58232

Section 38.06. GOVERNOR'S OFFICE OF APPALACHIA 58233

The foregoing appropriation item 195-416, Governor's Office 58234
of Appalachia, shall be used for the administrative costs of 58235
planning and liaison activities for the Governor's Office of 58236
Appalachia. Funds not expended for planning and liaison activities 58237
may be expended for special project grants within the Appalachian 58238
Region. 58239

Of the foregoing appropriation item 195-416, Governor's 58240
Office of Appalachia, up to \$250,000 each fiscal year shall be 58241
used to match federal funds from the Appalachian Regional 58242
Commission to provide job training to impact the Appalachian 58243
Region. 58244

Of the foregoing appropriation item 195-416, Governor's 58245
Office of Appalachia, up to \$4,372,324 in each fiscal year shall 58246
be used in conjunction with other federal and state funds to 58247
provide financial assistance to projects in Ohio's Appalachian 58248
counties in order to further the goals of the Appalachian Regional 58249
Commission. Such projects and project sponsors shall meet 58250

Appalachian Regional Commission eligibility requirements. Grants	58251
shall be administered by the Department of Development.	58252
URBAN/RURAL INITIATIVE	58253
The foregoing appropriation item 195-417, Urban/Rural	58254
Initiative, shall be used to make grants in accordance with	58255
sections 122.19 to 122.22 of the Ohio Revised Code.	58256
Section 38.07. THIRD FRONTIER ACTION FUND	58257
The foregoing appropriation item 195-422, Third Frontier	58258
Action Fund, shall be used to make grants in accordance with	58259
sections 184.01 and 184.02 of the Revised Code. Prior to the	58260
release of funds from appropriation item 195-422, Third Frontier	58261
Action Fund, each grant award shall be recommended for funding by	58262
the Third Frontier Commission and obtain approval from the	58263
Controlling Board.	58264
Of the foregoing appropriation item 195-422, Third Frontier	58265
Action Fund, not more than six per cent in each fiscal year shall	58266
be used for operating expenditures in administering the program.	58267
In addition to the six per cent for operating expenditures,	58268
an additional administrative amount, not to exceed \$1,500,000	58269
within the biennium, shall be available for proposal evaluation,	58270
research and analyses, and marketing efforts deemed necessary to	58271
receive and disseminate information about science and	58272
technology-related opportunities in the state.	58273
SCIENCE AND TECHNOLOGY COLLABORATION	58274
The Department of Development shall work in close	58275
collaboration with the Board of Regents, Air Quality Development	58276
Authority, and the Third Frontier Commission in relation to	58277
appropriation items and programs listed in the following	58278
paragraph, and other technology-related appropriations and	58279
programs in the Department of Development and the Board of Regents	58280

as those agencies may designate, to ensure implementation of a 58281
coherent state strategy with respect to science and technology. 58282

Each of the following appropriations and programs: 195-401, 58283
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 58284
Third Frontier Action Fund; 898-632, Coal Research and Development 58285
Fund; 235-454, Research Challenge; 235-510, Ohio Supercomputer 58286
Center; 235-527, Ohio Aerospace Institute; 235-535, Agricultural 58287
Research and Development Center; 235-553, Dayton Area Graduate 58288
Studies Institute; 235-554, Computer Science Graduate Education; 58289
235-556, Ohio Academic Resources Network; and 195-405, Biomedical 58290
Research and Technology Transfer Trust, shall be reviewed annually 58291
by the Third Frontier Commission with respect to its development 58292
of complementary relationships within a combined state science and 58293
technology investment portfolio and its overall contribution to 58294
the state's science and technology strategy, including the 58295
adoption of appropriately consistent criteria for: (1) the 58296
scientific merit of activities supported by the program; (2) the 58297
relevance of the program's activities to commercial opportunities 58298
in the private sector; (3) the private sector's involvement in a 58299
process that continually evaluates commercial opportunities to use 58300
the work supported by the program; and (4) the ability of the 58301
program and recipients of grant funding from the program to engage 58302
in activities that are collaborative, complementary, and efficient 58303
with respect to the expenditure of state funds. 58304

All programs listed in the preceding paragraph shall provide 58305
annual reports to the Third Frontier Commission discussing 58306
existing, planned, or possible collaborations between programs and 58307
recipients of grant funding related to technology, development, 58308
commercialization, and supporting Ohio's economic development. The 58309
annual review by the Third Frontier Commission shall be a 58310
comprehensive review of the entire state science and technology 58311
program portfolio rather than a review of individual programs. 58312

Section 38.08. INTERNATIONAL TRADE 58313

The foregoing appropriation item 195-432, International Trade, shall be used to operate and to maintain Ohio's out-of-state trade offices. 58314
58315
58316

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. 58317
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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. 58325
58326
58327
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58329

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. 58330
58331
58332
58333

Section 38.09. OHIO INVESTMENT IN TRAINING PROGRAM 58334

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. 58335
58336
58337

Section 38.09a. LOW AND MODERATE HOUSING INCOME 58338

The Director of Budget and Management shall transfer \$44,000,000 from appropriation item 195-441, Low and Moderate 58339
58340

Income Housing, to appropriation item 195-638, Low and Moderate 58341
Income Housing Trust Fund (Fund 646). This transfer shall be made 58342
via an intrastate transfer voucher. 58343

Section 38.10. CDBG OPERATING MATCH 58344

The foregoing appropriation item 195-497, CDBG Operating 58345
Match, shall be used to provide matching funds as requested by the 58346
United States Department of Housing and Urban Development to 58347
administer the federally funded Community Development Block Grant 58348
(CDBG) program. 58349

STATE OPERATING MATCH 58350

The foregoing appropriation item 195-498, State Energy Match, 58351
shall be used to provide matching funds as required by the United 58352
States Department of Energy to administer the federally funded 58353
State Energy Plan. 58354

Section 38.11. TRAVEL AND TOURISM GRANTS 58355

The foregoing appropriation item 195-507, Travel and Tourism 58356
Grants, shall be used to provide grants to local organizations to 58357
support various local travel and tourism events in Ohio. 58358

Of the foregoing appropriation item 195-507, Travel and 58359
Tourism Grants, up to \$160,000 in each fiscal year of the biennium 58360
may be used to support the outdoor dramas Trumpet in the Land, 58361
Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama; 58362
\$40,000 in each fiscal year shall be used for the Cincinnati Film 58363
Commission; \$40,000 in each fiscal year shall be used for the 58364
Cleveland Film Commission; \$500,000 in each fiscal year shall be 58365
used for grants to the International Center for the Preservation 58366
of Wild Animals; and \$40,000 in fiscal year 2004 shall be used for 58367
the United States Senior Open in Toledo. 58368

Section 38.12. THIRD FRONTIER RESEARCH & COMMERCIALIZATION 58369

GENERAL OBLIGATION DEBT SERVICE 58370

The foregoing appropriation item 195-905, Third Frontier 58371
Research & Commercialization General Obligation Debt Service, 58372
shall be used to pay all debt service and related financing costs 58373
during the period from July 1, 2003, to June 30, 2005, on 58374
obligations to be issued for research and development purposes 58375
under Section 2p of Article VIII, Ohio Constitution, and 58376
implementing legislation. The Office of the Sinking Fund or the 58377
Director of Budget and Management shall effectuate the required 58378
payments by an intrastate transfer voucher. 58379

Section 38.13. SUPPORTIVE SERVICES 58380

The Director of Development may assess divisions of the 58381
department for the cost of central service operations. Such an 58382
assessment shall be based on a plan submitted to and approved by 58383
the Office of Budget and Management by the first day of August of 58384
each fiscal year, and contain the characteristics of 58385
administrative ease and uniform application. 58386

A division's payments shall be credited to the Supportive 58387
Services Fund (Fund 135) using an intrastate transfer voucher. 58388

GENERAL REIMBURSEMENT 58389

The foregoing appropriation item 195-636, General 58390
Reimbursements, shall be used for conference and subscription fees 58391
and other reimbursable costs. Revenues to the General 58392
Reimbursement Fund (Fund 685) shall consist of fees and other 58393
moneys charged for conferences, subscriptions, and other 58394
administrative costs that are not central service costs. 58395

Section 38.13a. TRAINING SERVICES 58396

Of the foregoing appropriation item 195-605, Federal 58397
Projects, \$400,000 in each fiscal year shall be used for grants to 58398

the Ohio Weatherization Training Center, administered by the 58399
Corporation for Ohio Appalachian Development, for training and 58400
technical assistance services. 58401

Section 38.14. HEAP WEATHERIZATION 58402

Fifteen per cent of the federal funds received by the state 58403
for the Home Energy Assistance Block Grant shall be deposited in 58404
appropriation item 195-614, HEAP Weatherization (Fund 3K9), and 58405
shall be used to provide home weatherization services in the 58406
state. 58407

Of the foregoing appropriation item 195-614, HEAP 58408
Weatherization, \$200,000 in each fiscal year shall be used for 58409
grants to the Ohio Weatherization Training Center, administered by 58410
the Corporation for Ohio Appalachian Development, for training and 58411
technical assistance services. 58412

STATE SPECIAL PROJECTS 58413

The foregoing appropriation item 195-639, State Special 58414
Projects, shall be used as a general account for the deposit of 58415
private-sector funds from utility companies and other 58416
miscellaneous state funds. Private-sector moneys shall be used to 58417
(1) pay the expenses of verifying the income-eligibility of HEAP 58418
applicants, (2) market economic development opportunities in the 58419
state, and (3) leverage additional federal funds. State funds 58420
shall be used to match federal housing grants for the homeless. 58421

Section 38.15. MINORITY BUSINESS ENTERPRISE LOAN 58422

All repayments from the Minority Development Financing 58423
Advisory Board loan program and the Ohio Mini-Loan Guarantee 58424
Program shall be deposited in the State Treasury to the credit of 58425
the Minority Business Enterprise Loan Fund (Fund 4W1). 58426

All operating costs of administering the Minority Business 58427

Enterprise Loan Fund shall be paid from the Minority Business	58428
Enterprise Loan Fund (Fund 4WI).	58429
MINORITY BUSINESS BONDING FUND	58430
Notwithstanding Chapters 122., 169., and 175. of the Revised	58431
Code and other provisions of Am. Sub. H.B. 283 of the 123rd	58432
General Assembly, the Director of Development may, upon the	58433
recommendation of the Minority Development Financing Advisory	58434
Board, pledge up to \$10,000,000 in the 2003-2005 biennium of	58435
unclaimed funds administered by the Director of Commerce and	58436
allocated to the Minority Business Bonding Program pursuant to	58437
section 169.05 of the Revised Code. The transfer of any cash by	58438
the Director of Budget and Management from the Department of	58439
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of	58440
Development's Minority Business Bonding Fund (Fund 449) shall	58441
occur, if requested by the Director of Development, only if such	58442
funds are needed for payment of losses arising from the Minority	58443
Business Bonding Program, and only after proceeds of the initial	58444
transfer of \$2,700,000 by the Controlling Board to the Minority	58445
Business Bonding Program has been used for that purpose. Moneys	58446
transferred by the Director of Budget and Management from the	58447
Department of Commerce for this purpose may be moneys in custodial	58448
funds held by the Treasurer of State. If expenditures are required	58449
for payment of losses arising from the Minority Business Bonding	58450
Program, such expenditures shall be made from appropriation item	58451
195-623, Minority Business Bonding Contingency in the Minority	58452
Business Bonding Fund, and such amounts are appropriated.	58453
MINORITY BUSINESS BONDING PROGRAM ADMINISTRATION	58454
Investment earnings of the Minority Business Bonding Fund	58455
(Fund 449) shall be credited to the Minority Business Bonding	58456
Program Administration Fund (Fund 450).	58457
Section 38.16. ECONOMIC DEVELOPMENT FINANCING OPERATING	58458

The foregoing appropriation item 195-625, Economic Development Financing Operating, shall be used for the operating expenses of financial assistance programs authorized under Chapter 166. of the Revised Code and under sections 122.43 and 122.45 of the Revised Code.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195-654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 617) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

UNIVERSAL SERVICE FUND

The foregoing appropriation item 195-659, Universal Service, shall be used to provide payments to regulated electric utility companies for low-income customers enrolled in Percentage of Income Payment Plan (PIPP) electric accounts, to fund targeted energy efficiency and customer education services to PIPP customers, and to cover the department's administrative costs related to the Universal Service Fund Programs.

ENERGY EFFICIENCY REVOLVING LOAN FUND

The foregoing appropriation item 195-660, Energy Efficiency Revolving Loan, shall be used to provide financial assistance to customers for eligible energy efficiency projects for residential, commercial and industrial business, local government, educational institution, nonprofit, and agriculture customers, and to pay for the program's administrative costs as provided in the Revised Code and rules adopted by the Director of Development.

Section 38.17. FACILITIES ESTABLISHMENT FUND

The foregoing appropriation item 195-615, Facilities

Establishment (Fund 037), shall be used for the purposes of the 58489
Facilities Establishment Fund under Chapter 166. of the Revised 58490
Code. 58491

Notwithstanding Chapter 166. of the Revised Code, up to 58492
\$1,800,000 in cash per fiscal year may be transferred from the 58493
Facilities Establishment Fund (Fund 037) to the Economic 58494
Development Financing Operating Fund (Fund 451). The transfer is 58495
subject to Controlling Board approval pursuant to division (B) of 58496
section 166.03 of the Revised Code. 58497

Notwithstanding Chapter 166. of the Revised Code, up to 58498
\$20,475,000 in cash may be transferred during the biennium from 58499
the Facilities Establishment Fund (Fund 037) to the Urban 58500
Redevelopment Loans Fund (Fund 5D2) for the purpose of removing 58501
barriers to urban core redevelopment. The Director of Development 58502
shall develop program guidelines for the transfer and release of 58503
funds, including, but not limited to, the completion of all 58504
appropriate environmental assessments before state assistance is 58505
committed to a project. 58506

Notwithstanding Chapter 166. of the Revised Code, up to 58507
\$5,000,000 per fiscal year in cash may be transferred from the 58508
Facilities Establishment Fund (Fund 037) to the Rural Industrial 58509
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 58510
Board approval pursuant to section 166.03 of the Revised Code. 58511

FAMILY FARM LOAN PROGRAM 58512

Notwithstanding Chapter 166. of the Revised Code, up to 58513
\$1,500,000 in each fiscal year shall be transferred from moneys in 58514
the Facilities Establishment Fund (Fund 037) to the Family Farm 58515
Loan Guarantee Fund (Fund 5H1) in the Department of Development. 58516
These moneys shall be used for loan guarantees. The transfer is 58517
subject to Controlling Board approval. 58518

Financial assistance from the Family Farm Loan Guarantee Fund 58519

(Fund 5H1) shall be repaid to Fund 5H1. This fund is established 58520
in accordance with sections 166.031, 901.80, 901.81, 901.82, and 58521
901.83 of the Revised Code. 58522

When the Family Farm Loan Guarantee Fund (Fund 5H1) ceases to 58523
exist, all outstanding balances, all loan repayments, and any 58524
other outstanding obligations shall revert to the Facilities 58525
Establishment Fund (Fund 037). 58526

RURAL DEVELOPMENT INITIATIVE FUND 58527

(A)(1) The Rural Development Initiative Fund (Fund 5S8) shall 58528
receive moneys from the Facilities Establishment Fund (Fund 037). 58529
The Director of Development may make grants from the Rural 58530
Development Initiative Fund as specified in division (A)(2) of 58531
this section to eligible applicants in Appalachian counties and in 58532
rural counties in the state that are designated as distressed 58533
pursuant to section 122.25 of the Revised Code. Preference shall 58534
be given to eligible applicants located in Appalachian counties 58535
designated as distressed by the federal Appalachian Regional 58536
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 58537
cease to exist after June 30, 2007. All moneys remaining in the 58538
Fund after that date shall revert to the Facilities Establishment 58539
Fund (Fund 037). 58540

(2) The Director of Development shall make grants from the 58541
Rural Development Initiative Fund (Fund 5S8) only to eligible 58542
applicants who also qualify for and receive funding under the 58543
Rural Industrial Park Loan Program as specified in sections 122.23 58544
to 122.27 of the Revised Code. Eligible applicants shall use the 58545
grants for the purposes specified in section 122.24 of the Revised 58546
Code. All projects supported by grants from the fund are subject 58547
to Chapter 4115. of the Revised Code as specified in division (E) 58548
of section 166.02 of the Revised Code. The Director shall develop 58549
program guidelines for the transfer and release of funds. The 58550
release of grant moneys to an eligible applicant is subject to 58551

Controlling Board approval.	58552
(B) Notwithstanding Chapter 166. of the Revised Code, the	58553
Director of Budget and Management may transfer up to \$5,000,000	58554
per fiscal year in cash on an as needed basis at the request of	58555
the Director of Development from the Facilities Establishment Fund	58556
(Fund 037) to the Rural Development Initiative Fund (Fund 5S8).	58557
The transfer is subject to Controlling Board approval pursuant to	58558
section 166.03 of the Revised Code.	58559
CAPITAL ACCESS LOAN PROGRAM	58560
The foregoing appropriation item 195-628, Capital Access Loan	58561
Program, shall be used for operating, program, and administrative	58562
expenses of the program. Funds of the Capital Access Loan Program	58563
shall be used to assist participating financial institutions in	58564
making program loans to eligible businesses that face barriers in	58565
accessing working capital and obtaining fixed asset financing.	58566
Notwithstanding Chapter 166. of the Revised Code, the	58567
Director of Budget and Management may transfer up to \$3,000,000	58568
per fiscal year in cash on an as needed basis at the request of	58569
the Director of Development from the Facilities Establishment Fund	58570
(Fund 037) to the Capital Access Loan Program Fund (Fund 5S9). The	58571
transfer is subject to Controlling Board approval pursuant to	58572
section 166.03 of the Revised Code.	58573
Section 38.18. CLEAN OHIO OPERATING EXPENSES	58574
The foregoing appropriation item 195-663, Clean Ohio	58575
Operating, shall be used by the Department of Development in	58576
administering sections 122.65 to 122.658 of the Revised Code.	58577
Section 39. OBD OHIO BOARD OF DIETETICS	58578
General Services Fund Group	58579
4K9 860-609 Operating Expenses \$ 334,917 \$ 329,687	58580

TOTAL GSF General Services Fund				58581
Group	\$	334,917	\$ 329,687	58582
TOTAL ALL BUDGET FUND GROUPS	\$	334,917	\$ 329,687	58583
Section 39a. CDR COMMISSION ON DISPUTE RESOLUTION AND				58585
CONFLICT MANAGEMENT				58586
General Revenue Fund				58587
GRF 145-401 Commission on Dispute	\$	500,000	\$ 500,000	58588
Resolution/Management				
TOTAL GRF General Revenue Fund	\$	500,000	\$ 500,000	58589
General Services Fund Group				58590
4B6 145-601 Gifts and Grants	\$	140,000	\$ 150,000	58591
TOTAL GSF General Services Fund	\$	140,000	\$ 150,000	58592
Group				
Federal Special Revenue Fund Group				58593
3S6 145-602 Dispute Resolution:	\$	140,000	\$ 140,000	58594
Federal				
TOTAL FED Federal Special Revenue	\$	140,000	\$ 140,000	58595
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	780,000	\$ 790,000	58596
COMMISSION ON DISPUTE RESOLUTION/MANAGEMENT				58597
The foregoing appropriation item 145-401, Commission on				58598
Dispute Resolution/Management, shall be used in each fiscal year				58599
by the Commission on Dispute Resolution and Conflict Management				58600
for the purpose of providing dispute resolution and conflict				58601
management training, consultation, and materials for state and				58602
local government, communities, school districts, and courts.				58603
Section 40. EDU DEPARTMENT OF EDUCATION				58604
General Revenue Fund				58605
GRF 200-100 Personal Services	\$	11,110,190	\$ 11,332,393	58606

GRF 200-320	Maintenance and Equipment	\$	5,066,249	\$	5,066,249	58607
GRF 200-408	Public Preschool	\$	19,018,551	\$	19,018,551	58608
GRF 200-410	Professional Development	\$	13,410,073	\$	13,410,073	58609
GRF 200-411	Family and Children First	\$	3,324,750	\$	3,324,750	58610
GRF 200-420	Technical Systems Development	\$	5,703,750	\$	5,703,750	58611
GRF 200-421	Alternative Education Programs	\$	15,835,547	\$	15,835,547	58612
GRF 200-422	School Management Assistance	\$	1,778,000	\$	1,778,000	58613
GRF 200-424	Policy Analysis	\$	592,220	\$	592,220	58614
GRF 200-425	Tech Prep Consortia Support	\$	2,133,213	\$	2,133,213	58615
GRF 200-426	Ohio Educational Computer Network	\$	34,331,741	\$	34,331,741	58616
GRF 200-427	Academic Standards	\$	9,000,592	\$	9,000,592	58617
GRF 200-431	School Improvement Initiatives	\$	10,755,625	\$	10,755,625	58618
GRF 200-433	Reading/Writing Improvement	\$	20,738,264	\$	20,738,264	58619
GRF 200-437	Student Assessment	\$	40,853,391	\$	40,853,391	58620
GRF 200-439	Accountability/Report Cards	\$	4,387,500	\$	4,387,500	58621
GRF 200-441	American Sign Language	\$	207,717	\$	207,717	58622
GRF 200-442	Child Care Licensing	\$	1,385,633	\$	1,385,633	58623
GRF 200-445	OhioReads Admin/Volunteer Support	\$	4,500,000	\$	4,500,000	58624
GRF 200-446	Education Management Information System	\$	16,146,469	\$	16,146,469	58625

GRF 200-447	GED Testing/Adult High School	\$ 1,829,106	\$ 1,829,106	58626
GRF 200-448	Educator Preparation	\$ 24,375	\$ 24,375	58627
GRF 200-452	Teaching Success Commission Initiatives	\$ 1,650,000	\$ 1,650,000	58628
GRF 200-455	Community Schools	\$ 4,231,842	\$ 4,231,842	58629
GRF 200-500	School Finance Equity	\$ 13,888,641	\$ 7,671,853	58630
GRF 200-501	Base Cost Funding	\$ 4,437,361,256	\$ 4,291,124,539	58631
GRF 200-502	Pupil Transportation	\$ 388,939,229	\$ 397,960,398	58632
GRF 200-503	Bus Purchase Allowance	\$ 34,399,921	\$ 34,399,921	58633
GRF 200-505	School Lunch Match	\$ 9,398,025	\$ 9,398,025	58634
GRF 200-509	Adult Literacy Education	\$ 8,774,250	\$ 8,774,250	58635
GRF 200-511	Auxiliary Services	\$ 127,903,356	\$ 127,903,356	58636
GRF 200-513	Student Intervention Services	\$ 35,040,815	\$ 35,040,815	58637
GRF 200-520	Disadvantaged Pupil Impact Aid	\$ 367,266,738	\$ 367,266,738	58638
GRF 200-521	Gifted Pupil Program	\$ 48,201,031	\$ 48,201,031	58639
GRF 200-525	Parity Aid	\$ 333,890,279	\$ 435,096,124	58640
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$ 55,803,103	\$ 55,803,103	58641
GRF 200-540	Special Education Enhancements	\$ 135,614,484	\$ 137,936,046	58642
GRF 200-545	Career-Technical Education Enhancements	\$ 12,560,407	\$ 12,560,407	58643
GRF 200-546	Charge-Off Supplement	\$ 45,888,802	\$ 45,888,802	58644
GRF 200-558	Emergency Loan Interest Subsidy	\$ 3,022,500	\$ 3,022,500	58645
GRF 200-566	OhioReads Grants	\$ 12,874,777	\$ 12,832,272	58646
GRF 200-578	Safe and Supportive Schools	\$ 3,576,348	\$ 3,576,348	58647

GRF 200-901	Property Tax	\$ 783,350,000	\$ 822,360,000	58648
	Allocation - Education			
GRF 200-906	Tangible Tax Exemption	\$ 77,810,000	\$ 82,010,000	58649
	- Education			
TOTAL GRF	General Revenue Fund	\$ 7,163,578,760	\$ 7,167,063,529	58650
	General Services Fund Group			58651
138 200-606	Computer Services	\$ 7,404,690	\$ 7,635,949	58652
4D1 200-602	Ohio	\$ 347,000	\$ 347,000	58653
	Prevention/Education			
	Resource Center			
4L2 200-681	Teacher Certification	\$ 5,038,017	\$ 5,236,517	58654
	and Licensure			
452 200-638	Miscellaneous Revenue	\$ 500,000	\$ 500,000	58655
5B1 200-651	Child Nutrition	\$ 800,000	\$ 800,000	58656
	Services			
5H3 200-687	School District	\$ 18,000,000	\$ 18,000,000	58657
	Solvency Assistance			
596 200-656	Ohio Career	\$ 516,694	\$ 529,761	58658
	Information System			
TOTAL GSF	General Services			58659
	Fund Group	\$ 32,606,401	\$ 33,049,227	58660
	Federal Special Revenue Fund Group			58661
3C5 200-661	Early Childhood	\$ 21,508,746	\$ 21,508,746	58662
	Education			
3D1 200-664	Drug Free Schools	\$ 13,169,757	\$ 13,347,966	58663
3D2 200-667	Honors Scholarship	\$ 1,786,500	\$ 1,786,500	58664
	Program			
3H9 200-605	Head Start	\$ 275,000	\$ 275,000	58665
	Collaboration Project			
3L6 200-617	Federal School Lunch	\$ 185,948,186	\$ 191,898,528	58666
3L7 200-618	Federal School	\$ 48,227,431	\$ 49,524,254	58667
	Breakfast			

3L8	200-619	Child/Adult Food Programs	\$	63,577,244	\$	65,293,830	58668
3L9	200-621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701	58669
3M0	200-623	ESEA Title 1A	\$	356,458,504	\$	384,975,184	58670
3M1	200-678	Innovative Education	\$	15,041,997	\$	16,094,937	58671
3M2	200-680	Ind W/Disab Education Act	\$	288,468,284	\$	331,392,575	58672
3S2	200-641	Education Technology	\$	19,682,057	\$	20,469,339	58673
3T4	200-613	Public Charter Schools	\$	23,287,500	\$	26,187,113	58674
3Y2	200-688	21st Century Community Learning Centers	\$	17,138,239	\$	18,500,000	58675
3Y4	200-632	Reading First	\$	29,881,256	\$	33,168,194	58676
3Y6	200-635	Improving Teacher Quality	\$	103,686,420	\$	104,100,000	58677
3Y7	200-689	English Language Acquisition	\$	4,872,334	\$	5,505,737	58678
3Z2	200-690	State Assessments	\$	11,894,315	\$	12,489,031	58679
309	200-601	Educationally Disadvantaged	\$	22,148,769	\$	22,899,001	58680
366	200-604	Adult Basic Education	\$	21,369,906	\$	22,223,820	58681
367	200-607	School Food Services	\$	10,767,759	\$	11,144,631	58682
368	200-614	Veterans' Training	\$	626,630	\$	655,587	58683
369	200-616	Career-Tech Education Federal Enhancement	\$	8,165,672	\$	8,165,672	58684
370	200-624	Education of Exceptional Children	\$	1,933,910	\$	1,933,910	58685
374	200-647	Troops to Teachers	\$	2,618,076	\$	2,622,370	58686
TOTAL FED Federal Special Revenue Fund Group							58687
			\$	1,320,564,193	\$	1,414,191,626	58688
State Special Revenue Fund Group							58689
4R7	200-695	Indirect Cost Recovery	\$	5,002,500	\$	5,250,400	58690
4V7	200-633	Interagency Support	\$	800,000	\$	800,000	58691

454	200-610	Guidance and Testing	\$	956,761	\$	956,761	58692
455	200-608	Commodity Foods	\$	11,308,000	\$	11,624,624	58693
5U2	200-685	National Education	\$	200,000	\$	200,000	58694
		Statistics					
5W2	200-663	Head Start Plus/Head	\$	101,200,000	\$	103,184,000	58695
		Start					
598	200-659	Auxiliary Services	\$	1,328,910	\$	1,328,910	58696
		Reimbursement					
620	200-615	Educational Grants	\$	1,000,000	\$	1,000,000	58697
TOTAL SSR State Special Revenue							58698
Fund Group			\$	121,796,171	\$	124,344,695	58699
Lottery Profits Education Fund Group							58700
017	200-612	Base Cost Funding	\$	606,123,500	\$	606,195,300	58701
017	200-682	Lease Rental Payment	\$	31,776,500	\$	31,704,700	58702
		Reimbursement					
TOTAL LPE Lottery Profits							58703
Education Fund Group			\$	637,900,000	\$	637,900,000	58704
Revenue Distribution Fund Group							58705
053	200-900	School District	\$	115,911,593	\$	115,911,593	58706
		Property Tax					
		Replacement					
TOTAL RDF Revenue Distribution							58707
Fund Group			\$	115,911,593	\$	115,911,593	58708
TOTAL ALL BUDGET FUND GROUPS			\$	9,392,357,118	\$	9,492,460,670	58709

Section 40.01. PERSONAL SERVICES 58711

Of the foregoing appropriation item 200-100, Personal 58712
 Services, \$1,630,181 in each fiscal year shall be used by the 58713
 Department of Education to provide vocational administration 58714
 matching funds pursuant to 20 U.S.C. 2311. 58715

MAINTENANCE AND EQUIPMENT 58716

Of the foregoing appropriation item 200-320, Maintenance and 58717
Equipment, up to \$25,000 may be expended in each fiscal year for 58718
State Board of Education out-of-state travel. 58719

Of the foregoing appropriation item 200-320, Maintenance and 58720
Equipment, \$692,014 in each fiscal year shall be used by the 58721
Department of Education to provide vocational administration 58722
matching funds pursuant to 20 U.S.C. 2311. 58723

Section 40.02. PUBLIC PRESCHOOL 58724

The Department of Education shall distribute the foregoing 58725
appropriation item 200-408, Public Preschool, to pay the costs of 58726
comprehensive preschool programs. As used in this section, "school 58727
district" means a city, local, exempted village, or joint 58728
vocational school district, or an educational service center. 58729

(A) In each fiscal year, up to two per cent of the total 58730
appropriation may be used by the department for program support 58731
and technical assistance; developing program capacity; and 58732
assisting programs with facilities planning, construction, 58733
renovation, or lease agreements in conjunction with the Community 58734
Development Finance Fund (CDFF). The Department shall distribute 58735
the remainder of the appropriation in each fiscal year to serve 58736
children from families earning not more than 185 per cent of the 58737
federal poverty guidelines. 58738

(B) The department shall provide an annual report to the 58739
Governor, the Speaker of the House of Representatives, the 58740
President of the Senate, the State Board of Education, Head Start 58741
grantees, and other interested parties. The report shall include: 58742

(1) The number and per cent of eligible children by county 58743
and by school district; 58744

(2) The amount of state funds allocated for continuation per 58745
school district; 58746

(3) The amount of state funds received for continuation per school district;	58747 58748
(4) A summary of program performance on the state critical performance indicators in the public preschool program;	58749 58750
(5) A summary of developmental progress of children participating in the state-funded public preschool program;	58751 58752
(6) Any other data reflecting the performance of public preschool programs that the department considers pertinent.	58753 58754
(C) For purposes of this section, "eligible child" means a child who is at least three years of age, is not eligible for kindergarten, and whose family earns not more than 185 per cent of the federal poverty guidelines.	58755 58756 58757 58758
(D) The department may reallocate unobligated or unspent money to participating school districts for purposes of program expansion, improvement, or special projects to promote quality and innovation.	58759 58760 58761 58762
(E) Costs for developing and administering a preschool program may not exceed fifteen per cent of the total approved costs of the program.	58763 58764 58765
All recipients of funds shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained therefrom, shall be under the authority of the approved recipient for purposes provided in the program unless, as described in division (J) of this section, a preschool program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or program performance standards. The approved recipient shall administer and use such property and funds for the purposes specified.	58766 58767 58768 58769 58770 58771 58772 58773 58774 58775 58776

(F) The department shall prescribe target levels for critical performance indicators for the purpose of assessing public preschool programs. On-site reviews and follow-up visits shall be based on progress in meeting the prescribed target levels.

(G) The Department may examine a recipient's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (E) of this section, or if the program fails to substantially meet the Head Start performance standards or exhibits below average performance as measured against the performance indicators outlined in division (F) of this section, the preschool program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the school district board of education and the appropriate grantee official. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the Department or obtained by the public preschool program. The Department may withhold funding pending corrective action. If a public preschool program fails to satisfactorily complete a corrective action plan, the Department may either deny expansion funding to the program or withdraw all or part of the public preschool funding from the agency and establish a new state-funded agency through a competitive bidding process established by the Department.

(H) The department shall require public preschool programs to document child progress, using research-based indicators as prescribed by the department, and report results annually. The department shall determine the dates for documenting and reporting.

(I) Each school district shall develop a sliding fee scale

based on family incomes in the district and shall charge families 58809
who earn more than the federal poverty guidelines for preschool. 58810

(J) If a public preschool program voluntarily waives its 58811
right for funding, or has its funding eliminated for not meeting 58812
financial standards or program performance standards, the grantee 58813
and delegate shall transfer control of title to property, 58814
equipment, and remaining supplies obtained through the program to 58815
designated grantees and return any unexpended funds to the 58816
Department along with any reports prescribed by the Department. 58817
The funding made available from a program that waives its right 58818
for funding or has its funding eliminated or reduced may be used 58819
by the Department for new grant awards or expansion grants. The 58820
Department may award new grants or expansion grants to eligible 58821
providers who apply. The eligible providers who apply must do so 58822
in accordance with the competitive bidding process established by 58823
the Department. 58824

Section 40.03. PROFESSIONAL DEVELOPMENT 58825

Of the foregoing appropriation item 200-410, Professional 58826
Development, \$5,779,625 in each fiscal year shall be used by the 58827
Department of Education to provide grants to recognize and reward 58828
teachers who became certified by the National Board for 58829
Professional Teaching Standards pursuant to section 3319.55 of the 58830
Revised Code prior to January 1, 2003. 58831

Of the foregoing appropriation item 200-410, Professional 58832
Development, up to \$7,442,358 in each fiscal year shall be 58833
allocated for entry year programs. These funds shall be used for 58834
performance assessments of beginning teachers in school districts 58835
designated as academic watch or academic emergency under section 58836
3302.03 of the Revised Code. 58837

Of the foregoing appropriation item 200-410, Professional 58838
Development, up to \$188,090 in each fiscal year shall be used to 58839

provide grants for districts to develop local 58840
knowledge/skills-based compensation systems. Each district 58841
receiving grants shall issue an annual report to the Department of 58842
Education detailing the use of the funds and the impact of the 58843
system developed by the district. 58844

Section 40.04. TECHNICAL SYSTEMS DEVELOPMENT 58845

The foregoing appropriation item 200-420, Technical Systems 58846
Development, shall be used to support the development and 58847
implementation of information technology solutions designed to 58848
improve the performance and customer service of the Department of 58849
Education. Funds may be used for personnel, maintenance, and 58850
equipment costs related to the development and implementation of 58851
these technical system projects. Implementation of these systems 58852
shall allow the Department to provide greater levels of assistance 58853
to school districts and to provide more timely information to the 58854
public, including school districts, administrators, and 58855
legislators. 58856

ALTERNATIVE EDUCATION PROGRAMS 58857

There is hereby created the Alternative Education Advisory 58858
Council, which shall consist of one representative from each of 58859
the following agencies: the Ohio Department of Education; the 58860
Department of Youth Services; the Ohio Department of Alcohol and 58861
Drug Addiction Services; the Department of Mental Health; the 58862
Office of the Governor or, at the Governor's discretion, the 58863
Office of the Lieutenant Governor; the Office of the Attorney 58864
General; and the Office of the Auditor of State. 58865

Of the foregoing appropriation item 200-421, Alternative 58866
Education Programs, not less than \$7,897,500 in each fiscal year 58867
shall be used for the renewal of successful implementation grants 58868
and for competitive matching grants to the 21 urban school 58869
districts as defined in division (O) of section 3317.02 of the 58870

Revised Code as it existed prior to July 1, 1998, and not less 58871
than \$7,863,047 in each fiscal year shall be used for the renewal 58872
of successful implementation of grants and for competitive 58873
matching grants to rural and suburban school districts for 58874
alternative educational programs for existing and new at-risk and 58875
delinquent youth. Programs shall be focused on youth in one or 58876
more of the following categories: those who have been expelled or 58877
suspended, those who have dropped out of school or who are at risk 58878
of dropping out of school, those who are habitually truant or 58879
disruptive, or those on probation or on parole from a Department 58880
of Youth Services facility. Grants shall be awarded according to 58881
the criteria established by the Alternative Education Advisory 58882
Council in 1999. Grants shall be awarded only to programs where 58883
the grant would not serve as the program's primary source of 58884
funding. These grants shall be administered by the Department of 58885
Education. 58886

The Department of Education may waive compliance with any 58887
minimum education standard established under section 3301.07 of 58888
the Revised Code for any alternative school that receives a grant 58889
under this section on the grounds that the waiver will enable the 58890
program to more effectively educate students enrolled in the 58891
alternative school. 58892

Of the foregoing appropriation item 200-421, Alternative 58893
Education Programs, \$75,000 in each fiscal year shall be used to 58894
support the Toledo Tech Academy. 58895

SCHOOL MANAGEMENT ASSISTANCE 58896

Of the foregoing appropriation item 200-422, School 58897
Management Assistance, \$351,000 in each fiscal year shall be used 58898
by the Auditor of State for expenses incurred in the Auditor of 58899
State's role relating to fiscal caution activities as defined in 58900
Chapter 3316. of the Revised Code. Expenses include duties related 58901
to the completion of performance audits for school districts that 58902

the Superintendent of Public Instruction determines are employing 58903
fiscal practices or experiencing budgetary conditions that could 58904
produce a state of fiscal watch or fiscal emergency. 58905

The remainder of foregoing appropriation item 200-422, School 58906
Management Assistance, shall be used by the Department of 58907
Education to provide fiscal technical assistance and inservice 58908
education for school district management personnel and to 58909
administer, monitor, and implement the fiscal watch and fiscal 58910
emergency provisions under Chapter 3316. of the Revised Code. 58911

POLICY ANALYSIS 58912

The foregoing appropriation item 200-424, Policy Analysis, 58913
shall be used by the Department of Education to support a system 58914
of administrative, statistical, and legislative education 58915
information to be used for policy analysis. Staff supported by 58916
this appropriation shall administer the development of reports, 58917
analyses, and briefings to inform education policymakers of 58918
current trends in education practice, efficient and effective use 58919
of resources, and evaluation of programs to improve education 58920
results. The database shall be kept current at all times. These 58921
research efforts shall be used to supply information and analysis 58922
of data to the General Assembly and other state policymakers, 58923
including the Office of Budget and Management and the Legislative 58924
Service Commission. 58925

The Department of Education may use funding from this 58926
appropriation item to purchase or contract for the development of 58927
software systems or contract for policy studies that will assist 58928
in the provision and analysis of policy-related information. 58929
Funding from this appropriation item also may be used to monitor 58930
and enhance quality assurance for research-based policy analysis 58931
and program evaluation to enhance the effective use of education 58932
information to inform education policymakers. 58933

TECH PREP CONSORTIA SUPPORT 58934

The foregoing appropriation item 200-425, Tech Prep Consortia 58935
Support, shall be used by the Department of Education to support 58936
state-level activities designed to support, promote, and expand 58937
tech prep programs. Use of these funds shall include, but not be 58938
limited to, administration of grants, program evaluation, 58939
professional development, curriculum development, assessment 58940
development, program promotion, communications, and statewide 58941
coordination of tech prep consortia. 58942

OHIO EDUCATIONAL COMPUTER NETWORK 58943

The foregoing appropriation item 200-426, Ohio Educational 58944
Computer Network, shall be used by the Department of Education to 58945
maintain a system of information technology throughout Ohio and to 58946
provide technical assistance for such a system in support of the 58947
State Education Technology Plan pursuant to section 3301.07 of the 58948
Revised Code. 58949

Of the foregoing appropriation item 200-426, Ohio Educational 58950
Computer Network, up to \$18,592,763 in each fiscal year shall be 58951
used by the Department of Education to support connection of all 58952
public school buildings to the state's education network, to each 58953
other, and to the Internet. In each fiscal year the Department of 58954
Education shall use these funds to assist data acquisition sites 58955
or school districts with the operational costs associated with 58956
this connectivity. The Department of Education shall develop a 58957
formula and guidelines for the distribution of these funds to the 58958
data acquisition sites or individual school districts. As used in 58959
this section, "public school building" means a school building of 58960
any city, local, exempted village, or joint vocational school 58961
district, or any community school established under Chapter 3314. 58962
of the Revised Code, or any educational service center building 58963
used for instructional purposes, or the Ohio School for the Deaf 58964

and the Ohio School for the Blind, or high schools chartered by 58965
the Ohio Department of Youth Services and high schools operated by 58966
Ohio Department of Rehabilitation and Corrections' Ohio Central 58967
School System. 58968

Of the foregoing appropriation item 200-426, Ohio Educational 58969
Computer Network, up to \$1,884,355 in each fiscal year shall be 58970
used for the Union Catalog and InfOhio Network. 58971

The Department of Education shall use \$3,412,500 in each 58972
fiscal year to assist designated data acquisition sites with 58973
operational costs associated with the increased use of the state's 58974
education network by chartered nonpublic schools. The Department 58975
of Education shall divide the \$3,412,500 by the number of eligible 58976
chartered nonpublic schools that meet the OneNet Planning 58977
Commission's connectivity standard of a minimum of 1.5 Mb/s (T-1) 58978
connection. This calculation shall be made in the fall of every 58979
school year and the funds shall be distributed to designated data 58980
acquisition sites no later than the first day of November of every 58981
school year that the General Assembly appropriates funds for the 58982
program. 58983

The remainder of appropriation item 200-426, Ohio Educational 58984
Computer Network, shall be used to support development, 58985
maintenance, and operation of a network of uniform and compatible 58986
computer-based information and instructional systems. The 58987
technical assistance shall include, but not be restricted to, 58988
development and maintenance of adequate computer software systems 58989
to support network activities. Program funds may be used, through 58990
a formula and guidelines devised by the department, to subsidize 58991
the activities of designated data acquisition sites, as defined by 58992
State Board of Education rules, to provide school districts and 58993
chartered nonpublic schools with computer-based student and 58994
teacher instructional and administrative information services, 58995
including approved computerized financial accounting, and to 58996

ensure the effective operation of local automated administrative 58997
and instructional systems. To broaden the scope of the use of 58998
technology for education, the Department may use up to \$223,762 in 58999
each fiscal year to coordinate the activities of the computer 59000
network with other agencies funded by the department or the state. 59001
In order to improve the efficiency of network activities, the 59002
department and data acquisition sites may jointly purchase 59003
equipment, materials, and services from funds provided under this 59004
appropriation for use by the network and, when considered 59005
practical by the department, may utilize the services of 59006
appropriate state purchasing agencies. 59007

ACADEMIC STANDARDS 59008

Of the foregoing appropriation item 200-427, Academic 59009
Standards, up to \$731,250 in each fiscal year shall be used to 59010
provide funds to school districts that have one or more teachers 59011
participating in the teachers-on-loan program. 59012

The remainder of appropriation item 200-427, Academic 59013
Standards, shall be used by the Department of Education to develop 59014
and communicate to school districts academic content standards and 59015
curriculum models. The Department of Education shall communicate 59016
these standards and curricula to school districts through Internet 59017
website postings and electronic mail. 59018

Section 40.05. SCHOOL IMPROVEMENT INITIATIVES 59019

Of the foregoing appropriation item 200-431, School 59020
Improvement Initiatives, \$10,505,625 in each fiscal year shall be 59021
used to provide technical assistance to school districts that are 59022
declared to be in a state of academic watch or academic emergency 59023
under section 3302.03 of the Revised Code to develop their 59024
continuous improvement plans as required in section 3302.04 of the 59025
Revised Code and to provide technical assistance to school 59026
buildings not meeting new federal accountability measures. 59027

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 59032

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.

Of the foregoing appropriation item 200-433, Reading/Writing Improvement, up to \$1,000,000 in each fiscal year shall be used by the Department of Education to fund the Reading Recovery Training Network, to cover the cost of release time for the teacher trainers, and to provide grants to districts to implement other reading improvement programs on a pilot basis. Funds from this appropriation item also may be used to conduct evaluations of the impact and effectiveness of Reading Recovery and other reading improvement programs.

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.

STUDENT ASSESSMENT 59058

The foregoing appropriation item 200-437, Student Assessment, 59059
shall be used to develop, field test, print, distribute, score, 59060
and report results from the tests required under sections 59061
3301.0710 and 3301.0711 of the Revised Code and for similar 59062
purposes as required by section 3301.27 of the Revised Code. 59063

ACCOUNTABILITY/REPORT CARDS 59064

The foregoing appropriation item 200-439, 59065
Accountability/Report Cards, shall be used for the development and 59066
distribution of school report cards pursuant to section 3302.03 of 59067
the Revised Code. 59068

AMERICAN SIGN LANGUAGE 59069

Of the foregoing appropriation item 200-441, American Sign 59070
Language, up to \$136,943 in each fiscal year shall be used to 59071
implement pilot projects for the integration of American Sign 59072
Language deaf language into the kindergarten through twelfth-grade 59073
curriculum. 59074

The remainder of the appropriation shall be used by the 59075
Department of Education to provide supervision and consultation to 59076
school districts in dealing with parents of children who are deaf 59077
or hard of hearing, in integrating American Sign Language as a 59078
foreign language, and in obtaining interpreters and improving 59079
their skills. 59080

CHILD CARE LICENSING 59081

The foregoing appropriation item 200-442, Child Care 59082
Licensing, shall be used by the Department of Education to license 59083
and to inspect preschool and school-age child care programs in 59084
accordance with sections 3301.52 to 3301.59 of the Revised Code. 59085

OHIOREADS ADMIN/VOLUNTEER SUPPORT 59086

The foregoing appropriation item 200-445, OhioReads 59087
Admin/Volunteer Support, may be allocated by the OhioReads Office 59088

in the Department of Education at the direction of the OhioReads 59089
Council for volunteer coordinators in public school buildings, to 59090
educational service centers for costs associated with volunteer 59091
coordination, for background checks for volunteers, to evaluate 59092
the OhioReads Program, and for operating expenses associated with 59093
administering the program. 59094

Section 40.06. EDUCATION MANAGEMENT INFORMATION SYSTEM 59095

The foregoing appropriation item 200-446, Education 59096
Management Information System, shall be used by the Department of 59097
Education to improve the Education Management Information System 59098
(EMIS). 59099

Of the foregoing appropriation item 200-446, Education 59100
Management Information System, up to \$1,295,857 in each fiscal 59101
year shall be distributed to designated data acquisition sites for 59102
costs relating to processing, storing, and transferring data for 59103
the effective operation of the EMIS. These costs may include, but 59104
are not limited to, personnel, hardware, software development, 59105
communications connectivity, professional development, and support 59106
services, and to provide services to participate in the State 59107
Education Technology Plan pursuant to section 3301.07 of the 59108
Revised Code. 59109

Of the foregoing appropriation item 200-446, Education 59110
Management Information System, up to \$8,055,189 in each fiscal 59111
year shall be distributed on a per-pupil basis to school 59112
districts, community schools established under Chapter 3314. of 59113
the Revised Code, education service centers, joint vocational 59114
school districts, and any other education entity that reports data 59115
through EMIS. From this funding, each school district or community 59116
school established under Chapter 3314. of the Revised Code with 59117
enrollment greater than 100 students and each vocational school 59118
district shall receive a minimum of \$5,000 in each fiscal year. 59119

Each school district or community school established under Chapter 59120
3314. of the Revised Code with enrollment between one and one 59121
hundred and each education service center and each county board of 59122
MR/DD that submits data through EMIS shall receive \$3,000 in each 59123
fiscal year. This subsidy shall be used for costs relating to 59124
reporting, processing, storing, transferring, and exchanging data 59125
necessary to meet requirements of the Department of Education's 59126
data system. 59127

GED TESTING/ADULT HIGH SCHOOL 59128

The foregoing appropriation item 200-447, GED Testing/Adult 59129
High School, shall be used to provide General Educational 59130
Development (GED) testing at no cost to applicants, pursuant to 59131
rules adopted by the State Board of Education. The Department of 59132
Education shall reimburse school districts and community schools, 59133
created in accordance with Chapter 3314. of the Revised Code, for 59134
a portion of the costs incurred in providing summer instructional 59135
or intervention services to students who have not graduated due to 59136
their inability to pass one or more parts of the state's ninth 59137
grade proficiency test. School districts shall also provide such 59138
services to students who are residents of the district pursuant to 59139
section 3313.64 of the Revised Code, but who are enrolled in 59140
chartered, nonpublic schools. The services shall be provided in 59141
the public school, in nonpublic schools, in public centers, or in 59142
mobile units located on or off the nonpublic school premises. No 59143
school district shall provide summer instructional or intervention 59144
services to nonpublic school students as authorized by this 59145
section unless such services are available to students attending 59146
the public schools within the district. No school district shall 59147
provide services for use in religious courses, devotional 59148
exercises, religious training, or any other religious activity. 59149
Chartered, nonpublic schools shall pay for any unreimbursed costs 59150
incurred by school districts for providing summer instruction or 59151

intervention services to students enrolled in chartered, nonpublic 59152
schools. School districts may provide these services to students 59153
directly or contract with postsecondary or nonprofit 59154
community-based institutions in providing instruction. The 59155
appropriation also shall be used for state reimbursement to school 59156
districts for adult high school continuing education programs 59157
pursuant to section 3313.531 of the Revised Code or for costs 59158
associated with awarding adult high school diplomas under section 59159
3313.611 of the Revised Code. 59160

EDUCATOR PREPARATION 59161

The foregoing appropriation item 200-448, Educator 59162
Preparation, shall be used by the Ohio Teacher Education and 59163
Certification Commission to carry out the responsibilities of the 59164
21-member Ohio Teacher Education and Certification Advisory 59165
Commission. The advisory commission is charged by the State Board 59166
of Education with considering all matters related to educator 59167
preparation and licensure, including standards for educator 59168
preparation and licensure, approval of institutions and programs, 59169
and recommending decisions to the State Board of Education. 59170

TEACHING SUCCESS COMMISSION INITIATIVES 59171

The foregoing appropriation item 200-452, Teaching Success 59172
Commission Initiatives, shall be used by the Department of 59173
Education to support initiatives recommended by the Governor's 59174
Commission on Teaching Success. 59175

COMMUNITY SCHOOLS 59176

Of the foregoing appropriation item 200-455, Community 59177
Schools, up to \$1,308,661 in each fiscal year may be used by the 59178
Department of Education for additional services and 59179
responsibilities under section 3314.11 of the Revised Code. 59180

Of the foregoing appropriation item 200-455, Community 59181
Schools, up to \$250,000 in each fiscal year may be used by the 59182

Department of Education for developing and conducting training 59183
sessions for sponsors and prospective sponsors of community 59184
schools as prescribed in division (A)(1) of section 3314.015 of 59185
the Revised Code. In developing such training sessions, the 59186
Department shall collect and disseminate examples of best 59187
practices used by sponsors of independent charter schools in Ohio 59188
and other states. 59189

The remaining appropriation may be used by the Department of 59190
Education to make grants of up to \$50,000 to each proposing group 59191
with a preliminary agreement obtained under division (C)(2) of 59192
section 3314.02 of the Revised Code in order to defray planning 59193
and initial start-up costs. In the first year of operation of a 59194
community school, the Department of Education may make a grant of 59195
not more than \$100,000 to the governing authority of the school to 59196
partially defray additional start-up costs. The amount of the 59197
grant shall be based on a thorough examination of the needs of the 59198
community school. The Department of Education shall not utilize 59199
moneys received under this section for any other purpose other 59200
than those specified under this section. 59201

A community school awarded start-up grants from appropriation 59202
item 200-613, Public Charter Schools (Fund 3T4), shall not be 59203
eligible for grants under this section. 59204

Section 40.07. SCHOOL FINANCE EQUITY 59205

The foregoing appropriation item 200-500, School Finance 59206
Equity, shall be distributed to school districts based on the 59207
formula specified in section 3317.0213 of the Revised Code. 59208

Section 40.08. BASE COST FUNDING 59209

The foregoing appropriation item 200-501, Base Cost Funding, 59210
includes \$90,000,000 in each fiscal year for the state education 59211
aid offset due to the change in public utility valuation as a 59212

result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 59213
General Assembly. This amount represents the total state education 59214
aid offset due to the valuation change for school districts and 59215
joint vocational school districts from all relevant appropriation 59216
line item sources. If it is determined that the state education 59217
aid offset is more than \$90,000,000, the Controlling Board may 59218
increase the appropriation for appropriation item 200-501, Base 59219
Cost Funding, by the difference amount if presented with such a 59220
request from the Department of Education. The appropriation 59221
increase, if any, is hereby appropriated. If it is determined that 59222
the state education aid offset is less than \$90,000,000, the 59223
Director of Budget and Management shall then reduce the 59224
appropriation for appropriation item 200-501, Base Cost Funding, 59225
by the difference amount and notify the Controlling Board of this 59226
action. The appropriation decrease determined by the Director of 59227
Budget and Management, if any, is hereby approved, and 59228
appropriations are hereby reduced by the amount determined. 59229

Of the foregoing appropriation item 200-501, Base Cost 59230
Funding, up to \$425,000 shall be expended in each fiscal year for 59231
court payments pursuant to section 2151.357 of the Revised Code; 59232
an amount shall be available in each fiscal year for the cost of 59233
reappraisal guarantee pursuant to section 3317.04 of the Revised 59234
Code; an amount shall be available in each fiscal year to fund up 59235
to 225 full-time equivalent approved GRADS teacher grants pursuant 59236
to division (R) of section 3317.024 of the Revised Code; an amount 59237
shall be available in each fiscal year to make payments to school 59238
districts pursuant to division (A)(2) of section 3317.022 of the 59239
Revised Code; an amount shall be available in each fiscal year to 59240
make payments to school districts pursuant to division (F) of 59241
section 3317.022 of the Revised Code; an amount shall be available 59242
in each fiscal year to make payments to school districts pursuant 59243
to division (C) of section 3317.0212 of the Revised Code; and up 59244
to \$15,000,000 in each fiscal year shall be reserved for payments 59245

pursuant to sections 3317.026, 3317.027, and 3317.028 of the Revised Code except that the Controlling Board may increase the \$15,000,000 amount if presented with such a request from the Department of Education. Of the foregoing appropriation item 200-501, Base Cost Funding, up to \$15,000,000 in each fiscal year shall be used to provide additional state aid to school districts for special education students pursuant to division (C)(3) of section 3317.022 of the Revised Code; up to \$2,000,000 in each fiscal year shall be reserved for Youth Services tuition payments pursuant to section 3317.024 of the Revised Code; and up to \$52,000,000 in each fiscal year shall be reserved to fund the state reimbursement of educational service centers pursuant to section 3317.11 of the Revised Code. An amount shall be available for special education weighted funding pursuant to division (C)(1) of section 3317.022 and division (D)(1) of section 3317.16 of the Revised Code.

Of the foregoing appropriation item 200-501, Base Cost Funding, up to \$15,000,000 in fiscal year 2005 shall be used by the Department of Education for the Enhanced Urban Attendance Improvement Initiative in Big Eight districts as defined in section 3314.02 of the Revised Code. Funds shall be distributed pursuant to the section of this act entitled "THE ENHANCED URBAN ATTENDANCE IMPROVEMENT INITIATIVE."

Of the foregoing appropriation item 200-501, Base Cost Funding, an amount shall be available in fiscal year 2005 to be used by the Department of Education for transitional aid for school districts. Funds shall be distributed pursuant to the section of this act entitled "TRANSITIONAL AID FOR FISCAL YEAR 2005."

Of the foregoing appropriation item 200-501, Base Cost Funding, up to \$1,000,000 in each fiscal year shall be used by the Department of Education for a pilot program to pay for educational

services for youth who have been assigned by a juvenile court or 59278
other authorized agency to any of the facilities described in 59279
division (A) of the section titled "Private Treatment Facility 59280
Pilot Project." 59281

The remaining portion of appropriation item 200-501, Base 59282
Cost Funding, shall be expended for the public schools of city, 59283
local, exempted village, and joint vocational school districts, 59284
including base cost funding, special education speech service 59285
enhancement funding, career-technical education weight funding, 59286
career-technical education associated service funding, guarantee 59287
funding, and teacher training and experience funding pursuant to 59288
sections 3317.022, 3317.023, 3317.0212, and 3317.16 of the Revised 59289
Code. 59290

Appropriation items 200-500, School Finance Equity, 200-501, 59291
Base Cost Funding, 200-502, Pupil Transportation, 200-520, 59292
Disadvantaged Pupil Impact Aid, 200-521, Gifted Pupil Program, 59293
200-525, Parity Aid, and 200-546, Charge-Off Supplement, other 59294
than specific set-asides, are collectively used in fiscal year 59295
2004 to pay state formula aid obligations for school districts and 59296
joint vocational school districts pursuant to Chapter 3317. of the 59297
Revised Code. The first priority of these appropriation items, 59298
with the exception of specific set-asides, is to fund state 59299
formula aid obligations under Chapter 3317. of the Revised Code. 59300
It may be necessary to reallocate funds among these appropriation 59301
items in order to meet state formula aid obligations. If it is 59302
determined that it is necessary to transfer funds among these 59303
appropriation items to meet state formula aid obligations, the 59304
Department of Education shall seek approval from the Controlling 59305
Board to transfer funds among these appropriation items. 59306

Section 40.09. PUPIL TRANSPORTATION 59307

Of the foregoing appropriation item 200-502, Pupil 59308

Transportation, up to \$822,400 in each fiscal year may be used by 59309
the Department of Education for training prospective and 59310
experienced school bus drivers in accordance with training 59311
programs prescribed by the Department. Up to \$56,975,910 in each 59312
fiscal year may be used by the Department of Education for special 59313
education transportation reimbursements to school districts and 59314
county MR/DD boards for transportation operating costs as provided 59315
in division (M) of section 3317.024 of the Revised Code. The 59316
remainder of appropriation item 200-502, Pupil Transportation, 59317
shall be used for the state reimbursement of public school 59318
districts' costs in transporting pupils to and from the school 59319
they attend in accordance with the district's policy, State Board 59320
of Education standards, and the Revised Code. 59321

BUS PURCHASE ALLOWANCE 59322

The foregoing appropriation item 200-503, Bus Purchase 59323
Allowance, shall be distributed to school districts, educational 59324
service centers, and county MR/DD boards pursuant to rules adopted 59325
under section 3317.07 of the Revised Code. Up to 28 per cent of 59326
the amount appropriated may be used to reimburse school districts 59327
and educational service centers for the purchase of buses to 59328
transport handicapped and nonpublic school students and to county 59329
MR/DD boards, the Ohio School for the Deaf, and the Ohio School 59330
for the Blind for the purchase of buses to transport handicapped 59331
students. 59332

SCHOOL LUNCH MATCH 59333

The foregoing appropriation item 200-505, School Lunch Match, 59334
shall be used to provide matching funds to obtain federal funds 59335
for the school lunch program. 59336

Section 40.10. ADULT LITERACY EDUCATION 59337

The foregoing appropriation item 200-509, Adult Literacy 59338

Education, shall be used to support adult basic and literacy 59339
education instructional programs and the State Literacy Resource 59340
Center Program. 59341

Of the foregoing appropriation item 200-509, Adult Literacy 59342
Education, up to \$519,188 in each fiscal year shall be used for 59343
the support and operation of the State Literacy Resource Center. 59344

Of the foregoing appropriation item 200-509, Adult Literacy 59345
Education, \$146,250 in each fiscal year shall be used to support 59346
initiatives for English as a second language programs in 59347
combination with citizenship. Funding shall be provided to 59348
organizations that received such funds during fiscal year 2003 59349
from appropriation item 200-570, School Improvement Incentive 59350
Grants. 59351

The remainder of the appropriation shall be used to continue 59352
to satisfy the state match and maintenance of effort requirements 59353
for the support and operation of the Department of 59354
Education-administered instructional grant program for adult basic 59355
and literacy education in accordance with the department's state 59356
plan for adult basic and literacy education as approved by the 59357
State Board of Education and the Secretary of the United States 59358
Department of Education. 59359

AUXILIARY SERVICES 59360

The foregoing appropriation item 200-511, Auxiliary Services, 59361
shall be used by the Department of Education for the purpose of 59362
implementing section 3317.06 of the Revised Code. Of the 59363
appropriation, up to \$1,462,500 in each fiscal year may be used 59364
for payment of the Post-Secondary Enrollment Options Program for 59365
nonpublic students pursuant to section 3365.10 of the Revised 59366
Code. 59367

STUDENT INTERVENTION SERVICES 59368

The foregoing appropriation item 200-513, Student 59369

Intervention Services, shall be used to assist districts providing 59370
the intervention services specified in section 3313.608 of the 59371
Revised Code. The Department of Education shall establish 59372
guidelines for the use and distribution of these moneys. School 59373
districts receiving funds from this appropriation shall report to 59374
the Department of Education on how funds were used. 59375

DISADVANTAGED PUPIL IMPACT AID 59376

Notwithstanding the distribution formula outlined in section 59377
3317.029 of the Revised Code, each school district shall receive 59378
an additional two per cent in Disadvantaged Pupil Impact Aid 59379
(DPIA) funding in fiscal year 2004 over what was received in 59380
fiscal year 2003 unless the district receives DPIA funding from 59381
the DPIA guarantee provision pursuant to division (B) of section 59382
3317.029 of the Revised Code. For such a district, its DPIA 59383
funding in fiscal year 2004 shall equal the amount of DPIA funding 59384
the district received in fiscal year 2003. 59385

Notwithstanding the distribution formula outlined in section 59386
3317.029 of the Revised Code, each school district shall receive 59387
an additional two per cent in DPIA funding in fiscal year 2005 59388
over what was received in fiscal year 2004 unless the district 59389
receives DPIA funding from the DPIA guarantee provision pursuant 59390
to division (B) of section 3317.029 of the Revised Code. For such 59391
a district, its DPIA funding in fiscal year 2005 shall equal the 59392
amount of DPIA funding the district received in fiscal year 2004. 59393

School districts must continue to comply with all expenditure 59394
guidelines and restrictions outlined in divisions (F), (G), (I), 59395
and (K) of section 3317.029 of the Revised Code by assuming a two 59396
per cent increase in funds for each program outlined in divisions 59397
(C), (D), and (E) of section 3317.029 of the Revised Code and by 59398
assuming a DPIA index equivalent to the index calculated in fiscal 59399
year 2003. 59400

The Department of Education shall pay all-day, everyday 59401
kindergarten funding to all school districts in each fiscal year 59402
that qualified for and provided the service in fiscal year 2003 59403
pursuant to section 3317.029 of the Revised Code. School districts 59404
and community schools that did not have a DPIA allocation in 59405
fiscal year 2003 shall not receive an allocation in fiscal year 59406
2004 or fiscal year 2005. 59407

Of the foregoing appropriation item 200-520, Disadvantaged 59408
Pupil Impact Aid, up to \$3,800,000 in each fiscal year shall be 59409
used for school breakfast programs. Of this amount, up to 59410
\$1,000,000 shall be used in each fiscal year by the Department of 59411
Education for the purpose of increasing participation in child 59412
nutrition programs, particularly school breakfast and summer 59413
meals. The Department shall collaborate with the Children's Hunger 59414
Alliance in the outreach effort. The remainder of the 59415
appropriation shall be used to partially reimburse school 59416
buildings within school districts that are required to have a 59417
school breakfast program pursuant to section 3313.813 of the 59418
Revised Code, at a rate decided by the Department. 59419

Of the portion of the funds distributed to the Cleveland 59420
Municipal School District under this section, up to \$11,901,887 in 59421
each fiscal year shall be used to operate the school choice 59422
program in the Cleveland Municipal School District pursuant to 59423
sections 3313.974 to 3313.979 of the Revised Code. 59424

Section 40.11. GIFTED PUPIL PROGRAM 59425

The foregoing appropriation item 200-521, Gifted Pupil 59426
Program, shall be used for gifted education units not to exceed 59427
1,110 in each fiscal year pursuant to division (P) of section 59428
3317.024 and division (F) of section 3317.05 of the Revised Code. 59429

Of the foregoing appropriation item 200-521, Gifted Pupil 59430

Program, up to \$5,000,000 each in fiscal year may be used as an 59431
additional supplement for identifying gifted students pursuant to 59432
Chapter 3324. of the Revised Code. 59433

Of the foregoing appropriation item 200-521, Gifted Pupil 59434
Program, the Department of Education may expend up to \$1,000,000 59435
in each fiscal year for the Summer Honors Institute for gifted 59436
freshman and sophomore high school students. Up to \$600,000 in 59437
each fiscal year shall be used for research and demonstration 59438
projects. The Department of Education shall research and evaluate 59439
the effectiveness of gifted education programs in Ohio. Up to 59440
\$70,000 in each fiscal year shall be used for the Ohio Summer 59441
School for the Gifted (Martin Essex Program). 59442

Section 40.12. PARITY AID 59443

The foregoing appropriation item 200-525, Parity Aid, shall 59444
be distributed to school districts based on the formulas specified 59445
in section 3317.0217 of the Revised Code. 59446

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 59447

The foregoing appropriation item 200-532, Nonpublic 59448
Administrative Cost Reimbursement, shall be used by the Department 59449
of Education for the purpose of implementing section 3317.063 of 59450
the Revised Code. 59451

Section 40.13. SPECIAL EDUCATION ENHANCEMENTS 59452

Of the foregoing appropriation item 200-540, Special 59453
Education Enhancements, up to \$44,204,000 in fiscal year 2004 and 59454
up to \$45,441,712 in fiscal year 2005 shall be used to fund 59455
special education and related services at county boards of mental 59456
retardation and developmental disabilities for eligible students 59457
under section 3317.20 of the Revised Code. Up to \$2,452,125 shall 59458
be used in each fiscal year to fund special education classroom 59459
and related services units at institutions. 59460

Of the foregoing appropriation item 200-540, Special 59461
Education Enhancements, up to \$2,906,875 in each fiscal year shall 59462
be used for home instruction for children with disabilities; up to 59463
\$1,462,500 in each fiscal year shall be used for parent mentoring 59464
programs; and up to \$2,783,396 in each fiscal year may be used for 59465
school psychology interns. 59466

Of the foregoing appropriation item 200-540, Special 59467
Education Enhancements, \$3,406,090 in each fiscal year shall be 59468
used by the Department of Education to assist school districts in 59469
funding aides pursuant to paragraph (A)(3)(c)(i)(b) of rule 59470
3301-51-04 of the Administrative Code. 59471

Of the foregoing appropriation item 200-540, Special 59472
Education Enhancements, \$77,384,498 in each fiscal year shall be 59473
distributed by the Department of Education to county boards of 59474
mental retardation and developmental disabilities, educational 59475
service centers, and school districts for preschool special 59476
education units and preschool supervisory units in accordance with 59477
section 3317.161 of the Revised Code. The department may reimburse 59478
county boards of mental retardation and developmental 59479
disabilities, educational service centers, and school districts 59480
for related services as defined in rule 3301-31-05 of the 59481
Administrative Code, for preschool occupational and physical 59482
therapy services provided by a physical therapy assistant and 59483
certified occupational therapy assistant, and for an instructional 59484
assistant. To the greatest extent possible, the Department of 59485
Education shall allocate these units to school districts and 59486
educational service centers. The Controlling Board may approve the 59487
transfer of unallocated funds from appropriation item 200-501, 59488
Base Cost Funding, to appropriation item 200-540, Special 59489
Education Enhancements, to fully fund existing units as necessary 59490
or to fully fund additional units. The Controlling Board may 59491
approve the transfer of unallocated funds from appropriation item 59492

200-540, Special Education Enhancements, to appropriation item 59493
200-501, Base Cost Funding, to fully fund the special education 59494
weight cost funding. 59495

The Department of Education shall require school districts, 59496
educational service centers, and county MR/DD boards serving 59497
preschool children with disabilities to document child progress 59498
using research-based indicators prescribed by the Department and 59499
report results annually. The reporting dates and methodology shall 59500
be determined by the Department. 59501

Of the foregoing appropriation item 200-540, Special 59502
Education Enhancements, \$315,000 in each fiscal year shall be 59503
expended to conduct a demonstration project involving language and 59504
literacy intervention teams supporting student acquisition of 59505
language and literacy skills. The demonstration project shall 59506
demonstrate improvement of language and literacy skills of at-risk 59507
learners under the instruction of certified speech pathologists 59508
and educators. Baseline data shall be collected and comparison 59509
data for fiscal year 2004 and fiscal year 2005 shall be collected 59510
and reported to the Governor, Ohio Reads Council, Department of 59511
Education, and the General Assembly. 59512

Of the foregoing appropriation item 200-540, Special 59513
Education Enhancements, up to \$500,000 in each fiscal year shall 59514
be used for the Research-Based Reading Mentoring Program; and up 59515
to \$200,000 in each fiscal year shall be used for the Language and 59516
Literacy Intervention Program. 59517

Section 40.14. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 59518

Of the foregoing appropriation item 200-545, Career-Technical 59519
Education Enhancements, up to \$2,576,107 in each fiscal year shall 59520
be used to fund career-technical education units at institutions. 59521

Of the foregoing appropriation item 200-545, Career-Technical 59522

Education Enhancements, up to \$2,925,000 in each fiscal year shall 59523
be used by the Department of Education to fund competitive grants 59524
to tech prep consortia that expand the number of students enrolled 59525
in tech prep programs. These grant funds shall be used to directly 59526
support expanded tech prep programs, including equipment, provided 59527
to students enrolled in school districts, including joint 59528
vocational school districts, and affiliated higher education 59529
institutions. 59530

If federal funds for career-technical education cannot be 59531
used for local school district leadership without being matched by 59532
state funds, then an amount as determined by the Superintendent of 59533
Public Instruction shall be made available from state funds 59534
appropriated for career-technical education. If any state funds 59535
are used for this purpose, federal funds in an equal amount shall 59536
be distributed for career-technical education in accordance with 59537
authorization of the state plan for career-technical education for 59538
Ohio as approved by the Secretary of the United States Department 59539
of Education. 59540

Of the foregoing appropriation item 200-545, Career-Technical 59541
Education Enhancements, \$1,462,500 in each fiscal year shall be 59542
used to provide an amount to each eligible school district for the 59543
replacement or updating of equipment essential for the instruction 59544
of students in job skills taught as part of a career-technical 59545
program or programs approved for such instruction by the State 59546
Board of Education. School districts replacing or updating 59547
career-technical education equipment may purchase or lease such 59548
equipment. The Department of Education shall review and approve 59549
all equipment requests and may allot appropriated funds to 59550
eligible school districts on the basis of the number of full-time 59551
equivalent workforce development teachers in all eligible 59552
districts making application for funds. 59553

The State Board of Education may adopt standards of need for 59554

equipment allocation. Pursuant to the adoption of any such 59555
standards of need by the State Board of Education, appropriated 59556
funds may be allotted to eligible districts according to such 59557
standards. Equipment funds allotted under either process shall be 59558
provided to a school district on a 30, 40, or 50 per cent of cost 59559
on the basis of a district career-technical priority index rating 59560
developed by the Department of Education for all districts. The 59561
career-technical priority index shall give preference to districts 59562
with a large percentage of disadvantaged students and shall 59563
include other socio-economic factors as determined by the State 59564
Board of Education. 59565

Of the foregoing appropriation item 200-545, Career-Technical 59566
Education Enhancements, up to \$2,400,000 in each fiscal year shall 59567
be used by the Department of Education to support existing High 59568
Schools That Work (HSTW) sites, develop and support new sites, 59569
fund technical assistance, and support regional centers and middle 59570
school programs. The purpose of HSTW is to combine challenging 59571
academic courses and modern career-technical studies to raise the 59572
academic achievement of students. It provides intensive technical 59573
assistance, focused staff development, targeted assessment 59574
services, and ongoing communications and networking opportunities. 59575

Of the foregoing appropriation item 200-545, Career-Technical 59576
Education Enhancements, \$2,400,000 in each fiscal year shall be 59577
used for K-12 career development. 59578

Of the foregoing appropriation item 200-545, Career-Technical 59579
Education Enhancements, up to \$496,800 in each fiscal year shall 59580
be allocated for the Ohio Career Information System (OCIS) and 59581
used for the dissemination of career information data to public 59582
schools, libraries, rehabilitation centers, two- and four-year 59583
colleges and universities, and other governmental units. 59584

Of the foregoing appropriation item 200-545, Career-Technical 59585
Educational Enhancements, \$300,000 in each fiscal year shall be 59586

used by the Department of Education to establish the Voc-Ag 5th 59587
Quarter Pilot Project. The project shall enable students in 59588
agricultural programs to enroll in a fifth quarter of instruction. 59589
The fifth quarter concept is based on the long-standing and 59590
successful agricultural education model of delivering work-based 59591
learning through supervised agricultural experience. The 59592
Department of Education shall establish rules governing 59593
eligibility criteria and the reporting process for the project 59594
that must include the following: (1) a school is required to hire 59595
a certified teacher for the fifth quarter, (2) a school must have 59596
a curriculum for the fifth quarter that is approved by the 59597
Department of Education, (3) students must earn credit for the 59598
agricultural experience, (4) the program must be approved by the 59599
school district's superintendent, and (5) the program must be in 59600
existence on the effective date of this section. The Department of 59601
Education shall fund as many programs as possible given the 59602
\$300,000 set aside. The Department of Education shall report 59603
students' performance results under the project to the General 59604
Assembly not later than December 31, 2004. 59605

Section 40.15. CHARGE-OFF SUPPLEMENT 59606

The foregoing appropriation item 200-546, Charge-Off 59607
Supplement, shall be used by the Department of Education to make 59608
payments pursuant to section 3317.0216 of the Revised Code. 59609

EMERGENCY LOAN INTEREST SUBSIDY 59610

Of the foregoing appropriation item 200-558, Emergency Loan 59611
Interest Subsidy, \$50,000 in each fiscal year shall be used to 59612
support LEAF. 59613

The remainder of the foregoing appropriation item 200-558, 59614
Emergency Loan Interest Subsidy, shall be used to provide a 59615
subsidy to school districts receiving emergency school loans 59616
pursuant to section 3313.484 of the Revised Code. The subsidy 59617

shall be used to pay these districts the difference between the 59618
amount of interest the district is paying on an emergency loan, 59619
and the interest that the district would have paid if the interest 59620
rate on the loan had been two per cent. 59621

Section 40.16. OHIOREADS GRANTS 59622

The foregoing appropriation item 200-566, OhioReads Grants, 59623
shall be disbursed by the OhioReads Office in the Department of 59624
Education at the direction of the OhioReads Council to provide 59625
grants to public schools in city, local, and exempted village 59626
school districts; community schools; and educational service 59627
centers serving kindergarten through fourth grade students to 59628
support local reading literacy initiatives including reading 59629
programs, materials, professional development, tutoring, tutor 59630
recruitment and training, and parental involvement. 59631

Grants awarded by the OhioReads Council are intended to 59632
improve reading outcomes, especially on reading proficiency tests. 59633

SAFE AND SUPPORTIVE SCHOOLS 59634

Of the foregoing appropriation item 200-578, Safe and 59635
Supportive Schools, up to \$224,250 in each fiscal year shall be 59636
used to fund a safe school center to provide resources for parents 59637
and for school and law enforcement personnel. 59638

Of the foregoing appropriation item 200-578, Safe and 59639
Supportive Schools, up to \$20,000 in each fiscal year may be used 59640
by schools for the Eddie Eagle Gun Safety Pilot Program. School 59641
districts wishing to participate in the pilot program shall apply 59642
to the Department of Education under guidelines established by the 59643
Superintendent of Public Instruction. 59644

The remainder of the appropriation shall be distributed based 59645
on guidelines developed by the Department of Education to enhance 59646
school safety. The guidelines shall provide a list of 59647

research-based best practices and programs from which local 59648
grantees shall select based on local needs. These practices shall 59649
include, but not be limited to, school resource officers and safe 59650
and drug free school coordinators, a safe school help line, and 59651
social-emotional development programs. 59652

Section 40.17. PROPERTY TAX ALLOCATION - EDUCATION 59653

The Superintendent of Public Instruction shall not request, 59654
and the Controlling Board shall not approve, the transfer of funds 59655
from appropriation item 200-901, Property Tax Allocation - 59656
Education, to any other appropriation item. 59657

The appropriation item 200-901, Property Tax Allocation - 59658
Education, is appropriated to pay for the state's costs incurred 59659
due to the homestead exemption and the property tax rollback. In 59660
cooperation with the Department of Taxation, the Department of 59661
Education shall distribute these funds directly to the appropriate 59662
school districts of the state, notwithstanding sections 321.24 and 59663
323.156 of the Revised Code, which provide for payment of the 59664
homestead exemption and property tax rollback by the Tax 59665
Commissioner to the appropriate county treasurer and the 59666
subsequent redistribution of these funds to the appropriate local 59667
taxing districts by the county auditor. 59668

Appropriation item 200-906, Tangible Tax Exemption - 59669
Education, is appropriated to pay for the state's costs incurred 59670
due to the tangible personal property tax exemption required by 59671
division (C)(3) of section 5709.01 of the Revised Code. In 59672
cooperation with the Department of Taxation, the Department of 59673
Education shall distribute to each county treasurer the total 59674
amount certified by the county treasurer pursuant to section 59675
319.311 of the Revised Code, for all school districts located in 59676
the county, notwithstanding the provision in section 319.311 of 59677
the Revised Code which provides for payment of the \$10,000 59678

tangible personal property tax exemption by the Tax Commissioner 59679
to the appropriate county treasurer for all local taxing districts 59680
located in the county. Pursuant to division (G) of section 321.24 59681
of the Revised Code, the county auditor shall distribute the 59682
amount paid by the Department of Education among the appropriate 59683
school districts. 59684

Upon receipt of these amounts, each school district shall 59685
distribute the amount among the proper funds as if it had been 59686
paid as real or tangible personal property taxes. Payments for the 59687
costs of administration shall continue to be paid to the county 59688
treasurer and county auditor as provided for in sections 319.54, 59689
321.26, and 323.156 of the Revised Code. 59690

Any sums, in addition to the amounts specifically 59691
appropriated in appropriation items 200-901, Property Tax 59692
Allocation - Education, for the homestead exemption and the 59693
property tax rollback payments, and 200-906, Tangible Tax 59694
Exemption - Education, for the \$10,000 tangible personal property 59695
tax exemption payments, which are determined to be necessary for 59696
these purposes, are hereby appropriated. 59697

Section 40.18. TEACHER CERTIFICATION AND LICENSURE 59698

The foregoing appropriation item 200-681, Teacher 59699
Certification and Licensure, shall be used by the Department of 59700
Education in each year of the biennium to administer teacher 59701
certification and licensure functions pursuant to sections 59702
3301.071, 3301.074, 3301.50, 3301.51, 3319.088, 3319.22, 3319.24 59703
to 3319.28, 3319.281, 3319.282, 3319.29, 3319.301, 3319.31, and 59704
3319.51 of the Revised Code. 59705

SCHOOL DISTRICT SOLVENCY ASSISTANCE 59706

Of the foregoing appropriation item 200-687, School District 59707
Solvency Assistance, \$9,000,000 in each fiscal year shall be 59708

allocated to the School District Shared Resource Account and 59709
\$9,000,000 in each fiscal year shall be allocated to the 59710
Catastrophic Expenditures Account. These funds shall be used to 59711
provide assistance and grants to school districts to enable them 59712
to remain solvent pursuant to section 3316.20 of the Revised Code. 59713
Assistance and grants shall be subject to approval by the 59714
Controlling Board. Any required reimbursements from school 59715
districts for solvency assistance shall be made to the appropriate 59716
account in the School District Solvency Assistance Fund (Fund 59717
5H3). 59718

Section 40.19. HEAD START PLUS/HEAD START 59719

The foregoing appropriation item 200-663, Head Start 59720
Plus/Head Start, shall be used to reimburse Head Start Plus/Head 59721
Start programs for services to children. The Department of 59722
Education shall administer the Head Start Plus/Head Start programs 59723
in accordance with an interagency agreement between the 59724
Departments of Education and Job and Family Services. Head Start 59725
Plus/Head Start providers shall meet all requirements as outlined 59726
in section 3301.311 of the Revised Code. The Department of 59727
Education shall adopt policies and procedures to establish a 59728
procedure for approving Head Start Plus/Head Start agencies. Up to 59729
\$2,000,000 in each fiscal year may be used by the Department of 59730
Education to provide program support and technical assistance. 59731

Of the foregoing appropriation item 200-663, Head Start 59732
Plus/Head Start, up to \$80,000,000 in fiscal year 2004 and up to 59733
\$81,600,000 in fiscal year 2005 shall be used to support the Head 59734
Start Plus initiative. Head Start Plus shall provide up to 10,000 59735
slots of full-day, full-year programming for children at least 59736
three years of age and not kindergarten age eligible. The program 59737
shall meet the child care needs of low-income families who meet 59738
eligibility requirements established in rules and administrative 59739

orders adopted by the Ohio Department of Job and Family Services 59740
and provide early education and comprehensive services as provided 59741
through the Head Start program before the enactment of this act. 59742

Of the foregoing appropriation item 200-663, Head Start 59743
Plus/Head Start, up to \$19,200,000 in fiscal year 2004 and up to 59744
\$19,584,000 in fiscal year 2005 shall be used to support up to 59745
4,000 slots of traditional partial-day, partial-year Head Start 59746
services. 59747

The Department of Education shall adopt rules in accordance 59748
with Chapter 119. of the Revised Code to establish standards for 59749
the purpose of assessing Head Start Plus/Head Start agencies and 59750
contract compliance. The Department of Education shall require 59751
Head Start Plus/Head Start providers to document child progress 59752
using research-based indicators as prescribed by the department 59753
and report results annually. 59754

The Department of Education shall provide an annual report to 59755
the Governor, the Speaker of the House of Representatives, the 59756
President of the Senate, the State Board of Education, Head Start 59757
Plus/Head Start providers, and other interested parties regarding 59758
the Head Start Plus/Head Start program and performance indicators 59759
as outlined by the Department of Education. 59760

AUXILIARY SERVICES REIMBURSEMENT 59761

Notwithstanding section 3317.064 of the Revised Code, if the 59762
unobligated cash balance is sufficient, the Treasurer of State 59763
shall transfer \$1,500,000 in fiscal year 2004 within thirty days 59764
after the effective date of this section and \$1,500,000 in fiscal 59765
year 2005 by August 1, 2004, from the Auxiliary Services Personnel 59766
Unemployment Compensation Fund to the Department of Education's 59767
Auxiliary Services Reimbursement Fund (Fund 598). 59768

Section 40.20. LOTTERY PROFITS EDUCATION FUND 59769

Appropriation item 200-612, Base Cost Funding (Fund 017), 59770
shall be used in conjunction with appropriation item 200-501, Base 59771
Cost Funding (GRF), to provide payments to school districts 59772
pursuant to Chapter 3317. of the Revised Code. 59773

The Department of Education, with the approval of the 59774
Director of Budget and Management, shall determine the monthly 59775
distribution schedules of appropriation item 200-501, Base Cost 59776
Funding (GRF), and appropriation item 200-612, Base Cost Funding 59777
(Fund 017). If adjustments to the monthly distribution schedule 59778
are necessary, the Department of Education shall make such 59779
adjustments with the approval of the Director of Budget and 59780
Management. 59781

The Director of Budget and Management shall transfer via 59782
intrastate transfer voucher the amount appropriated under the 59783
Lottery Profits Education Fund for appropriation item 200-682, 59784
Lease Rental Payment Reimbursement, to the General Revenue Fund on 59785
a schedule determined by the director. These funds shall support 59786
the appropriation item 230-428, Lease Rental Payments (GRF), of 59787
the School Facilities Commission. 59788

* LOTTERY PROFITS TRANSFERS 59789

On or before the first day of May of each fiscal year, the 59790
Director of Budget and Management shall determine if lottery 59791
profits transfers will meet the appropriation amounts from the 59792
Lottery Profits Education Fund. 59793

Section 40.21. LOTTERY PROFITS EDUCATION RESERVE FUND 59794

(A) There is hereby created the Lottery Profits Education 59795
Reserve Fund (Fund 018) in the State Treasury. At no time shall 59796
the amount to the credit of the fund exceed \$75,000,000. 59797
Investment earnings of the Lottery Profits Education Reserve Fund 59798
shall be credited to the fund. Notwithstanding any provisions of 59799

law to the contrary, for fiscal years 2004 and 2005, there is 59800
appropriated to the Department of Education, from the Lottery 59801
Profits Education Reserve Fund, an amount necessary to make loans 59802
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 59803
Revised Code. All loan repayments from loans made in fiscal years 59804
1992, 1993, 1994, 1995, 1996, 1997, 1998, or 1999 shall be 59805
deposited into the credit of the Lottery Profits Education Reserve 59806
Fund. 59807

(B)(1) On or before July 15, 2003, the Director of Budget and 59808
Management shall determine the amount by which lottery profit 59809
transfers received by the Lottery Profits Education Fund for 59810
fiscal year 2003 exceed \$637,722,600. The amount so certified 59811
shall be distributed in fiscal year 2004 pursuant to division (C) 59812
of this section. 59813

(2) On or before July 15, 2004, the Director of Budget and 59814
Management shall determine the amount by which lottery profit 59815
transfers received by the Lottery Profits Education Fund for 59816
fiscal year 2004 exceed \$637,900,000. The amount so determined 59817
shall be distributed in fiscal year 2005 pursuant to division (D) 59818
of this section. 59819

The Director of Budget and Management shall annually certify 59820
the amounts determined pursuant to this section to the Speaker of 59821
the House of Representatives and the President of the Senate. 59822

(C) In fiscal year 2004, if there is a balance in the Lottery 59823
Profits Education Fund, the moneys shall be allocated as provided 59824
in this division. Any amounts so allocated are appropriated. 59825

An amount equal to five per cent of the estimated lottery 59826
profits of \$637,722,600 in fiscal year 2003 or the amount 59827
remaining in the fund, whichever is the lesser amount, shall be 59828
transferred to the Lottery Profits Education Reserve Fund within 59829
the limitations specified in division (A) of this section and be 59830

reserved and shall not be available for allocation or distribution 59831
during fiscal year 2004. Any amounts exceeding \$75,000,000 shall 59832
be distributed pursuant to division (E) of this section. 59833

(D) In fiscal year 2005, if there is a balance in the Lottery 59834
Profits Education Fund, the moneys shall be allocated as provided 59835
in this division. Any amounts so allocated are appropriated. 59836

An amount equal to five per cent of the estimated lottery 59837
profits transfers of \$637,900,000 in fiscal year 2004 or the 59838
amount remaining in the fund, whichever is the lesser amount, 59839
shall be transferred to the Lottery Profits Education Reserve Fund 59840
within the limitations specified in division (A) of this section 59841
and be reserved and shall not be available for allocation or 59842
distribution during fiscal year 2005. Any amounts exceeding 59843
\$75,000,000 shall be distributed pursuant to division (E) of this 59844
section. 59845

(E) In the appropriate fiscal year, any remaining amounts 59846
after the operations required by division (C) or (D) of this 59847
section, respectively, shall be transferred to the Public School 59848
Building Fund (Fund 021) and such amount is appropriated to 59849
appropriation item CAP-622, Public School Buildings, in the School 59850
Facilities Commission. 59851

Section 40.22. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT 59852

The foregoing appropriation item 200-900, School District 59853
Property Tax Replacement, shall be used by the Department of 59854
Education, in consultation with the Department of Taxation, to 59855
make payments to school districts and joint vocational school 59856
districts pursuant to section 5727.85 of the Revised Code. 59857

Section 40.23. * DISTRIBUTION FORMULAS 59858

The Department of Education shall report the following to the 59859
Director of Budget and Management, the Legislative Office of 59860

Education Oversight, and the Legislative Service Commission:	59861
(A) Changes in formulas for distributing state appropriations, including administratively defined formula factors;	59862 59863 59864
(B) Discretionary changes in formulas for distributing federal appropriations;	59865 59866
(C) Federally mandated changes in formulas for distributing federal appropriations.	59867 59868
Any such changes shall be reported two weeks prior to the effective date of the change.	59869 59870
Section 40.24. DISTRIBUTION - SCHOOL DISTRICT SUBSIDY PAYMENTS	59871 59872
This section shall not take effect unless the Director of Budget and Management adopts an order putting it into effect and certifies a copy of the order to the Superintendent of Public Instruction and the Controlling Board.	59873 59874 59875 59876
Notwithstanding any other provision of the Revised Code, the monthly distribution of payments made to school districts and educational service centers pursuant to section 3317.01 of the Revised Code for the first six months of each fiscal year shall equal, as nearly as possible, six and two-thirds per cent of the estimate of the amounts payable for each fiscal year. The monthly distribution of payments for the last six months of each fiscal year shall equal, as nearly as possible, ten per cent of the final calculation of the amounts payable to each school district for that fiscal year.	59877 59878 59879 59880 59881 59882 59883 59884 59885 59886
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	59887 59888 59889 59890

months' payments in each fiscal year and the amounts the district 59891
would have received had the payments been made in, as nearly as 59892
possible in each fiscal year, twelve equal monthly payments. 59893

Notwithstanding the limitations on the amount of borrowing 59894
and time of payment provided for in section 133.10 of the Revised 59895
Code but subject to sections 133.26 and 133.30 of the Revised 59896
Code, a board of education of a school district may at any time 59897
between July 1, 2003, and December 31, 2003, or at any time 59898
between July 1, 2004, and December 31, 2004, borrow money to pay 59899
any necessary and actual expenses of the school district during 59900
the last six months of calendar years 2003 and 2004 and in 59901
anticipation of the receipt of any portion of the payments to be 59902
received by that district in the first six months of calendar 59903
years 2004 and 2005 representing the respective amounts accrued 59904
pursuant to the preceding paragraph, and issue notes to evidence 59905
that borrowing to mature not later than the thirtieth day of June 59906
of the calendar year following the calendar year in which such 59907
amount was borrowed. The principal amount borrowed in the last six 59908
months of calendar years 2003 or 2004 under this paragraph may not 59909
exceed the entire amount accrued or to be accrued by the district 59910
treasurer in those calendar years pursuant to the preceding 59911
paragraph. The proceeds of the notes shall be used only for the 59912
purposes for which the anticipated receipts are lawfully 59913
appropriated by the board of education. No board of education 59914
shall be required to use the authority granted by this paragraph. 59915
The receipts so anticipated, and additional amounts from 59916
distributions to the districts in the first six months of calendar 59917
years 2004 and 2005 pursuant to Chapter 3317. of the Revised Code 59918
needed to pay the interest on the notes, shall be deemed 59919
appropriated by the board of education to the extent necessary for 59920
the payment of the principal of and interest on the notes at 59921
maturity, and the amounts necessary to make those monthly 59922
distributions are appropriated from the General Revenue Fund. For 59923

the purpose of better ensuring the prompt payment of principal of 59924
and interest on the notes when due, the resolution of the board of 59925
education authorizing the notes may direct that the amount of the 59926
receipts anticipated, together with those additional amounts 59927
needed to pay the interest on the borrowed amounts, shall be 59928
deposited and segregated, in trust or otherwise, to the extent, at 59929
the time or times, and in the manner provided in that resolution. 59930
The borrowing authorized by this section does not constitute debt 59931
for purposes of section 133.04 of the Revised Code. School 59932
districts shall be reimbursed by the state for all necessary and 59933
actual costs to districts arising from this provision, including, 59934
without limitation, the interest paid on the notes while the notes 59935
are outstanding. The Department of Education shall adopt rules 59936
that are not inconsistent with this section for school district 59937
eligibility and application for reimbursement of such costs. 59938
Payments of these costs shall be made out of any anticipated 59939
balances in appropriation items distributed under Chapter 3317. of 59940
the Revised Code. The department shall submit all requests for 59941
reimbursement under these provisions to the Controlling Board for 59942
approval. 59943

During the last six months of each calendar year, instead of 59944
deducting the amount the Superintendent of Public Instruction 59945
would otherwise deduct from a school district's or educational 59946
service center's state aid payments in accordance with the 59947
certifications made for such year pursuant to sections 3307.56 and 59948
3309.51 of the Revised Code, the superintendent shall deduct an 59949
amount equal to forty per cent of the amount so certified. The 59950
secretaries of the retirement systems shall compute the 59951
certifications for the ensuing year under such sections as if the 59952
entire amounts certified as due in the calendar year ending the 59953
current fiscal year, but not deducted pursuant to this paragraph, 59954
had been deducted and paid in that calendar year. During the first 59955
six months of the ensuing calendar year, in addition to deducting 59956

the amounts the Superintendent of Public Instruction is required 59957
to deduct under such sections during such period, the 59958
superintendent shall deduct from a district's or educational 59959
service center's state aid payments an additional amount equal to 59960
the amount that was certified as due from the district for the 59961
calendar year that ends during the fiscal year, but that was not 59962
deducted because of this paragraph. The superintendent's 59963
certifications to the Director of Budget and Management during the 59964
first six months of the calendar year shall reflect such 59965
additional deduction. 59966

Section 40.25. EDUCATIONAL SERVICE CENTERS FUNDING 59967

Notwithstanding division (B) of section 3317.11 of the 59968
Revised Code, no funds shall be provided to an educational service 59969
center in either fiscal year for any pupils of a city or exempted 59970
village school district unless an agreement to provide services 59971
under section 3313.843 of the Revised Code was entered into by 59972
January 1, 1997, except that funds shall be provided to an 59973
educational service center for any pupils of a city school 59974
district if the agreement to provide services was entered into 59975
within one year of the date upon which such district changed from 59976
a local school district to a city school district. If insufficient 59977
funds are appropriated in fiscal year 2004 or fiscal year 2005 for 59978
the purposes of division (B) of section 3317.11 of the Revised 59979
Code, the Department shall first distribute to each educational 59980
service center \$37 per pupil in its service center ADM, as defined 59981
in that section. The remaining funds in each fiscal year shall be 59982
distributed proportionally, on a per-student basis, to each 59983
educational service center for its client ADM, as defined in that 59984
section, that is attributable to each city and exempted village 59985
school district that had entered into an agreement with an 59986
educational service center for that fiscal year under section 59987
3313.843 of the Revised Code by January 1, 1997. 59988

Section 40.26. * For the school year commencing July 1, 2003, 59989
or the school year commencing July 1, 2004, or both, the 59990
Superintendent of Public Instruction may waive for the board of 59991
education of any school district the ratio of teachers to pupils 59992
in kindergarten through fourth grade required under paragraph 59993
(A)(3) of rule 3301-35-05 of the Administrative Code if the 59994
following conditions apply: 59995

(A) The board of education requests the waiver. 59996

(B) After the Department of Education conducts an on-site 59997
evaluation of the district related to meeting the required ratio, 59998
the board of education demonstrates to the satisfaction of the 59999
Superintendent of Public Instruction that providing the facilities 60000
necessary to meet the required ratio during the district's regular 60001
school hours with pupils in attendance would impose an extreme 60002
hardship on the district. 60003

(C) The board of education provides assurances that are 60004
satisfactory to the Superintendent of Public Instruction that the 60005
board will act in good faith to meet the required ratio as soon as 60006
possible. 60007

Section 40.27. PRIVATE TREATMENT FACILITY PILOT PROJECT 60008

(A) As used in this section: 60009

(1) The following are "participating residential treatment 60010
centers": 60011

(a) Private residential treatment facilities that have 60012
entered into a contract with the Department of Youth Services to 60013
provide services to children placed at the facility by the 60014
Department and which, in fiscal year 2004 or fiscal year 2005 or 60015
both, the Department pays through appropriation item 470-401, Care 60016
and Custody; 60017

(b) Abraxas, in Shelby;	60018
(c) Paint Creek, in Bainbridge;	60019
(d) Act One, in Akron;	60020
(e) Friars Club, in Cincinnati.	60021
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	60022 60023 60024
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	60025 60026
(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.	60027 60028 60029 60030 60031
(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.	60032 60033 60034
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service	60035 60036 60037 60038 60039 60040 60041 60042 60043 60044 60045 60046 60047

center in the county in which the facility is located shall 60048
provide the educational program at the treatment center to 60049
children under twenty-two years of age residing in the treatment 60050
center. 60051

(C) Any school district responsible for tuition for a 60052
residential child shall, notwithstanding any conflicting provision 60053
of the Revised Code regarding tuition payment, pay tuition for the 60054
child for fiscal year 2004 and fiscal year 2005 to the education 60055
program provider and in the amount specified in this division. If 60056
there is no school district responsible for tuition for a 60057
residential child and if the participating residential treatment 60058
center to which the child is assigned is located in the city, 60059
exempted village, or local school district that, if the child were 60060
not a resident of that treatment center, would be the school 60061
district where the child is entitled to attend school under 60062
sections 3313.64 and 3313.65 of the Revised Code, that school 60063
district, notwithstanding any conflicting provision of the Revised 60064
Code, shall pay tuition for the child for fiscal year 2004 and 60065
fiscal year 2005 under this division unless that school district 60066
is providing the educational program to the child under division 60067
(B) of this section. 60068

A tuition payment under this division shall be made to the 60069
school district, educational service center, or residential 60070
treatment facility providing the educational program to the child. 60071

The amount of tuition paid shall be: 60072

(1) The amount of tuition determined for the district under 60073
division (A) of section 3317.08 of the Revised Code; 60074

(2) In addition, for any student receiving special education 60075
pursuant to an individualized education program as defined in 60076
section 3323.01 of the Revised Code, a payment for excess costs. 60077
This payment shall equal the actual cost to the school district, 60078

educational service center, or residential treatment facility of 60079
providing special education and related services to the student 60080
pursuant to the student's individualized education program, minus 60081
the tuition paid for the child under division (C)(1) of this 60082
section. 60083

A school district paying tuition under this division shall 60084
not include the child for whom tuition is paid in the district's 60085
average daily membership or average daily attendance certified 60086
under division (A) of section 3317.03 or section 3317.034 of the 60087
Revised Code. 60088

(D) In each of fiscal years 2004 and 2005, the Department of 60089
Education shall reimburse, from appropriations made for the 60090
purpose, a school district, educational service center, or 60091
residential treatment facility, whichever is providing the 60092
service, that has demonstrated that it is in compliance with the 60093
funding criteria for each served child for whom a school district 60094
must pay tuition under division (C) of this section. The amount of 60095
the reimbursement shall be the formula amount specified in section 60096
3317.022 of the Revised Code, except that the department shall 60097
proportionately reduce this reimbursement if sufficient funds are 60098
not available to pay this amount to all qualified providers. 60099

(E) Funds provided to a school district, educational service 60100
center, or residential treatment facility under this section shall 60101
be used to supplement, not supplant, funds from other public 60102
sources for which the school district, service center, or 60103
residential treatment facility is entitled or eligible. 60104

(F) The Department of Education shall track the utilization 60105
of funds provided to school districts, educational service 60106
centers, and residential treatment facilities under this section 60107
and monitor the effect of the funding on the educational programs 60108
they provide in participating residential treatment facilities. 60109
The department shall monitor the programs for educational 60110

accountability.	60111
Section 40.28. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS	60112 60113
The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code.	60114 60115 60116 60117
Section 40.29. Notwithstanding division (C)(1) of section 3313.975 of the Revised Code, in addition to students in kindergarten through third grade, initial scholarships may be awarded to fourth, fifth, sixth, seventh, and eighth grade students in fiscal year 2004 and in fiscal year 2005.	60118 60119 60120 60121 60122
Section 40.30. STATEMENT OF STATE SHARE PERCENTAGE FOR BASE COST AND PARITY AID FUNDING	60123 60124
Pursuant to division (D)(3) of section 3317.012 of the Revised Code, and based on the most recent data available prior to the enactment of this act, the General Assembly has determined that the state share percentage of base cost and parity aid funding for the update year (fiscal year 2002) is 49.0%. This is the target percentage for fiscal year 2004 and fiscal year 2005 that the General Assembly shall use to fulfill its obligation under division (D)(4) of section 3317.012 of the Revised Code.	60125 60126 60127 60128 60129 60130 60131 60132
Pursuant to division (D)(4) of section 3317.012 of the Revised Code, and based on the most recent data available prior to the enactment of this act, the General Assembly has determined that the state share percentage of base cost and parity aid funding for fiscal year 2004 is 46.5% and for fiscal year 2005 is 48.6%. This determination fulfills the General Assembly's obligation under that division for fiscal year 2004 and fiscal	60133 60134 60135 60136 60137 60138 60139

year 2005. 60140

Section 40.31. DEPARTMENT OF EDUCATION APPROPRIATION 60141
TRANSFERS FOR STUDENT ASSESSMENT 60142

In fiscal year 2004 and fiscal year 2005, if the 60143
Superintendent of Public Instruction determines that additional 60144
funds are needed to fully fund the requirements of Am. Sub. S.B. 1 60145
of the 124th General Assembly for assessments of student 60146
performance, the Superintendent of Public Instruction may 60147
recommend the reallocation of unspent and unencumbered 60148
appropriations within the Department of Education to the General 60149
Revenue Fund appropriation item 200-437, Student Assessment, to 60150
the Director of Budget and Management. If the Director of Budget 60151
and Management determines that such a reallocation is required, 60152
the Director of Budget and Management may transfer unspent and 60153
unencumbered funds within the Department of Education as necessary 60154
to appropriation item 200-437, Student Assessment. 60155

Section 40.32. THE ENHANCED URBAN ATTENDANCE IMPROVEMENT 60156
INITIATIVE 60157

The earmarked funds within appropriation item 200-501, Base 60158
Cost Funding, for the Enhanced Urban Attendance Improvement 60159
Initiative in Big Eight districts shall be distributed to each Big 60160
Eight school district in fiscal year 2005 in accordance with the 60161
following formula: 60162

(District attendance rate in fiscal year 2005 - district 60163
attendance rate in fiscal year 2004) X district average daily 60164
attendance in fiscal year 2004 X the formula amount X the state 60165
funding percentage 60166

Where: 60167

(A) The district attendance rate in fiscal year 2005 equals 60168
the quotient of the total attendance days for that fiscal year 60169

divided by the sum of total attendance days plus the total excused
and unexcused absence days for that fiscal year, as calculated by
the Department of Education based on average daily attendance data
reported under section 3317.034 of the Revised Code and other data
reported under section 3301.0714 of the Revised Code.

(B) The district attendance rate in fiscal year 2004 equals
the quotient of the total attendance days for that fiscal year
divided by the sum of total attendance days plus the total excused
and unexcused absence days for that fiscal year, as calculated by
the Department of Education using data comparable to the data
described in division (A) of this section.

(C) The average daily attendance for fiscal year 2004 is
calculated by the Department in a manner comparable to the
calculation of average daily attendance under section 3317.034 of
the Revised Code.

(D) "Formula amount" has the same meaning as in section
3317.02 of the Revised Code.

(E) The state funding percentage equals 50%, unless the
amount calculated under this section exceeds the amount of the
funds earmarked for this initiative, in which case the Department
shall adjust the state funding percentage so that the aggregate
funding distributed under this section shall not exceed the amount
earmarked for this initiative.

If the result of this calculation is less than zero for any
Big Eight school district, the district's payment under this
section is zero.

Section 40.33. TRANSITIONAL AID FOR FISCAL YEAR 2005

The Department of Education shall distribute earmarked funds
within appropriation item 200-501, Base Cost Funding, for the
transitional aid for fiscal year 2005 to each city, local, and

exempted village school district that experiences a decrease in 60200
its SF-3 funding plus charge-off supplement for fiscal year 2005 60201
in excess of five per cent of its SF-3 funding plus charge-off 60202
supplement for fiscal year 2004. The Department shall distribute 60203
to each such district an amount to reduce the decrease to five per 60204
cent of the district's SF-3 funding plus charge-off supplement for 60205
fiscal year 2004. For this purpose, "SF-3 funding plus charge-off 60206
supplement" equals the sum of the following: 60207

(A) Base cost funding under division (A) of section 3317.022 60208
of the Revised Code; 60209

(B) Special education and related services additional 60210
weighted funding under division (C)(1) of section 3317.022 of the 60211
Revised Code; 60212

(C) Speech services funding under division (C)(4) of section 60213
3317.022 of the Revised Code; 60214

(D) Vocational education additional weighted funding under 60215
division (E) of section 3317.022 of the Revised Code; 60216

(E) GRADS funding under division (R) of section 3317.024 of 60217
the Revised Code; 60218

(F) Adjustments for classroom teachers and educational 60219
service personnel under divisions (B), (C), and (D) of section 60220
3317.023 of the Revised Code; 60221

(G) Disadvantaged Pupil Impact Aid under section 3317.029 of 60222
the Revised Code; 60223

(H) Gifted education units under division (F) of section 60224
3317.05 of the Revised Code; 60225

(I) Equity aid under section 3317.0213 of the Revised Code; 60226

(J) Transportation under division (D) of section 3317.022 of 60227
the Revised Code; 60228

(K) The state aid guarantee under section 3317.0212 of the 60229

Revised Code;	60230
(L) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	60231 60232
(M) Parity aid under section 3317.0217 of the Revised Code;	60233
(N) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	60234 60235
(O) The charge-off supplement under section 3317.0216 of the Revised Code.	60236 60237
Section 40.34. Notwithstanding the amendments by this act to sections 3317.01, 3317.02, 3317.022, 3317.0217, and 3317.16 of the Revised Code, in fiscal year 2004, the Department of Education shall calculate and pay to school districts state base-cost and parity aid funding, and shall calculate their state share percentages, using formula ADM reported under section 3317.03 of the Revised Code instead of average daily attendance reported under section 3317.034 of the Revised Code. The Department shall use average daily attendance to calculate state base-cost and parity aid funding and state share percentages beginning in fiscal year 2005.	60238 60239 60240 60241 60242 60243 60244 60245 60246 60247 60248
Section 40.35. (A) As used in this section:	60249
(1) "IEP" has the same meaning as in section 3314.08 of the Revised Code.	60250 60251
(2) "SBH student" means a student receiving special education and related services for severe behavior handicap conditions pursuant to an IEP.	60252 60253 60254
(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2004 and 2005 enrolls a number of SBH students equal to at least fifty per cent of the total number of students	60255 60256 60257 60258

enrolled in the school in the applicable fiscal year. 60259

(C) In addition to any payments made under section 3314.08 of 60260
the Revised Code, in each of fiscal years 2004 and 2005 the 60261
Department of Education shall pay to a community school a subsidy 60262
equal to the difference between the aggregate amount calculated 60263
and paid in that fiscal year to the community school for special 60264
education and related services additional weighted costs for the 60265
SBH students enrolled in the school and the aggregate amount that 60266
would have been calculated for the school for special education 60267
and related services additional weighted costs for those same 60268
students in fiscal year 2001. If the difference is a negative 60269
number, the amount of the subsidy shall be zero. 60270

(D) The amount of any subsidy paid to a community school 60271
under this section shall not be deducted from any moneys 60272
calculated under Chapter 3317. of the Revised Code for payment to 60273
a school district in which any of its students are entitled to 60274
attend school under section 3313.64 or 3313.65 of the Revised 60275
Code. 60276

The amount of any subsidy paid to a community school under 60277
this section shall be paid from the amount appropriated to the 60278
Department of Education in appropriation item 200-501, Base Cost 60279
Funding. 60280

Section 40.36. (A) As used in this section: 60281

(1) "Entitled to attend school" means entitled to attend 60282
school in a school district under section 3313.64 and 3313.65 of 60283
the Revised Code. 60284

(2) "Formula ADM" and "category six special education ADM" 60285
have the same meanings as in section 3317.02 of the Revised Code. 60286

(3) "Individualized education program" has the same meaning 60287
as in section 3323.01 of the Revised Code. 60288

(4) "Parent" has the same meaning as in section 3313.64 of the Revised Code. 60289
60290

(5) "Qualified special education child" is a child for whom all of the following conditions apply: 60291
60292

(a) The school district in which the child is entitled to attend school has identified the child as autistic; 60293
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(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child; 60295
60296
60297

(c) The child either: 60298

(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child; 60299
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(ii) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this section is first sought for the child. 60303
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(6) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the Department of Education to participate in the program established under this section. 60307
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(B) There is hereby established the Pilot Project Special Education Scholarship Program. Under the program, in fiscal years 2004 and 2005, the Department of Education shall pay a scholarship to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the State Board of Education. Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special 60311
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education program that implements the child's individualized 60319
education program and that is operated by a school district other 60320
than the school district in which the child is entitled to attend 60321
school or by another public entity, to either of which under law 60322
the parent is required to pay tuition on behalf of the child, or 60323
by a registered private provider. Each scholarship shall be in an 60324
amount not to exceed the lesser of the tuition charged for the 60325
child by the special education program or fifteen thousand 60326
dollars. The purpose of the scholarship is to permit the parent of 60327
a qualified special education child the choice to send the child 60328
to a special education program, instead of, or in addition to, the 60329
one operated by or for the school district in which the child is 60330
entitled to attend school, to receive the services prescribed in 60331
the child's individualized education program. A child attending a 60332
special education program with a scholarship under this section 60333
shall continue to be entitled to transportation to and from that 60334
program in the manner prescribed by law. 60335

(C)(1) Notwithstanding anything to the contrary in the 60336
Revised Code, a child for whom a scholarship is awarded under this 60337
section shall be counted in the formula ADM and the category six 60338
special education ADM of the district in which the child is 60339
entitled to attend school and not in the formula ADM and the 60340
category six special education ADM of any other school district. 60341

(2) In each fiscal year, the Department shall deduct from the 60342
amounts paid to each school district under Chapter 3317. of the 60343
Revised Code, and, if necessary, sections 321.14 and 323.156 of 60344
the Revised Code, the aggregate amount of scholarships awarded 60345
under this section for qualified special education children 60346
included in the formula ADM and category six special education ADM 60347
of that school district as provided in division (C)(1) of this 60348
section. The scholarships deducted shall be considered as an 60349
approved special education and related services expense for the 60350

purpose of the school district's compliance with division (C)(5) 60351
of section 3317.022 of the Revised Code. 60352

(3) From time to time, the Department shall make a payment to 60353
the parent of each qualified special education child for whom a 60354
scholarship has been awarded under this section. The scholarship 60355
amount shall be proportionately reduced in the case of any such 60356
child who is not enrolled in the special education program for 60357
which a scholarship was awarded under this section for the entire 60358
school year. 60359

(D) A scholarship shall not be paid to a parent for payment 60360
of tuition owed to a nonpublic entity unless that entity is a 60361
registered private provider. The Department shall approve entities 60362
that meet the standards established by rule of the State Board for 60363
the program established under this section. (E) The State Board 60364
shall adopt rules in accordance with Chapter 119. of the Revised 60365
Code prescribing procedures necessary to implement this section, 60366
including, but not limited to, procedures and deadlines for 60367
parents to apply for scholarships, standards for registered 60368
private providers, and procedures for approval of entities as 60369
registered private providers. The Board shall adopt the rules so 60370
that the program established under this section is operational by 60371
October 1, 2003. 60372

Section 41. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK 60373
COMMISSION 60374

General Revenue Fund 60375

GRF 374-100 Personal Services	\$	1,300,000	\$	1,300,000	60376
GRF 374-200 Maintenance	\$	800,000	\$	800,000	60377
GRF 374-300 Equipment	\$	97,500	\$	97,500	60378
GRF 374-401 Statehouse News Bureau	\$	185,508	\$	185,508	60379
GRF 374-402 Ohio Government	\$	688,289	\$	688,289	60380

Telecommunications

Studio

GRF 374-403	Ohio SONET	\$	2,000,000	\$	2,000,000	60381
GRF 374-404	Telecommunications	\$	3,962,199	\$	3,864,269	60382

Operating Subsidy

TOTAL GRF	General Revenue Fund	\$	9,003,496	\$	8,935,556	60383
General Services Fund Group						60384
4F3 374-603	Affiliate Services	\$	3,067,447	\$	3,067,447	60385
4T2 374-605	Government	\$	150,000	\$	150,000	60386

Television/Telecommunications

Operating

TOTAL GSF	General Services					60387
Fund Group		\$	3,217,447	\$	3,217,447	60388
TOTAL ALL BUDGET FUND GROUPS		\$	12,250,943	\$	12,153,013	60389

STATEHOUSE NEWS BUREAU 60390

The foregoing appropriation item 374-401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 60391
60392
60393

OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO 60394

The foregoing appropriation item 374-402, Ohio Government Telecommunications Studio, shall be used solely to support the operations of the Ohio Government Telecommunications Studio. 60395
60396
60397

OHIO SONET 60398

The foregoing appropriation item 374-403, Ohio SONET, shall be used by the Ohio Educational Telecommunications Network Commission to pay monthly operating expenses and maintenance of the television and radio transmission infrastructure. 60399
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60401
60402

TELECOMMUNICATIONS OPERATING SUBSIDY 60403

Of the foregoing appropriation item 374-404, Telecommunications Operating Subsidy, \$45,000 in each fiscal year shall be used for dial-up newspaper reading services for the blind 60404
60405
60406

and physically handicapped 60407

The remainder of appropriation item 374-404, 60408
 Telecommunications Operating Subsidy, shall be distributed by the 60409
 Ohio Educational Telecommunications Network Commission to Ohio's 60410
 qualified public educational television stations, radio reading 60411
 services, and educational radio stations to support their 60412
 operations. The funds shall be distributed pursuant to an 60413
 allocation developed by the Ohio Educational Telecommunications 60414
 Network Commission. 60415

Section 42. ELC OHIO ELECTIONS COMMISSION 60416

General Revenue Fund 60417

GRF 051-321 Operating Expenses	\$	395,366	\$	395,366	60418
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TOTAL GRF General Revenue Fund	\$	395,366	\$	395,366	60419
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State Special Revenue Fund Group 60420

4P2 051-601 Ohio Elections 60421

Commission Fund	\$	312,716	\$	321,766	60422
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TOTAL SSR State Special 60423

Revenue Fund Group	\$	312,716	\$	321,766	60424
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TOTAL ALL BUDGET FUND GROUPS	\$	708,082	\$	717,132	60425
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Section 43. FUN STATE BOARD OF EMBALMERS AND FUNERAL 60427

DIRECTORS 60428

General Services Fund Group 60429

4K9 881-609 Operating Expenses	\$	563,639	\$	594,870	60430
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TOTAL GSF General Services 60431

Fund Group	\$	563,639	\$	594,870	60432
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TOTAL ALL BUDGET FUND GROUPS	\$	563,639	\$	594,870	60433
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Section 44. ERB STATE EMPLOYMENT RELATIONS BOARD 60435

General Revenue Fund 60436

GRF 125-321 Operating Expenses	\$	3,268,338	\$	3,268,338	60437
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TOTAL GRF General Revenue Fund	\$	3,268,338	\$	3,268,338	60438
General Services Fund Group					60439
572 125-603 Training and Publications	\$	75,541	\$	75,541	60440
TOTAL GSF General Services Fund Group	\$	75,541	\$	75,541	60442
TOTAL ALL BUDGET FUND GROUPS	\$	3,343,879	\$	3,343,879	60443

Section 45. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 60445

General Services Fund Group					60446
4K9 892-609 Operating Expenses	\$	999,150	\$	1,041,369	60447
TOTAL GSF General Services Fund Group	\$	999,150	\$	1,041,369	60449
TOTAL ALL BUDGET FUND GROUPS	\$	999,150	\$	1,041,369	60450

Section 46. EPA ENVIRONMENTAL PROTECTION AGENCY 60452

General Revenue Fund					60453
GRF 715-403 Clean Ohio	\$	788,985	\$	788,985	60454
GRF 715-501 Local Air Pollution Control	\$	1,119,878	\$	1,091,882	60455
GRF 717-321 Surface Water	\$	9,333,376	\$	9,358,950	60456
GRF 718-321 Groundwater	\$	1,195,001	\$	1,163,554	60457
GRF 719-321 Air Pollution Control	\$	2,543,260	\$	2,543,260	60458
GRF 721-321 Drinking Water	\$	2,713,032	\$	2,713,032	60459
GRF 723-321 Hazardous Waste	\$	110,184	\$	107,284	60460
GRF 724-321 Pollution Prevention	\$	765,137	\$	745,002	60461
GRF 725-321 Laboratory	\$	1,290,237	\$	1,293,971	60462
GRF 726-321 Corrective Actions	\$	1,253,593	\$	1,255,080	60463
TOTAL GRF General Revenue Fund	\$	21,112,683	\$	21,061,000	60464
General Services Fund Group					60465
199 715-602 Laboratory Services	\$	1,042,081	\$	1,045,654	60466
219 715-604 Central Support	\$	15,239,297	\$	15,544,407	60467

	Indirect				
4A1	715-640	Operating Expenses	\$	3,308,758	\$ 3,369,731 60468
TOTAL GSF General Services					60469
Fund Group			\$	19,590,136	\$ 19,959,792 60470
Federal Special Revenue Fund Group					60471
3F2	715-630	Revolving Loan Fund -	\$	80,000	\$ 80,000 60472
		Operating			
3F3	715-632	Fed Supported Cleanup	\$	2,792,648	\$ 2,326,434 60473
		and Response			
3F4	715-633	Water Quality	\$	737,850	\$ 712,850 60474
		Management			
3F5	715-641	Nonpoint Source	\$	7,090,002	\$ 7,155,000 60475
		Pollution Management			
3J1	715-620	Urban Stormwater	\$	850,000	\$ 956,001 60476
3K2	715-628	Clean Water Act 106	\$	4,125,992	\$ 4,125,992 60477
3K4	715-634	DOD Monitoring and	\$	1,462,173	\$ 1,450,333 60478
		Oversight			
3K6	715-639	Remedial Action Plan	\$	416,000	\$ 385,001 60479
3N1	715-655	Pollution Prevention	\$	10,172	\$ 0 60480
		Grants			
3N4	715-657	DOE Monitoring and	\$	3,362,932	\$ 3,427,442 60481
		Oversight			
3V7	715-606	Agencywide Grants	\$	100,268	\$ 0 60482
352	715-611	Wastewater Pollution	\$	252,000	\$ 265,002 60483
353	715-612	Public Water Supply	\$	2,480,989	\$ 2,484,114 60484
354	715-614	Hazardous Waste	\$	4,195,192	\$ 4,203,891 60485
		Management - Federal			
357	715-619	Air Pollution Control	\$	5,447,334	\$ 5,599,501 60486
		- Federal			
362	715-605	Underground Injection	\$	101,874	\$ 101,874 60487
		Control - Federal			
TOTAL FED Federal Special Revenue					60488
Fund Group			\$	33,505,426	\$ 33,273,435 60489

State Special Revenue Fund Group				60490
3T3	715-669	Drinking Water SRF	\$ 3,631,132 \$ 3,716,777	60491
4J0	715-638	Underground Injection Control	\$ 379,488 \$ 394,385	60492
4K2	715-648	Clean Air - Non Title V	\$ 3,092,801 \$ 3,370,002	60493
4K3	715-649	Solid Waste	\$ 14,286,500 \$ 14,698,987	60494
4K4	715-650	Surface Water Protection	\$ 9,380,180 \$ 9,380,181	60495
4K5	715-651	Drinking Water Protection	\$ 6,294,334 \$ 6,255,946	60496
4P5	715-654	Cozart Landfill	\$ 146,792 \$ 149,728	60497
4R5	715-656	Scrap Tire Management	\$ 5,800,000 \$ 6,000,000	60498
4R9	715-658	Voluntary Action Program	\$ 603,435 \$ 795,671	60499
4T3	715-659	Clean Air - Title V Permit Program	\$ 16,950,003 \$ 16,650,001	60500
4U7	715-660	Construction & Demolition Debris	\$ 220,000 \$ 220,000	60501
5H4	715-664	Groundwater Support	\$ 1,768,661 \$ 1,797,036	60502
5N2	715-613	Dredge and Fill	\$ 30,000 \$ 30,000	60503
5S1	715-607	Clean Ohio - Operating	\$ 206,735 \$ 208,174	60504
500	715-608	Immediate Removal Special Account	\$ 475,024 \$ 482,000	60505
503	715-621	Hazardous Waste Facility Management	\$ 11,051,591 \$ 11,465,671	60506
503	715-662	Hazardous Waste Facility Board	\$ 566,350 \$ 576,619	60507
505	715-623	Hazardous Waste Cleanup	\$ 10,862,544 \$ 11,557,987	60508
505	715-674	Clean Ohio Environmental Review	\$ 999,896 \$ 1,179,249	60509
541	715-670	Site Specific Cleanup	\$ 344,448 \$ 345,075	60510

542	715-671	Risk Management	\$	142,087	\$	146,188	60511
		Reporting					
6A1	715-645	Environmental	\$	1,500,000	\$	1,500,000	60512
		Education					
602	715-626	Motor Vehicle	\$	1,444,464	\$	1,437,398	60513
		Inspection and					
		Maintenance					
644	715-631	ER Radiological Safety	\$	281,424	\$	286,114	60514
660	715-629	Infectious Waste	\$	160,000	\$	160,000	60515
		Management					
676	715-642	Water Pollution	\$	4,858,798	\$	4,964,625	60516
		Control Loan					
		Administration					
678	715-635	Air Toxic Release	\$	314,081	\$	210,662	60517
679	715-636	Emergency Planning	\$	2,798,648	\$	2,828,647	60518
696	715-643	Air Pollution Control	\$	750,002	\$	750,000	60519
		Administration					
699	715-644	Water Pollution	\$	625,000	\$	625,000	60520
		Control Administration					
TOTAL SSR	State Special Revenue		\$	99,964,418	\$	102,182,123	60521
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	174,172,663	\$	176,476,350	60522
		CENTRAL SUPPORT INDIRECT					60523
		Notwithstanding any other provision of law to the contrary,					60524
		the Director of Environmental Protection, with the approval of the					60525
		Director of Budget and Management, shall utilize a methodology for					60526
		determining each division's payments into the Central Support					60527
		Indirect Fund (Fund 219). The methodology used shall contain the					60528
		characteristics of administrative ease and uniform application.					60529
		Payments to the Central Support Indirect Fund (Fund 219) shall be					60530
		made using an intrastate transfer voucher.					60531
		CLEAN OHIO - OPERATING					60532

The foregoing appropriation item 715-607, Clean Ohio - 60533
 Operating, shall be used by the Ohio Environmental Protection 60534
 Agency in administering sections 122.65 to 122.658 of the Revised 60535
 Code. 60536

Section 47. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 60537

General Revenue Fund 60538
 GRF 172-321 Operating Expenses \$ 437,131 \$ 439,109 60539
 TOTAL GRF General Revenue Fund \$ 437,131 \$ 439,109 60540
 TOTAL ALL BUDGET FUND GROUPS \$ 437,131 \$ 439,109 60541

Section 48. ETH OHIO ETHICS COMMISSION 60543

General Revenue Fund 60544
 GRF 146-321 Operating Expenses \$ 1,257,016 \$ 1,283,016 60545
 TOTAL GRF General Revenue Fund \$ 1,257,016 \$ 1,283,016 60546
 General Services Fund Group 60547
 4M6 146-601 Operating Expenses \$ 409,543 \$ 383,543 60548
 TOTAL GSF General Services 60549
 Fund Group \$ 409,543 \$ 383,543 60550
 TOTAL ALL BUDGET FUND GROUPS \$ 1,666,559 \$ 1,666,559 60551

Section 49. EXP OHIO EXPOSITIONS COMMISSION 60553

General Revenue Fund 60554
 GRF 723-403 Junior Fair Subsidy \$ 465,412 \$ 465,412 60555
 TOTAL GRF General Revenue Fund \$ 465,412 \$ 465,412 60556
 State Special Revenue Fund Group 60557
 4N2 723-602 Ohio State Fair \$ 520,000 \$ 520,000 60558
 Harness Racing
 506 723-601 Operating Expenses \$ 13,211,481 \$ 13,643,315 60559
 640 723-603 State Fair Reserve \$ 125,000 \$ 0 60560
 TOTAL SSR State Special Revenue 60561

Fund Group	\$	13,856,481	\$	14,163,315	60562
TOTAL ALL BUDGET FUND GROUPS	\$	14,321,893	\$	14,628,727	60563

STATE FAIR RESERVE 60564

The foregoing appropriation item 723-603, State Fair Reserve, 60565
shall serve as a budget reserve fund for the Ohio Expositions 60566
Commission in the event of a significant decline in attendance due 60567
to inclement weather or extraordinary circumstances during the 60568
Ohio State Fair resulting in a loss of revenue. The State Fair 60569
Reserve may be used by the Ohio Expositions Commission to pay 60570
bills resulting from the Ohio State Fair only if all the following 60571
criteria are met: 60572

(A) Admission revenues for the 2003 Ohio State Fair are less 60573
than \$2,542,500 or admission revenues for the 2004 Ohio State Fair 60574
are less than \$2,619,000 due to inclement weather or extraordinary 60575
circumstances. These amounts are ninety per cent of the projected 60576
admission revenues for each year. 60577

(B) The Ohio Expositions Commission declares a state of 60578
fiscal exigency and requests release of funds by the Director of 60579
Budget and Management. 60580

(C) The Director of Budget and Management releases the funds. 60581
The Director of Budget and Management may approve or disapprove 60582
the request for release of funds, may increase or decrease the 60583
amount of release, and may place such conditions as the director 60584
considers necessary on the use of the released funds. The Director 60585
of Budget and Management may transfer appropriation authority from 60586
fiscal year 2004 to fiscal year 2005 as needed. 60587

In the event that the Ohio Expositions Commission faces a 60588
temporary cash shortage that will preclude it from meeting current 60589
obligations, the Commission may request the Director of Budget and 60590
Management to approve use of the State Fair Reserve to meet those 60591
obligations. The request shall include a plan describing how the 60592

Commission will eliminate the cash shortage. If the Director of 60593
Budget and Management approves the expenditures, the Commission 60594
shall reimburse Fund 640 by the thirtieth day of June of that same 60595
fiscal year through an intrastate transfer voucher. The amount 60596
reimbursed is hereby appropriated. 60597

Of the foregoing appropriation item 723-603, State Fair 60598
Reserve, up to \$125,000 shall be transferred in fiscal year 2004 60599
to appropriation item 723-403, Junior Fair Subsidy. 60600

Section 50. GOV OFFICE OF THE GOVERNOR 60601

General Revenue Fund 60602

GRF 040-321 Operating Expenses \$ 4,112,358 \$ 4,235,726 60603

GRF 040-403 Federal Relations \$ 493,818 \$ 493,818 60604

GRF 040-408 Office of Veterans' \$ 276,723 \$ 285,025 60605

Affairs

GRF 040-503 Veterans' \$ 1,283,992 \$ 1,283,992 60606

Organizations

TOTAL GRF General Revenue Fund \$ 6,166,891 \$ 6,298,561 60607

General Services Fund Group 60608

412 040-607 Federal Relations \$ 500,000 \$ 500,000 60609

TOTAL GSF General Services Fund \$ 500,000 \$ 500,000 60610

Group

TOTAL ALL BUDGET FUND GROUPS \$ 6,666,891 \$ 6,798,561 60611

APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR 60612

The Governor may expend a portion of the foregoing 60613
appropriation item 040-321, Operating Expenses, to hire or appoint 60614
legal counsel to be used in proceedings involving the Governor in 60615
the Governor's official capacity or the Governor's office only, 60616
without the approval of the Attorney General, notwithstanding 60617
sections 109.02 and 109.07 of the Revised Code. 60618

VETERANS' ORGANIZATIONS 60619

The foregoing appropriation item 040-503, Veterans' Organizations, shall be used to provide subsidies to veterans' organizations to promote and provide assistance to veterans in Ohio. The Governor shall determine which veterans' organizations receive funding, as well as determining the amount of each subsidy for each fiscal year.

FEDERAL RELATIONS

Of the foregoing appropriation item 040-403, Federal Relations, not more than \$142,428 shall be used for dues to the National Governor's Conference in each fiscal year, and not more than \$27,390 shall be used for dues to the Great Lakes Conference in each fiscal year.

A portion of the foregoing appropriation items 040-403, Federal Relations, and 040-607, Federal Relations, may be used to support Ohio's membership in national or regional associations.

The Office of the Governor may charge any state agency of the executive branch using an intrastate transfer voucher such amounts necessary to defray the costs incurred for the conduct of federal relations associated with issues that can be attributed to the agency. Amounts collected shall be deposited to the Office of the Governor Federal Relations Fund (Fund 412).

Section 51. DOH DEPARTMENT OF HEALTH

General Revenue Fund
GRF 440-407 Animal Borne Disease and Prevention \$ 2,690,101 \$ 2,690,101
GRF 440-412 Cancer Incidence Surveillance System \$ 736,616 \$ 736,616
GRF 440-413 Healthy Communities \$ 4,139,009 \$ 4,139,009
GRF 440-416 Child and Family Health Services \$ 8,872,472 \$ 8,872,472

GRF 440-418	Immunizations	\$	7,594,803	\$	7,594,803	60647
GRF 440-419	Sexual Assault Prevention	\$	35,899	\$	35,899	60648
GRF 440-444	AIDS Prevention and Treatment	\$	7,589,816	\$	7,589,816	60649
GRF 440-446	Infectious Disease Prevention	\$	439,330	\$	439,330	60650
GRF 440-451	Lab and Public Health Prevention Programs	\$	6,085,250	\$	6,085,250	60651
GRF 440-452	Child and Family Health Services Match	\$	1,024,017	\$	1,024,017	60652
GRF 440-453	Health Care Quality Assurance	\$	10,453,728	\$	10,453,728	60653
GRF 440-454	Local Environmental Health	\$	1,047,654	\$	1,047,654	60654
GRF 440-459	Help Me Grow	\$	9,861,089	\$	9,861,089	60655
GRF 440-461	Center for Vital and Health Stats	\$	3,579,790	\$	3,579,790	60656
GRF 440-504	Poison Control Network	\$	388,000	\$	388,000	60657
GRF 440-505	Medically Handicapped Children	\$	6,462,257	\$	6,462,738	60658
GRF 440-507	Targeted Health Care Services Over 21	\$	731,023	\$	731,023	60659
GRF 440-508	Migrant Health	\$	91,301	\$	91,301	60660
TOTAL GRF	General Revenue Fund	\$	71,822,155	\$	71,822,636	60661
	General Services Fund Group					60662
142 440-618	General Operations - General Services Fund	\$	1,201,059	\$	1,290,530	60663
211 440-613	Central Support Indirect Costs	\$	26,149,512	\$	26,276,178	60664
473 440-622	Lab Operating Expenses	\$	4,154,045	\$	4,154,045	60665
683 440-633	Employee Assistance Program	\$	1,192,234	\$	1,192,214	60666

698	440-634	Nurse Aide Training	\$	170,000	\$	170,000	60667
TOTAL GSF General Services							60668
Fund Group			\$	32,866,850	\$	33,082,967	60669
Federal Special Revenue Fund Group							60670
320	440-601	Maternal Child Health	\$	34,451,205	\$	35,136,169	60671
Block Grant							
387	440-602	Preventive Health	\$	8,200,000	\$	8,200,000	60672
Block Grant							
389	440-604	Women, Infants, and	\$	210,000,000	\$	220,000,000	60673
Children							
391	440-606	Medicaid/Medicare	\$	26,294,274	\$	26,820,159	60674
392	440-618	General Operations -	\$	114,474,764	\$	115,319,323	60675
Federal Fund							
TOTAL FED Federal Special Revenue							60676
Fund Group			\$	393,420,243	\$	405,475,651	60677
State Special Revenue Fund Group							60678
4D6	440-608	Genetics Services	\$	2,300,000	\$	2,300,000	60679
4F9	440-610	Sickle Cell Disease	\$	1,035,344	\$	1,035,344	60680
Control							
4G0	440-636	Heirloom Birth	\$	5,000	\$	5,000	60681
Certificate							
4G0	440-637	Birth Certificate	\$	5,000	\$	5,000	60682
Surcharge							
4L3	440-609	Miscellaneous Expenses	\$	256,082	\$	144,119	60683
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	60684
4V6	440-641	Save Our Sight	\$	1,733,327	\$	1,767,994	60685
470	440-618	General Operations -	\$	14,454,867	\$	15,953,072	60686
State Special Revenue							
471	440-619	Certificate of Need	\$	475,000	\$	483,572	60687
477	440-627	Medically Handicapped	\$	4,640,498	\$	4,733,008	60688
Children Audit							
5B5	440-616	Quality, Monitoring,	\$	838,479	\$	838,479	60689

		and Inspection				
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405 60690
5D6	440-620	Second Chance Trust	\$	887,018	\$	825,951 60691
5G4	440-639	Adoption Services	\$	20,000	\$	20,000 60692
5E1	440-624	Health Services	\$	688,321	\$	0 60693
5L1	440-623	Nursing Facility Technical Assistance Program	\$	586,153	\$	617,517 60694
610	440-626	Radiation Emergency Response	\$	923,315	\$	923,315 60695
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687 60696
TOTAL SSR State Special Revenue						60697
Fund Group			\$	44,858,390	\$	45,662,357 60698
Holding Account Redistribution Fund Group						60699
R14	440-631	Vital Statistics	\$	70,000	\$	70,000 60700
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,400	\$	20,400 60701
TOTAL 090 Holding Account						60702
Redistribution Fund Group			\$	90,400	\$	90,400 60703
TOTAL ALL BUDGET FUND GROUPS			\$	543,058,038	\$	556,134,011 60704

Section 51.01. CANCER REGISTRY SYSTEM 60706

Of the foregoing appropriation item 440-412, Cancer Incidence
Surveillance System, not more than \$50,000 in each fiscal year 60707
shall be provided to Health Comp, Inc. 60708
60709

The remaining moneys in appropriation item 440-412, Cancer
Incidence Surveillance System, shall be used to maintain and 60710
operate the Ohio Cancer Incidence Surveillance System pursuant to 60711
60712

sections 3701.261 to 3701.263 of the Revised Code. 60713

CHILD AND FAMILY HEALTH SERVICES 60714

Of the foregoing appropriation item 440-416, Child and Family 60715
Health Services, \$1,700,000 in each fiscal year shall be used for 60716
women's health services. None of the funds received through these 60717
grants shall be used to provide abortion services. None of the 60718
funds received through these grants shall be used for counseling 60719
for or referrals for abortion, except in the case of a medical 60720
emergency. These funds shall be distributed by the Director of 60721
Health to programs that the Department of Health determines will 60722
provide services that are physically and financially separate from 60723
abortion-providing and abortion-promoting activities, and that do 60724
not include counseling for or referrals for abortion, other than 60725
in the case of medical emergency. 60726

These women's health services include and are limited to the 60727
following: pelvic exams and lab testing; breast exams and patient 60728
education on breast cancer; screening for cervical cancer; 60729
screening and treatment for Sexually Transmitted Diseases (STDs) 60730
and HIV screening; voluntary choice of contraception, including 60731
abstinence and natural family planning; patient education and 60732
pre-pregnancy counseling on the dangers of smoking, alcohol, and 60733
drug use during pregnancy; education on sexual coercion and 60734
violence in relationships; and prenatal care or referral for 60735
prenatal care. These health care services shall be provided by 60736
doctors, nurses, medical assistants, counselors, and social 60737
workers in a medical clinic setting. 60738

The Director of Health shall adopt rules in accordance with 60739
Chapter 119. of the Revised Code specifying reasonable eligibility 60740
standards that must be met to receive the state funding and 60741
provide reasonable methods by which a grantee wishing to be 60742
eligible for federal funding may comply with these requirements 60743
for state funding without losing its eligibility for federal 60744

funding. Grant applicants need not provide all of the listed 60745
women's health services and no applicant will be discriminated 60746
against in the process of awarding these grant funds because the 60747
applicant does not provide all of the services listed. 60748

In distributing these grant funds, the Director of Health 60749
shall give priority to grant requests from local departments of 60750
health for women's health services to be provided directly by 60751
personnel of the local department of health. 60752

Of the foregoing appropriation item 440-416, Child and Family 60753
Health Services, not more than \$270,000 shall be used in each 60754
fiscal year for the OPTIONS dental care access program. 60755

Of the foregoing appropriation item 440-416, Child and Family 60756
Health Services, not more than \$900,000 in each fiscal year shall 60757
be used by federally qualified health centers and federally 60758
designated look-alikes to provide services to uninsured low-income 60759
persons. 60760

Of the foregoing appropriation item 440-416, Child and Family 60761
Health Services, \$500,000 in each fiscal year shall be used for 60762
abstinence-only education. The Director of Health shall develop 60763
guidelines for the establishment of abstinence programs for 60764
teenagers with the purpose of decreasing unplanned pregnancies and 60765
abortion. The guidelines shall be developed pursuant to Title V of 60766
the "Social Security Act," 42 U.S.C. 510, and shall include, but 60767
are not limited to, advertising campaigns and direct training in 60768
schools and other locations. 60769

Of the foregoing appropriation item 440-416, Child and Family 60770
Health Services, \$30,000 in each fiscal year shall be allocated to 60771
the Jewish Family Service of Cleveland, \$10,000 in each fiscal 60772
year shall be allocated to the Jewish Family Service of 60773
Cincinnati, and \$10,000 in each fiscal year shall be allocated to 60774
the Jewish Family Services of Columbus for interpreters for health 60775

care.	60776
Of the foregoing appropriation item 440-416, Child and Family Health Services, \$25,000 in each fiscal year shall be allocated to Clermont County's Comprehensive Community Suicide Prevention Program.	60777 60778 60779 60780
SEXUAL ASSAULT PREVENTION AND INTERVENTION	60781
The foregoing appropriation item 440-419, Sexual Assault Prevention and Intervention, shall be used for the following purposes:	60782 60783 60784
(A) Funding of new services in counties with no services for sexual assault;	60785 60786
(B) Expansion of services provided in currently funded projects so that comprehensive crisis intervention and prevention services are offered;	60787 60788 60789
(C) Start-up funding for Sexual Assault Nurse Examiner (SANE) projects;	60790 60791
(D) Statewide expansion of local outreach and public awareness efforts.	60792 60793
HIV/AIDS PREVENTION/TREATMENT	60794
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.	60795 60796 60797 60798
INFECTIOUS DISEASE PREVENTION	60799
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.	60800 60801 60802 60803
Of the foregoing appropriation item 440-446, Infectious	60804

Disease Prevention, not more than \$60,000 shall be used by the 60805
Director of Health to reimburse Boards of County Commissioners for 60806
the cost of detaining indigent persons with tuberculosis. Any 60807
portion of the \$60,000 allocated for detainment not used for that 60808
purpose shall be used to make payments to counties pursuant to 60809
section 339.77 of the Revised Code. 60810

Of the foregoing appropriation item 440-446, Infectious 60811
Disease Prevention, not more than \$250,000 in each fiscal year 60812
shall be used for the purchase of drugs for sexually transmitted 60813
diseases. 60814

HELP ME GROW 60815

The foregoing appropriation item 440-459, Help Me Grow, shall 60816
be used by the Department of Health to distribute subsidies to 60817
counties to implement the Help Me Grow program. Appropriation item 60818
440-459 may be used in conjunction with Temporary Assistance for 60819
Needy Families from the Department of Job and Family Services, 60820
Early Intervention funding from the Department of Mental 60821
Retardation and Developmental Disabilities, and in conjunction 60822
with other early childhood funds and services to promote the 60823
optimal development of young children. Local contracts shall be 60824
developed between local departments of job and family services and 60825
family and children first councils for the administration of TANF 60826
funding for the Help Me Grow Program. The Department of Health 60827
shall enter into an interagency agreement with the Department of 60828
Education, Department of Mental Retardation and Developmental 60829
Disabilities, Department of Job and Family Services, and 60830
Department of Mental Health to ensure that all early childhood 60831
programs and initiatives are coordinated and school linked. 60832

POISON CONTROL NETWORK 60833

The foregoing appropriation item 440-504, Poison Control 60834
Network, shall be used in each fiscal year by the Department of 60835

Health for grants to the consolidated Ohio Poison Control Center 60836
to provide poison control services to Ohio citizens. 60837

Notwithstanding section 3701.83 of the Revised Code, not 60838
later than the fifteenth day of July of each fiscal year or as 60839
soon as possible thereafter, the Director of Budget and Management 60840
shall transfer cash in the amount of \$127,287 from appropriation 60841
item 440-618, General Operations - General Services Fund, (Fund 60842
142) to the General Revenue Fund. 60843

TARGETED HEALTH CARE SERVICES OVER 21 60844

In each fiscal year, appropriation item 440-507, Targeted 60845
Health Care Services Over 21, shall be used to administer the 60846
cystic fibrosis program and implement the Hemophilia Insurance 60847
Premium Payment program. 60848

MATERNAL CHILD HEALTH BLOCK GRANT 60849

Of the foregoing appropriation item 440-601, Maternal Child 60850
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 60851
fiscal year for the purposes of abstinence-only education. The 60852
Director of Health shall develop guidelines for the establishment 60853
of abstinence programs for teenagers with the purpose of 60854
decreasing unplanned pregnancies and abortion. Such guidelines 60855
shall be pursuant to Title V of the "Social Security Act," 42 60856
U.S.C. 510, and shall include, but are not limited to, advertising 60857
campaigns and direct training in schools and other locations. 60858

GENETICS SERVICES 60859

The foregoing appropriation item 440-608, Genetics Services 60860
(Fund 4D6), shall be used by the Department of Health to 60861
administer programs authorized by sections 3701.501 and 3701.502 60862
of the Revised Code. None of these funds shall be used to counsel 60863
or refer for abortion, except in the case of a medical emergency. 60864

SAFETY AND QUALITY OF CARE STANDARDS 60865

The Department of Health may use Fund 471, Certificate of Need, for administering sections 3702.11 to 3702.20 and 3702.30 of the Revised Code in each fiscal year.

MEDICALLY HANDICAPPED CHILDREN AUDIT

The Medically Handicapped Children Audit Fund (Fund 477) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND PERMIT FUND

The Director of Budget and Management, pursuant to a plan submitted by the Department of Health, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Liquor Control Fund (Fund 043) to the Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating needs of the Alcohol Testing and Permit program.

The Director of Budget and Management shall transfer to the Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control Fund (Fund 043) established in section 4301.12 of the Revised Code such amounts at such times as determined by the transfer schedule.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

The foregoing appropriation item 440-607, Medically Handicapped Children - County Assessments (Fund 666), shall be used to make payments pursuant to division (E) of section 3701.023 of the Revised Code.

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM

The Director of Budget and Management shall transfer, by intrastate transfer voucher, each fiscal year, cash from Fund 4E3, Resident Protection Fund, in the Ohio Department of Job and Family Services, to Fund 5L1, Nursing Facility Technical Assistance Fund, in the Ohio Department of Health, to be used in accordance with section 3721.026 of the Revised Code. The transfers shall equal the amount appropriated per fiscal year in Fund 5L1, Nursing Facility Technical Assistance Fund.

Section 52. HEF HIGHER EDUCATIONAL FACILITY COMMISSION

Agency Fund Group				60910
461 372-601 Operating Expenses	\$	15,290	\$ 16,819	60911
TOTAL AGY Agency Fund Group	\$	15,290	\$ 16,819	60912
TOTAL ALL BUDGET FUND GROUPS	\$	15,290	\$ 16,819	60913

Section 53. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS

General Revenue Fund				60916
GRF 148-100 Personal Services	\$	132,419	\$ 132,419	60917
GRF 148-200 Maintenance	\$	30,901	\$ 30,901	60918
TOTAL GRF General Revenue Fund	\$	163,320	\$ 163,320	60919
General Services Fund Group				60920
601 148-602 Gifts and	\$	8,485	\$ 8,485	60921
Miscellaneous				
TOTAL GSF General Services				60922
Fund Group	\$	8,485	\$ 8,485	60923
TOTAL ALL BUDGET FUND GROUPS	\$	171,805	\$ 171,805	60924

Section 54. OHS OHIO HISTORICAL SOCIETY				60926
General Revenue Fund				60927
GRF 360-403	Adena - Worthington	\$ 200,000	\$ 150,000	60928
Home				
GRF 360-501	Operating Subsidy	\$ 3,389,973	\$ 3,389,973	60929
GRF 360-502	Site Operations	\$ 6,210,438	\$ 6,210,438	60930
GRF 360-503	Ohio Bicentennial	\$ 1,847,239	\$ 58,164	60931
Commission				
GRF 360-504	Ohio Preservation	\$ 289,733	\$ 289,733	60932
Office				
GRF 360-505	Afro-American Museum	\$ 778,231	\$ 778,231	60933
GRF 360-506	Hayes Presidential	\$ 524,981	\$ 524,981	60934
Center				
GRF 360-508	Historical Grants	\$ 688,470	\$ 688,470	60935
TOTAL GRF	General Revenue Fund	\$ 13,929,065	\$ 12,089,990	60936
TOTAL ALL BUDGET FUND GROUPS		\$ 13,929,065	\$ 12,089,990	60937
SUBSIDY APPROPRIATION				60938
Upon approval by the Director of Budget and Management, the				60939
foregoing appropriation items shall be released to the Ohio				60940
Historical Society in quarterly amounts that in total do not				60941
exceed the annual appropriations. The funds and fiscal records of				60942
the society for fiscal years 2004 and 2005 shall be examined by				60943
independent certified public accountants approved by the Auditor				60944
of State, and a copy of the audited financial statements shall be				60945
filed with the Office of Budget and Management. The society shall				60946
prepare and submit to the Office of Budget and Management the				60947
following:				60948
(A) An estimated operating budget for each fiscal year of the				60949
biennium. The operating budget shall be submitted at or near the				60950
beginning of each year.				60951

(B) Financial reports, indicating actual receipts and 60952
expenditures for the fiscal year to date. These reports shall be 60953
filed at least semiannually during the fiscal biennium. 60954

The foregoing appropriations shall be considered to be the 60955
contractual consideration provided by the state to support the 60956
state's offer to contract with the Ohio Historical Society under 60957
section 149.30 of the Revised Code. 60958

SITE OPERATIONS 60959

Of the foregoing appropriation item 360-502, Site Operations, 60960
funds shall be distributed to the Afro-American Museum, the Hayes 60961
Presidential Center, as well as other sites controlled by the Ohio 60962
Historical Society in each fiscal year. 60963

HAYES PRESIDENTIAL CENTER 60964

If a United States government agency, including, but not 60965
limited to, the National Park Service, chooses to take over the 60966
operations or maintenance of the Hayes Presidential Center, in 60967
whole or in part, the Ohio Historical Society shall make 60968
arrangements with the National Park Service or other United States 60969
government agency for the efficient transfer of operations or 60970
maintenance. 60971

HISTORICAL GRANTS 60972

Of the foregoing appropriation item 360-508, Historical 60973
Grants, \$100,000 in each fiscal year shall be distributed to the 60974
Hebrew Union College in Cincinnati for the Center for Holocaust 60975
and Humanity Education. 60976

OHIO BICENTENNIAL COMMISSION ROYALTIES 60977

Notwithstanding any previous arrangement to the contrary, the 60978
Ohio Bicentennial Commission shall keep the first \$100,000 in 60979
earned royalties associated with the Ohio Bicentennial logo during 60980
the 2003-2005 biennium. This \$100,000 shall be used to cover the 60981

operating expenses of the Ohio Bicentennial Commission in fiscal 60982
year 2005. The remaining moneys collected from royalties 60983
associated with the Ohio Bicentennial logo shall be deposited into 60984
the General Revenue Fund, of which \$350,000 shall be distributed 60985
to the Ohio Historical Society for use in appropriation item 60986
360-403, Adena - Worthington Home. 60987

Section 55. REP OHIO HOUSE OF REPRESENTATIVES 60988

General Revenue Fund 60989
GRF 025-321 Operating Expenses \$ 19,018,547 \$ 19,969,473 60990
TOTAL GRF General Revenue Fund \$ 19,018,547 \$ 19,969,473 60991
General Services Fund Group 60992
103 025-601 House Reimbursement \$ 1,351,875 \$ 1,419,469 60993
4A4 025-602 Miscellaneous Sales \$ 35,690 \$ 37,474 60994
TOTAL GSF General Services 60995
Fund Group \$ 1,387,565 \$ 1,456,943 60996
TOTAL ALL BUDGET FUND GROUPS \$ 20,406,112 \$ 21,426,416 60997

Section 56. IGO OFFICE OF THE INSPECTOR GENERAL 60999

General Revenue Fund 61000
GRF 965-321 Operating Expenses \$ 645,966 \$ 651,009 61001
TOTAL GRF General Revenue Fund \$ 645,966 \$ 651,009 61002
State Special Revenue Fund Group 61003
4Z3 965-602 Special Investigations \$ 100,000 \$ 100,000 61004
TOTAL SSR State Special Revenue \$ 100,000 \$ 100,000 61005
Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 745,966 \$ 751,009 61006

SPECIAL INVESTIGATIONS 61007

Of the foregoing appropriation item 965-602, Special 61008
Investigations, up to \$100,000 in each fiscal year may be used for 61009
investigative costs, pursuant to section 121.481 of the Revised 61010

Code.				61011
Section 57. INS DEPARTMENT OF INSURANCE				61012
Federal Special Revenue Fund Group				61013
3U5 820-602 OSHIIP Operating Grant	\$	560,559	\$ 560,559	61014
TOTAL FED Federal Special				61015
Revenue Fund Group	\$	560,559	\$ 560,559	61016
State Special Revenue Fund Group				61017
554 820-601 Operating Expenses -	\$	506,515	\$ 561,411	61018
OSHIIP				
554 820-606 Operating Expenses	\$	21,815,431	\$ 22,357,575	61019
555 820-605 Examination	\$	7,433,751	\$ 7,639,581	61020
TOTAL SSR State Special Revenue				61021
Fund Group	\$	29,755,697	\$ 30,558,567	61022
TOTAL ALL BUDGET FUND GROUPS	\$	30,316,256	\$ 31,119,126	61023
MARKET CONDUCT EXAMINATION				61024
When conducting a market conduct examination of any insurer				61025
doing business in this state, the Superintendent of Insurance may				61026
assess the costs of the examination against the insurer. The				61027
superintendent may enter into consent agreements to impose				61028
administrative assessments or fines for conduct discovered that				61029
may be violations of statutes or regulations administered by the				61030
superintendent. All costs, assessments, or fines collected shall				61031
be deposited to the credit of the Department of Insurance				61032
Operating Fund (Fund 554).				61033
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES				61034
The Superintendent of Insurance may transfer funds from the				61035
Department of Insurance Operating Fund (Fund 554), established by				61036
section 3901.021 of the Revised Code, to the Superintendent's				61037
Examination Fund (Fund 555), established by section 3901.071 of				61038
the Revised Code, only for the expenses incurred in examining				61039

domestic fraternal benefit societies as required by section 61040
 3921.28 of the Revised Code. 61041

On July 1, 2003, or as soon as possible thereafter, the 61042
 Director of Budget and Management shall transfer \$1,000,000 from 61043
 the Department of Insurance Operating Fund (Fund 554) to the 61044
 General Revenue Fund. 61045

Section 58. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 61046

General Revenue Fund 61047

GRF 600-321 Support Services 61048

State \$ 62,361,047 \$ 58,611,047 61049

Federal \$ 7,176,249 \$ 7,125,883 61050

Support Services Total \$ 69,537,296 \$ 65,736,930 61051

GRF 600-410 TANF State \$ 272,619,061 \$ 272,619,061 61052

GRF 600-413 Child Care \$ 84,120,596 \$ 84,120,596 61053

Match/Maintenance of
 Effort

GRF 600-416 Computer Projects 61054

State \$ 120,000,000 \$ 120,000,000 61055

Federal \$ 31,095,442 \$ 31,400,454 61056

Computer Projects \$ 151,095,442 \$ 151,400,454 61057

Total

GRF 600-420 Child Support \$ 5,091,446 \$ 5,091,446 61058

Administration

GRF 600-421 Office of Family \$ 4,864,932 \$ 4,864,932 61059

Stability

GRF 600-422 Local Operations \$ 2,305,232 \$ 2,305,232 61060

GRF 600-423 Office of Children and \$ 5,000,000 \$ 5,000,000 61061

Families

GRF 600-424 Office of Workforce \$ 877,971 \$ 877,971 61062

Development

GRF 600-425 Office of Ohio Health 61063

	Plans				
	State	\$	21,994,901	\$	22,603,740 61064
	Federal	\$	21,848,555	\$	22,495,502 61065
	Office of Ohio Health	\$	43,793,456	\$	45,099,242 61066
	Plans Total				
GRF 600-435	Unemployment	\$	3,188,473	\$	3,188,473 61067
	Compensation Review				
	Commission				
GRF 600-4XX	Commission to Reform	\$	125,000	\$	125,000 61068
	Medicaid				
GRF 600-502	Child Support Match	\$	16,814,103	\$	16,814,103 61069
GRF 600-511	Disability Financial	\$	22,839,371	\$	22,839,371 61070
	Assistance				
GRF 600-521	Family Stability	\$	55,206,401	\$	55,206,401 61071
	Subsidy				
GRF 600-523	Children and Families	\$	69,846,563	\$	69,846,563 61072
	Subsidy				
GRF 600-525	Health Care/Medicaid				61073
	State	\$	3,675,314,765	\$	3,895,928,257 61074
	Federal	\$	5,219,983,810	\$	5,572,285,639 61075
	Health Care Total	\$	8,895,298,575	\$	9,468,213,896 61076
GRF 600-528	Adoption Services				61077
	State	\$	33,395,955	\$	36,017,981 61078
	Federal	\$	37,368,248	\$	41,115,000 61079
	Adoption Services	\$	70,764,203	\$	77,132,981 61080
	Total				
TOTAL GRF	General Revenue Fund				61081
	State	\$	4,455,915,817	\$	4,676,060,174 61082
	Federal	\$	5,317,472,304	\$	5,674,422,478 61083
	GRF Total	\$	9,773,388,121	\$	10,350,482,652 61084
	General Services Fund Group				61085
4A8 600-658	Child Support	\$	27,255,646	\$	26,680,794 61086
	Collections				

4R4	600-665	BCII Services/Fees	\$	136,974	\$	136,974	61087
5C9	600-671	Medicaid Program	\$	54,686,270	\$	55,137,078	61088
		Support					
5N1	600-677	County Technologies	\$	5,000,000	\$	5,000,000	61089
613	600-645	Training Activities	\$	135,000	\$	135,000	61090
		TOTAL GSF General Services					61091
		Fund Group	\$	87,213,890	\$	87,089,846	61092
		Federal Special Revenue Fund Group					61093
3A2	600-641	Emergency Food	\$	2,083,500	\$	2,187,675	61094
		Distribution					
3D3	600-648	Children's Trust Fund	\$	2,040,524	\$	2,040,524	61095
		Federal					
3F0	600-623	Health Care Federal	\$	391,658,105	\$	394,221,409	61096
3F0	600-650	Hospital Care	\$	298,128,308	\$	305,879,644	61097
		Assurance Match					
3G5	600-655	Interagency	\$	1,180,523,642	\$	1,245,244,536	61098
		Reimbursement					
3H7	600-617	Child Care Federal	\$	224,539,425	\$	235,045,596	61099
3N0	600-628	IV-E Foster Care	\$	173,963,142	\$	173,963,142	61100
		Maintenance					
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050	61101
3V0	600-662	WIA Ohio Option #7	\$	87,407,014	\$	89,352,850	61102
3V0	600-688	Workforce Investment	\$	93,636,390	\$	94,932,750	61103
		Act					
3V4	600-678	Federal Unemployment	\$	139,590,682	\$	142,411,608	61104
		Programs					
3V4	600-679	Unemployment	\$	3,097,320	\$	2,860,297	61105
		Compensation Review					
		Commission - Federal					
3V6	600-689	TANF Block Grant	\$	761,095,609	\$	816,909,688	61106
3W3	600-659	TANF/Title XX	\$	72,796,826	\$	72,796,826	61107
316	600-602	State and Local	\$	11,212,594	\$	11,249,282	61108
		Training					

327	600-606	Child Welfare	\$	29,119,408	\$	28,665,728	61109
331	600-686	Federal Operating	\$	48,237,185	\$	47,340,081	61110
365	600-681	JOB Training Program	\$	5,000,000	\$	0	61111
384	600-610	Food Stamps and State Administration	\$	134,560,572	\$	135,141,694	61112
385	600-614	Refugee Services	\$	5,793,656	\$	5,841,407	61113
395	600-616	Special Activities/Child and Family Services	\$	3,975,821	\$	3,975,821	61114
396	600-620	Social Services Block Grant	\$	47,469,767	\$	47,486,134	61115
397	600-626	Child Support	\$	273,707,264	\$	272,212,680	61116
398	600-627	Adoption Maintenance/ Administration	\$	339,957,978	\$	340,104,370	61117
TOTAL FED Federal Special Revenue							61118
Fund Group			\$	4,330,128,782	\$	4,470,397,792	61119
State Special Revenue Fund Group							61120
198	600-647	Children's Trust Fund	\$	4,336,109	\$	4,336,109	61121
4A9	600-607	Unemployment Compensation Admin Fund	\$	8,001,000	\$	8,001,000	61122
4E3	600-605	Nursing Home Assessments	\$	4,759,913	\$	4,759,914	61123
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	61124
4F1	600-609	Foundation Grants/Child and Family Services	\$	119,310	\$	119,310	61125
4J5	600-613	Nursing Facility Bed Assessments	\$	35,060,013	\$	35,064,238	61126
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	61127
4K1	600-621	ICF/MR Bed Assessments	\$	20,467,050	\$	20,428,726	61128

4R3	600-687	Banking Fees	\$	592,937	\$	592,937	61129
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	61130
5A5	600-685	Unemployment Benefit	\$	7,000,000	\$	0	61131
		Automation					
5P5	600-692	Health Care Services	\$	385,100,993	\$	448,932,851	61132
5Q9	600-619	Supplemental Inpatient	\$	30,797,539	\$	30,797,539	61133
		Hospital Payments					
5R2	600-608	Medicaid-Nursing	\$	113,754,184	\$	113,754,184	61134
		Facilities					
5S3	600-629	MR/DD Medicaid	\$	1,620,960	\$	1,620,960	61135
		Administration and					
		Oversight					
5T2	600-652	Child Support Special	\$	1,500,000	\$	750,000	61136
		Payment					
5U3	600-654	Health Care Services	\$	7,576,322	\$	6,119,127	61137
		Administration					
5U6	600-663	Children and Family	\$	4,929,718	\$	4,929,718	61138
		Support					
651	600-649	Hospital Care	\$	208,634,072	\$	214,058,558	61139
		Assurance Program Fund					
TOTAL SSR	State Special Revenue						61140
Fund Group			\$	860,250,120	\$	920,265,171	61141
Agency Fund Group							61142
192	600-646	Support Intercept -	\$	136,500,000	\$	136,500,000	61143
		Federal					
5B6	600-601	Food Stamp Intercept	\$	5,000,000	\$	5,000,000	61144
583	600-642	Support Intercept -	\$	20,565,582	\$	20,565,582	61145
		State					
TOTAL AGY	Agency Fund Group		\$	162,065,582	\$	162,065,582	61146
Holding Account	Redistribution Fund Group						61147
R12	600-643	Refunds and Audit	\$	5,343,906	\$	5,343,906	61148
		Settlements					

R13 600-644 Forgery Collections	700,000	700,000	61149
TOTAL 090 Holding Account	\$ 6,043,906	\$ 6,043,906	61150
Redistribution Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$15,219,090,401	\$15,996,344,949	61151

Section 58.01. OHIO COMMISSION TO REFORM MEDICAID 61153

The foregoing appropriation item 600-4XX, Commission to 61154
Reform Medicaid, shall be used to fund the Ohio Commission to 61155
Reform Medicaid. 61156

HEALTH CARE/MEDICAID 61157

The foregoing appropriation item 600-525, Health 61158
Care/Medicaid, shall not be limited by the provisions of section 61159
131.33 of the Revised Code. 61160

Notwithstanding any other law to the contrary, up to 61161
\$2,176,269 in appropriation item 600-511, Disability Financial 61162
Assistance, shall be used in each fiscal year for services for 61163
residents of residential treatment centers certified as an alcohol 61164
or drug addiction program by the Department of Alcohol and Drug 61165
Addiction Services under section 3793.06 of the Revised Code. 61166

Section 58.02. CHILD SUPPORT COLLECTIONS/TANF MOE 61167

The foregoing appropriation item 600-658, Child Support 61168
Collections, shall be used by the Department of Job and Family 61169
Services to meet the TANF maintenance of effort requirements of 61170
Pub. L. No. 104-193. After the state has met the maintenance of 61171
effort requirement, the Department of Job and Family Services may 61172
use funds from appropriation item 600-658 to support public 61173
assistance activities. 61174

Section 58.03. MEDICAID PROGRAM SUPPORT FUND - STATE 61175

The foregoing appropriation item 600-671, Medicaid Program 61176

Support, shall be used by the Department of Job and Family 61177
Services to pay for Medicaid services and contracts. The 61178
Department may also deposit to Fund 5C9 revenues received from 61179
other state agencies for Medicaid services under the terms of 61180
interagency agreements between the Department and other state 61181
agencies. 61182

Section 58.04. HEALTH CARE SERVICES ADMINISTRATION 61183

The foregoing appropriation item 600-654, Health Care 61184
Services Administration, shall be used by the Department of Job 61185
and Family Services for costs associated with the administration 61186
of the Medicaid program. 61187

Section 58.05. HEALTH CARE SERVICES ADMINISTRATION FUND 61188

Of the amount received by the Department of Job and Family 61189
Services during fiscal year 2004 and fiscal year 2005 from the 61190
first installment of assessments paid under section 5112.06 of the 61191
Revised Code and intergovernmental transfers made under section 61192
5112.07 of the Revised Code, the Director of Job and Family 61193
Services shall deposit \$350,000 into the state treasury to the 61194
credit of the Health Care Services Administration Fund (Fund 5U3). 61195

HOSPITAL CARE ASSURANCE MATCH FUND 61196

Appropriation item 600-650, Hospital Care Assurance Match, 61197
shall be used by the Department of Job and Family Services in 61198
accordance with division (B) of section 5112.18 of the Revised 61199
Code. 61200

Section 58.06. TANF FEDERAL BLOCK GRANT FUNDS AND TRANSFERS 61201

Upon the request of the Department of Job and Family 61202
Services, the Director of Budget and Management may seek 61203
Controlling Board approval to increase appropriations in 61204
appropriation item 600-689, TANF Block Grant, provided sufficient 61205

funds exist to do so without any corresponding decrease in other 61206
appropriation items. The Department of Job and Family Services 61207
shall provide the Director of Budget and Management and the 61208
Controlling Board with documentation to support the need for the 61209
increased appropriation. 61210

All transfers of moneys from or charges against TANF Federal 61211
Block Grant awards for use in the Social Services Block Grant or 61212
the Child Care and Development Block Grant shall be done after the 61213
Department of Job and Family Services gives written notice to the 61214
Director of Budget and Management. The Department of Job and 61215
Family Services shall first provide the Director of Budget and 61216
Management with documentation to support the need for such 61217
transfers or charges for use in the Social Services Block Grant or 61218
in the Child Care and Development Block Grant. 61219

Before the thirtieth day of September of each fiscal year, 61220
the Department of Job and Family Services shall file claims with 61221
the United States Department of Health and Human Services for 61222
reimbursement for all allowable expenditures for services provided 61223
by the Department of Job and Family Services, or other agencies 61224
that may qualify for Social Services Block Grant funding pursuant 61225
to Title XX of the Social Security Act. 61226

Section 58.06a. GOVERNOR'S OFFICE FOR FAITH-BASED NONPROFIT 61227
AND OTHER NONPROFIT ORGANIZATIONS 61228

Of the foregoing appropriation item 600-659, TANF/Title XX, 61229
\$625,000 in the fiscal year 2004-2005 biennium shall be used to 61230
support the activities of the Governor's Office for Faith-Based 61231
Nonprofit and Other Nonprofit Organizations. 61232

OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS 61233

Of the foregoing appropriation item 600-659, TANF/Title XX 61234
(Fund 3W3), up to \$4,500,000 in each fiscal year shall be used by 61235

the Department of Job and Family Services to support expenditures 61236
to the Ohio Association of Second Harvest Food Banks according to 61237
the following criteria. 61238

As used in this section, "federal poverty guidelines" has the 61239
same meaning as in section 5101.46 of the Revised Code. 61240

The Department of Job and Family Services shall provide an 61241
annual grant of \$4,500,000 in each of the fiscal years 2004 and 61242
2005 to the Ohio Association of Second Harvest Food Banks. In each 61243
fiscal year, the Ohio Association of Second Harvest Food Banks 61244
shall use \$2,500,000 for the purchase of food products for the 61245
Ohio Food Program, of which up to \$105,000 may be used for food 61246
storage and transport, and shall use \$2,000,000 for the 61247
Agricultural Surplus Production Alliance Project. Funds provided 61248
for the Ohio Food Program shall be used to purchase food products 61249
and to distribute those food products to agencies participating in 61250
the emergency food distribution program. No funds provided through 61251
this grant may be used for administrative expenses other than 61252
funds provided for food storage and transport. As soon as possible 61253
after entering into a grant agreement at the beginning of each 61254
fiscal year, the Department of Job and Family Services shall 61255
distribute the grant funds in one single payment. The Ohio 61256
Association of Second Harvest Food Banks shall develop a plan for 61257
the distribution of the food products to local food distribution 61258
agencies. Agencies receiving these food products shall ensure that 61259
individuals and families who receive any of the food products 61260
purchased with these funds have an income at or below 150 per cent 61261
of the federal poverty guidelines. The Department of Job and 61262
Family Services and the Ohio Association of Second Harvest Food 61263
Banks shall agree on reporting requirements to be incorporated 61264
into the grant agreement. 61265

The Ohio Association of Second Harvest Food Banks shall 61266
return any fiscal year 2004 funds from this grant remaining 61267

unspent on June 30, 2004, to the Department of Job and Family 61268
Services not later than November 1, 2004. The Ohio Association of 61269
Second Harvest Food Banks shall return any fiscal year 2005 funds 61270
from the grant remaining unspent on June 30, 2005, to the 61271
Department of Job and Family Services no later than November 1, 61272
2005. 61273

Section 58.06b. ADULT PROTECTIVE SERVICES 61274

Of the foregoing appropriation item 600-659, TANF/Title XX 61275
(Fund 3W3), up to \$2,700,000 in each fiscal year shall be used by 61276
the Department of Job and Family Services to reimburse county 61277
departments of job and family services for all or part of the 61278
costs they incur in providing adult protective services pursuant 61279
to sections 5101.60 to 5101.71 of the Revised Code. 61280

Section 58.07. PRESCRIPTION DRUG REBATE FUND 61281

The foregoing appropriation item 600-692, Health Care 61282
Services, shall be used by the Department of Job and Family 61283
Services in accordance with section 5111.081 of the Revised Code. 61284
Moneys recovered by the Department pursuant to the Department's 61285
rights of recovery under section 5101.58 of the Revised Code, that 61286
are not directed to the Health Care Services Administration Fund 61287
(Fund 5U3) pursuant to section 5111.94 of the Revised Code shall 61288
also be deposited into Fund 5P5. 61289

Section 58.08. ODJFS FUNDS 61290

AGENCY FUND GROUP 61291

The Agency Fund Group shall be used to hold revenues until 61292
the appropriate fund is determined or until they are directed to 61293
the appropriate governmental agency other than the Department of 61294
Job and Family Services. If it is determined that additional 61295
appropriation authority is necessary, such amounts are hereby 61296

appropriated.	61297
HOLDING ACCOUNT REDISTRIBUTION GROUP	61298
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.	61299 61300 61301 61302 61303 61304
Section 58.09. CONSOLIDATED FUNDING ALLOCATION FOR COUNTY DEPARTMENTS OF JOB AND FAMILY SERVICES	61305 61306
Using the foregoing appropriation items 600-521, Family Stability Subsidy; 600-659, TANF/Title XX; 600-610, Food Stamps and State Administration; 600-410, TANF State; 600-689, TANF Block Grant; 600-620, Social Services Block Grant; 600-523, Children and Families Subsidy; 600-413, Child Care Match/Maintenance of Effort; 600-617, Child Care Federal; and 600-614, Refugees Services, the Department of Job and Family Services may establish a single allocation for county departments of job and family services. The county department is not required to use all the money from one or more of the appropriation items listed in this paragraph for the purpose for which the specific appropriation item is made so long as the county department uses the money for a purpose for which at least one of the other of those appropriation items is made. The county department may not use the money in the allocation for a purpose other than a purpose any of those appropriation items are made. If the spending estimates used in establishing the single allocation are not realized and the county department uses money in one or more of those appropriation items in a manner for which federal financial participation is not available, the department shall use state funds available in one or more of those appropriation items to ensure that the county department receives	61307 61308 61309 61310 61311 61312 61313 61314 61315 61316 61317 61318 61319 61320 61321 61322 61323 61324 61325 61326 61327

the full amount of its allocation. 61328

Section 58.10. TRANSFER OF FUNDS 61329

The Department of Job and Family Services shall transfer, 61330
through intrastate transfer vouchers, cash from State Special 61331
Revenue Fund 4K1, ICF/MR Bed Assessments, to fund 4K8, Home and 61332
Community-Based Services, in the Ohio Department of Mental 61333
Retardation and Developmental Disabilities. The sum of the 61334
transfers shall equal \$12,000,000 in fiscal year 2004 and 61335
\$12,000,000 in fiscal year 2005. The transfer may occur on a 61336
quarterly basis or on a schedule developed and agreed to by both 61337
departments. 61338

The Department of Job and Family Services shall transfer, 61339
through intrastate transfer vouchers, cash from the State Special 61340
Revenue Fund 4J5, Home and Community-Based Services for the Aged, 61341
to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the 61342
transfers shall be \$33,268,052 in fiscal year 2004 and \$33,263,984 61343
in fiscal year 2005. The transfer may occur on a quarterly basis 61344
or on a schedule developed and agreed to by both departments. 61345

TRANSFERS OF IMD/DSH CASH 61346

The Department of Job and Family Services shall transfer, 61347
through intrastate transfer voucher, cash from fund 5C9, Medicaid 61348
Program Support, to the Department of Mental Health's Fund 4X5, 61349
OhioCare, in accordance with an interagency agreement which 61350
delegates authority from the Department of Job and Family Services 61351
to the Department of Mental Health to administer specified 61352
Medicaid services. 61353

Section 58.11. EMPLOYER SURCHARGE 61354

The surcharge and the interest on the surcharge amounts due 61355
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 61356
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 61357

118th General Assembly, and section 4141.251 of the Revised Code 61358
as it existed prior to Sub. H.B. 478 of the 122nd General 61359
Assembly, again shall be assessed and collected by, accounted for, 61360
and made available to the Department of Job and Family Services in 61361
the same manner as set forth in section 4141.251 of the Revised 61362
Code as it existed prior to Sub. H.B. 478 of the 122nd General 61363
Assembly, notwithstanding the repeal of the surcharge for calendar 61364
years after 1990, pursuant to Sub. H.B. 478 of the 122nd General 61365
Assembly, except that amounts received by the Director on or after 61366
July 1, 2001, shall be deposited into the special administrative 61367
fund established pursuant to section 4141.11 of the Revised Code. 61368

Section 58.12. FUNDING FOR HABILITATIVE SERVICES 61369

Notwithstanding any limitations contained in sections 5112.31 61370
and 5112.37 of the Revised Code, in each fiscal year, cash from 61371
State Special Revenue Fund 4K1, ICF/MR Bed Assessments, in excess 61372
of the amounts needed for transfers to Fund 4K8 may be used by the 61373
Department of Job and Family Services to cover costs of care 61374
provided to participants in a waiver with an ICF/MR level of care 61375
requirement administered by the Department of Job and Family 61376
Services. 61377

Section 58.13. FUNDING FOR INSTITUTIONAL FACILITY AUDITS AND 61378
THE OHIO ACCESS SUCCESS PROJECT 61379

Notwithstanding any limitations in sections 3721.51 and 61380
3721.56 of the Revised Code, in each fiscal year, cash from the 61381
State Special Revenue Fund 4J5, Home and Community-Based Services 61382
for the Aged, in excess of the amounts needed for the transfers 61383
may be used by the Department of Job and Family Services for the 61384
following purposes: (A) up to \$1.0 million in each fiscal year to 61385
fund the state share of audits of Medicaid cost reports filed with 61386
the Department of Job and Family Services by nursing facilities 61387

and intermediate care facilities for the mentally retarded; and 61388
(B) up to \$350,000 in fiscal year 2004 and up to \$350,000 in 61389
fiscal year 2005 to provide one-time transitional benefits under 61390
the Ohio Access Success Project that the Director of Job and 61391
Family Services may establish under section 5111.206 of the 61392
Revised Code. 61393

Section 58.14. REFUND OF SETS PENALTY 61394

The Department of Job and Family Services shall deposit any 61395
refunds for penalties that were paid directly or indirectly by the 61396
state for the Support Enforcement Tracking System (SETS) to Fund 61397
3V6, TANF Block Grant. 61398

Section 58.15. PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY 61399

The Director of Job and Family Services may submit to the 61400
United States Secretary of Health and Human Services a request to 61401
transfer the day-to-day administration of the Program of 61402
All-Inclusive Care for the Elderly, known as PACE, in accordance 61403
with 42 U.S.C. 1396u-4, to the Department of Aging. If the United 61404
States Secretary approves the transfer, the Directors of Job and 61405
Family Services and Aging may enter into an interagency agreement 61406
under section 5111.86 of the Revised Code to transfer 61407
responsibility for the day-to-day administration of PACE from the 61408
Department of Job and Family Services to the Department of Aging. 61409
The interagency agreement is subject to the approval of the 61410
Director of Budget and Management and shall include an estimated 61411
cost of services to be provided under PACE and an estimated cost 61412
for the administrative duties assigned by the agreement to the 61413
Department of Aging. 61414

If the Directors of Job and Family Services and Aging enter 61415
into the interagency agreement, the Director of Budget and 61416
Management shall reduce the amount in appropriation item 600-525, 61417

Health Care/Medicaid, by the estimated costs of PACE. If the 61418
Director of Budget and Management makes the reduction, the state 61419
and federal share of the estimated costs of PACE services and 61420
administration is hereby appropriated to the Department of Aging. 61421
The Director of Budget and Management shall establish a new 61422
appropriation item for the appropriation. 61423

Section 58.16. MEDICAID ELIGIBILITY REDUCTIONS 61424

The Director of Job and Family Services shall, not later than 61425
ninety days after the effective date of this section, submit to 61426
the United States Secretary of Health and Human Services an 61427
amendment to the state Medicaid plan to eliminate the expansion of 61428
eligibility required by the version of section 5111.019 of the 61429
Revised Code that existed prior to the amendment made by this act. 61430
The reduction in eligibility mandated by this section shall be 61431
implemented not earlier than October 1, 2003, and not later than 61432
the effective date of federal approval. 61433

Section 58.18. APPROPRIATIONS FROM FUND 3V0 61434

Upon the request of the Department of Job and Family 61435
Services, the Director of Budget and Management may increase 61436
appropriations in either appropriation item 600-662, WIA Ohio 61437
Option #7, Fund 3V0 or in appropriation item 600-688, Workforce 61438
Investment Act, Fund 3V0, with a corresponding decrease in the 61439
other appropriation item supported by Fund 3V0 to allow counties 61440
that administer the Workforce Investment Act as a conventional 61441
county to administer the Act as an Ohio Option county or to allow 61442
counties that administer the Workforce Investment Act as an Ohio 61443
Option county to administer the Act as a conventional county. 61444

DISPLACED HOMEOWNERS TRANSFER 61445

Not later than July 15, 2003, or as soon as possible 61446
thereafter, the Director of Budget and Management shall transfer 61447

from Workforce Investment Act funds (Fund 3V0), reserved for 61448
statewide workforce investment activities, \$209,046 in 61449
appropriations to appropriation item 235-631, Federal Grants (Fund 61450
312), in the Board of Regents. Not later than July 15, 2004, or as 61451
soon as possible thereafter, the Director of Budget and Management 61452
shall transfer from Workforce Investment Act funds (Fund 3V0), 61453
reserved for statewide workforce investment activities, \$203,819 61454
in appropriations to appropriation item 235-631, Federal Grants 61455
(Fund 312), in the Board of Regents. The transferred 61456
appropriations shall be used in accordance with the State 61457
Workforce Investment Plan to provide activities for displaced 61458
homemakers, as allowed under the Workforce Investment Act of 1998. 61459

Section 58.19. FEDERAL UNEMPLOYMENT PROGRAMS 61460

There is hereby appropriated out of funds made available to 61461
the state under section 903(d) of the Social Security Act, as 61462
amended, \$53,700,000 for fiscal year 2004 and \$47,300,000 for 61463
fiscal year 2005. Upon the request of the Director of Job and 61464
Family Services, the Director of Budget and Management shall 61465
increase the appropriation for fiscal year 2004 by the amount 61466
remaining unspent from the fiscal year 2003 appropriation and 61467
shall increase the appropriation for fiscal year 2005 by the 61468
amount remaining unspent from the fiscal year 2004 appropriation. 61469
The appropriation is to be used under the direction of the 61470
Department of Job and Family Services to pay for administrative 61471
activities for the Unemployment Insurance Program, employment 61472
services, and other allowable expenditures under section 903(d) of 61473
the Social Security Act, as amended. 61474

The amounts obligated pursuant to this section shall not 61475
exceed at any time the amount by which the aggregate of the 61476
amounts transferred to the account of the state pursuant to 61477
section 903(d) of the Social Security Act, as amended, exceeds the 61478

aggregate of the amounts obligated for administration and paid out 61479
for benefits and required by law to be charged against the amounts 61480
transferred to the account of the state. 61481

Of the appropriation item 600-678, Federal Unemployment 61482
Programs, in Section 63 of Am. Sub. H.B. 94 of the 124th General 61483
Assembly, as amended, up to \$18,000,000 in fiscal year 2004 and up 61484
to \$18,000,000 in fiscal year 2005 shall be used by the Department 61485
of Job and Family Services to reimburse the General Revenue Fund, 61486
through state intrastate transfer vouchers, for expenses incurred 61487
on or after the effective date of this section from the General 61488
Revenue Fund for the aforementioned programs as reported to the 61489
federal government as allowable expenditures. 61490

Section 58.20. MEDICAID PAYMENT TO CHILDREN'S HOSPITALS 61491

As used in this section, "children's hospital" has the same 61492
meaning as in section 3702.51 of the Revised Code. 61493

For fiscal years 2004 and 2005, the Medicaid payment to 61494
children's hospitals shall include the adjustment for inflation 61495
provided for by paragraph (G) of rule 5101:3-2-074 of the 61496
Administrative Code as that paragraph existed on December 30, 61497
2002. 61498

The Department of Job and Family Services shall pay to each 61499
children's hospital participating in the Medicaid program an 61500
amount equal to the difference between (1) the amount the hospital 61501
would have been paid under rule 5101:3-2-074 of the Administrative 61502
Code for the period beginning January 1, 2003, and ending May 31, 61503
2003, if the amendment to paragraph (G) of that rule that went 61504
into effect on December 31, 2002, had not gone into effect and (2) 61505
the amount that the hospital was paid under that rule for that 61506
period. 61507

Section 58.21. HEAD START 61508

The Department of Job and Family Services, before September 30, 2003, shall transfer \$101,200,000 from the TANF Block Grant to the Child Care and Development Fund, and before September 30, 2004, shall transfer \$103,184,000 from the TANF Block Grant to the Child Care and Development Fund. In each fiscal year, these funds shall be transferred to appropriation item 200-663, Head Start Plus/Head Start (Fund 5W2), in the Department of Education.

Notwithstanding anything to the contrary in sections 3301.31 to 3301.37 of the Revised Code, eligibility and service restrictions of Title IV-A of the Social Security Act shall not apply to the Head Start and Head Start Plus programs created by those sections. To the fullest extent possible, the Head Start Plus/Head Start Program shall be funded through this transfer of TANF Block Grant funds to the Child Care and Development Fund, provided that the actions of the Department of Job and Family Services and the Department of Education do not conflict with applicable federal statutes, if any.

The Head Start Plus/Head Start Program shall be administered by the Department of Education in accordance with an interagency agreement entered into with the Department of Job and Family Services, and in accordance with the terms of section 5104.30 of the Revised Code, as amended by this act. The agreement shall specify audit and reporting requirements applicable to the use of moneys from the Child Care and Development Fund.

Section 58.22. MEDICAID PER DIEM ADJUSTMENTS FOR ICFs/MR 61533

(A) As used in this section: 61534

(1) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code. 61535
61536

(2) "Medicaid day" means all days during which a resident who is a Medicaid recipient occupies a bed in an intermediate care 61537
61538

facility for the mentally retarded that is included in the 61539
facility's certified capacity under Title XIX of the "Social 61540
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 61541
Therapeutic or hospital leave days for which payment is made under 61542
section 5111.33 of the Revised Code are considered Medicaid days 61543
proportionate to the percentage of the intermediate care facility 61544
for the mentally retarded's per resident per day rate paid for 61545
those days. 61546

(B) Notwithstanding sections 5111.20 to 5111.33 of the 61547
Revised Code, rates paid to intermediate care facilities for the 61548
mentally retarded under the Medicaid program shall be subject to 61549
the following limitations: 61550

(1) For fiscal year 2004, the mean total per diem rate for 61551
all intermediate care facilities for the mentally retarded in the 61552
state, weighted by Medicaid days and calculated as of July 1, 61553
2003, shall not exceed \$228.89. 61554

(2) For fiscal year 2005, the mean total per diem rate for 61555
all intermediate care facilities for the mentally retarded in the 61556
state, weighted by Medicaid days and calculated as of July 1, 61557
2004, shall not exceed \$233.47. 61558

(3) If the mean total per diem rate for all intermediate care 61559
facilities for the mentally retarded in the state for fiscal year 61560
2004 or 2005, weighted by Medicaid days and calculated as of the 61561
first day of July of the calendar year in which the fiscal year 61562
begins, exceeds the amount specified in division (B)(1) or (2) of 61563
this section, as applicable, the Department of Job and Family 61564
Services shall reduce the total per diem rate for each 61565
intermediate care facility for the mentally retarded in the state 61566
by a percentage that is equal to the percentage by which the mean 61567
total per diem rate exceeds the amount specified in division 61568
(B)(1) or (2) of this section for that fiscal year. 61569

Section 58.23. MEDICAID PER DIEM ADJUSTMENTS FOR NURSING	61570
FACILITIES	61571
(A) As used in this section:	61572
(1) "Medicaid day" means all days during which a resident who	61573
is a Medicaid recipient occupies a bed in a nursing facility that	61574
is included in the facility's certified capacity under Title XIX	61575
of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396,	61576
as amended. Therapeutic or hospital leave days for which payment	61577
is made under section 5111.33 of the Revised Code are considered	61578
Medicaid days proportionate to the percentage of the nursing	61579
facility's per resident per day rate paid for those days.	61580
(2) "Nursing facility" has the same meaning as in section	61581
5111.20 of the Revised Code.	61582
(B) Notwithstanding sections 5111.20 to 5111.33 of the	61583
Revised Code, rates paid to nursing facilities under the Medicaid	61584
program shall be subject to the following limitations:	61585
(1) If the number of Medicaid days for which Medicaid	61586
payments are made to all nursing facilities in the state during	61587
fiscal year 2004 exceeds 19,686,516, the Department of Job and	61588
Family Services shall reduce, for fiscal year 2005, the total per	61589
diem rate for each nursing facility by an amount determined as	61590
follows:	61591
(a) Subtract 19,686,516 from the number of Medicaid days for	61592
which Medicaid payments are made to all nursing facilities in the	61593
state during fiscal year 2004;	61594
(b) Multiply the difference determined under division	61595
(B)(1)(a) of this section by the average nursing facility per diem	61596
rate, weighted by Medicaid days, for fiscal year 2004;	61597
(c) Divide the product determined under division (B)(1)(b) of	61598
this section by the number of Medicaid days for which Medicaid	61599

payments are made to all nursing facilities in the state during 61600
fiscal year 2004. 61601

(2) If the number of Medicaid days for which Medicaid 61602
payments are made to all nursing facilities in the state during 61603
fiscal year 2004 is less than 19,686,516, the Department of Job 61604
and Family Services shall increase, for fiscal year 2005, the 61605
total per diem rate for each nursing facility by an amount 61606
determined as follows: 61607

(a) Subtract the number of Medicaid days for which Medicaid 61608
payments are made to all nursing facilities in the state during 61609
fiscal year 2004 from 19,686,516; 61610

(b) Multiply the difference determined under division 61611
(B)(2)(a) of this section by the average nursing facility per diem 61612
rate, weighted by Medicaid days, for fiscal year 2004; 61613

(c) Divide the product determined under division (B)(2)(b) of 61614
this section by the total number of Medicaid days for which 61615
Medicaid payments are made to all nursing facilities in the state 61616
during fiscal year 2004. 61617

(3) If the number of Medicaid days for which Medicaid 61618
payments are made to all nursing facilities in the state during 61619
the first half of fiscal year 2005 exceeds 9,744,826, the 61620
Department of Job and Family Services shall reduce, for the second 61621
half of fiscal year 2005, the total per diem rate for each nursing 61622
facility by an amount determined as follows: 61623

(a) Subtract 9,744,826 from the number of Medicaid days for 61624
which Medicaid payments are made to all nursing facilities in the 61625
state during the first half of fiscal year 2005; 61626

(b) Multiply the difference determined under division 61627
(B)(3)(a) of this section by the average nursing facility per diem 61628
rate, weighted by Medicaid days, for the first half of fiscal year 61629
2005; 61630

(c) Divide the product determined under division (B)(3)(b) of this section by the number of Medicaid days for which Medicaid payments are made to all nursing facilities in the state during the first half of fiscal year 2005.

(4) If the number of Medicaid days for which Medicaid payments are made to all nursing facilities in the state during the first half of fiscal year 2005 is less than 9,744,826, the Department of Job and Family Services shall increase, for the second half of fiscal year 2005, the total per diem rate for each nursing facility by an amount determined as follows:

(a) Subtract the number of Medicaid days for which Medicaid payments are made to all nursing facilities in the state during the first half of fiscal year 2005 from 9,744,826;

(b) Multiply the difference determined under division (B)(4)(a) of this section by the average nursing facility per diem rate, weighted by Medicaid days, for the first half of fiscal year 2005;

(c) Divide the product determined under division (B)(4)(b) of this section by the total number of Medicaid days for which Medicaid payments are made to all nursing facilities in the state during the first half of fiscal year 2005.

(5) A per diem rate decrease or increase for the second half of fiscal year 2005 under division (B)(3) or (4) of this section is cumulative to a per diem rate decrease or increase under division (B)(1) or (2) of this section.

Section 58.24. MEDICAID COVERAGE OF VISION SERVICES

For fiscal years 2004 and 2005, the Medicaid program shall continue to cover vision care services in at least the amount, duration, and scope that it does on the effective date of this section under rules governing Medicaid coverage of vision care

services adopted under section 5111.02 of the Revised Code. 61661

Section 58.25. MEDICAID COVERAGE OF DENTAL SERVICES 61662

For fiscal years 2004 and 2005, the Medicaid program shall 61663
continue to cover dental services in at least the amount, 61664
duration, and scope that it does on the effective date of this 61665
section under rules governing Medicaid coverage of dental services 61666
adopted under section 5111.02 of the Revised Code. 61667

Section 58.26. MEDICAID COVERAGE OF PODIATRIC SERVICES 61668

For fiscal years 2004 and 2005, the Medicaid program shall 61669
continue to cover podiatric services in at least the amount, 61670
duration, and scope that it does on the effective date of this 61671
section under rules governing Medicaid coverage of podiatric 61672
services adopted under section 5111.02 of the Revised Code. 61673

Section 58.27. (A) There is hereby created the Medicaid 61674
Medical Savings Account Study Committee consisting of all of the 61675
following members: 61676

(1) Two members of the House of Representatives, one from 61677
each party, appointed by the Speaker of the House of 61678
Representatives; 61679

(2) Two members of the Senate, one from each party, appointed 61680
by the President of the Senate; 61681

(3) One representative of the Department of Job and Family 61682
Services, appointed by the Governor; 61683

(4) One representative of the insurance industry, appointed 61684
by the Speaker of the House of Representatives; 61685

(5) One representative of the insurance industry, appointed 61686
by the President of the Senate. 61687

(B) The Medicaid Medical Savings Account Study Committee 61688

shall study the idea of implementing a medical savings account 61689
component in the Medicaid Program. As part of its study, the 61690
committee shall examine the fiscal effects a medical savings 61691
account component would have on the Medicaid Program, which groups 61692
of Medicaid recipients might benefit from a medical savings 61693
account component, and other issues the committee determines 61694
relevant to its study. The committee shall issue a report on its 61695
findings not later than one year after the effective date of this 61696
section. 61697

(C) The House of Representatives shall provide the Medicaid 61698
Medical Savings Account Study Committee with meeting space and 61699
other support necessary for the committee to do its work. 61700

Section 58.28. WELFARE DIVERSION PROGRAMS 61701

Of the foregoing appropriation item 600-521, Family Stability 61702
Subsidy, prior to county distribution, \$1,250,000 in each fiscal 61703
year shall be used to support specific welfare diversion programs. 61704
In each fiscal year, Accountability and Credibility Together (ACT) 61705
shall receive \$1,000,000 of the \$1,250,000 to continue its welfare 61706
diversion program. In each fiscal year, \$250,000 of the \$1,250,000 61707
shall be used to establish a welfare diversion demonstration 61708
project in Butler County. 61709

Section 58.29. OHIO COMMISSION TO REFORM MEDICAID 61710

There is hereby established the Ohio Commission to Reform 61711
Medicaid, which shall consist of nine members: three appointed by 61712
the Governor, three by the Speaker of the House of 61713
Representatives, and three by the President of the Senate. 61714
Appointments shall be made not later than ninety days after the 61715
effective date of this section. All members shall serve at the 61716
pleasure of the appointing authority. Members shall serve without 61717
compensation. Vacancies shall be filled in the manner of original 61718

appointments. 61719

The Commission shall conduct a complete review of the state 61720
Medicaid program and shall make recommendations for comprehensive 61721
reform and cost containment. The Commission shall submit a report 61722
of its findings and recommendations to the Governor, Speaker, and 61723
Senate President not later than January 1, 2005. 61724

The Commission may hire a staff director and additional 61725
employees to provide technical support. 61726

The Director of Job and Family Services shall, on behalf of 61727
the Commission, seek federal financial participation for the 61728
administrative costs of the Commission. 61729

Section 59. JCO JUDICIAL CONFERENCE OF OHIO 61730

General Revenue Fund 61731

GRF 018-321 Operating Expenses	\$	962,000	\$	957,000	61732
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TOTAL GRF General Revenue Fund	\$	962,000	\$	957,000	61733
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General Services Fund Group 61734

403 018-601 Ohio Jury Instructions	\$	200,000	\$	200,000	61735
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TOTAL GSF General Services Fund	\$	200,000	\$	200,000	61736
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,162,000	\$	1,157,000	61737
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STATE COUNCIL OF UNIFORM STATE LAWS 61738

Notwithstanding section 105.26 of the Revised Code, of the 61739
foregoing appropriation item 018-321, Operating Expenses, up to 61740
\$63,000 in fiscal year 2004 and up to \$66,000 in fiscal year 2005 61741
may be used to pay the expenses of the State Council of Uniform 61742
State Laws, including membership dues to the National Conference 61743
of Commissioners on Uniform State Laws. 61744

OHIO JURY INSTRUCTIONS FUND 61745

The Ohio Jury Instructions Fund (Fund 403) shall consist of 61746

grants, royalties, dues, conference fees, bequests, devises, and 61747
other gifts received for the purpose of supporting costs incurred 61748
by the Judicial Conference of Ohio in dispensing educational and 61749
informational data to the state's judicial system. Fund 403 shall 61750
be used by the Judicial Conference of Ohio to pay expenses 61751
incurred in dispensing educational and informational data to the 61752
state's judicial system. All moneys accruing to Fund 403 in excess 61753
of \$200,000 in fiscal year 2004 and in excess of \$200,000 in 61754
fiscal year 2005 are hereby appropriated for the purposes 61755
authorized. 61756

No money in the Ohio Jury Instructions Fund shall be 61757
transferred to any other fund by the Director of Budget and 61758
Management or the Controlling Board. 61759

Section 60. JSC THE JUDICIARY/SUPREME COURT 61760

General Revenue Fund 61761

GRF 005-321	Operating Expenses -	\$	113,846,495	\$	118,617,425	61762
	Judiciary/Supreme					
	Court					

GRF 005-401	State Criminal	\$	346,194	\$	356,371	61763
	Sentencing Council					

TOTAL GRF	General Revenue Fund	\$	114,192,689	\$	118,973,796	61764
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General Services Fund Group 61765

672 005-601	Continuing Judicial	\$	126,000	\$	120,000	61766
	Education					

TOTAL GSF	General Services Fund	\$	126,000	\$	120,000	61767
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Group

Federal Special Revenue Fund Group 61768

3J0 005-603	Federal Grants	\$	1,030,061	\$	1,030,061	61769
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TOTAL FED	Federal Special Revenue	\$	1,030,061	\$	1,030,061	61770
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Fund Group

State Special Revenue Fund Group				61771
4C8 005-605 Attorney Registration	\$	2,332,733	\$ 2,495,171	61772
5T8 005-609 Grants and Awards	\$	33,296	\$ 33,296	61773
6A8 005-606 Supreme Court	\$	1,230,514	\$ 1,267,428	61774
Admissions				
643 005-607 Commission on	\$	568,788	\$ 587,210	61775
Continuing Legal				
Education				
TOTAL SSR State Special Revenue	\$	4,165,331	\$ 4,383,105	61776
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	119,514,081	\$ 124,506,962	61777

CONTINUING JUDICIAL EDUCATION 61778

The Continuing Judicial Education Fund (Fund 672) shall 61779
consist of fees paid by judges and court personnel for attending 61780
continuing education courses and other gifts and grants received 61781
for the purpose of continuing judicial education. The foregoing 61782
appropriation item 005-601, Continuing Judicial Education, shall 61783
be used to pay expenses for continuing education courses for 61784
judges and court personnel. If it is determined by the 61785
Administrative Director of the Supreme Court that additional 61786
appropriations are necessary, the amounts are hereby appropriated. 61787

No money in the Continuing Judicial Education Fund shall be 61788
transferred to any other fund by the Director of Budget and 61789
Management or the Controlling Board. Interest earned on moneys in 61790
the Continuing Judicial Education Fund shall be credited to the 61791
fund. 61792

FEDERAL GRANTS 61793

The Federal Grants Fund (Fund 3J0) shall consist of grants 61794
and other moneys awarded to the Supreme Court (The Judiciary) by 61795
the United States Government or other entities that receive the 61796
moneys directly from the United States Government and distribute 61797

those moneys to the Supreme Court (The Judiciary). The foregoing 61798
appropriation item 005-603, Federal Grants, shall be used in a 61799
manner consistent with the purpose of the grant or award. If it is 61800
determined by the Administrative Director of the Supreme Court 61801
that additional appropriations are necessary, the amounts are 61802
hereby appropriated. 61803

No money in the Federal Grants Fund shall be transferred to 61804
any other fund by the Director of Budget and Management or the 61805
Controlling Board. However, interest earned on moneys in the 61806
Federal Grants Fund shall be credited or transferred to the 61807
General Revenue Fund. 61808

ATTORNEY REGISTRATION 61809

In addition to funding other activities considered 61810
appropriate by the Supreme Court, the foregoing appropriation item 61811
005-605, Attorney Registration, may be used to compensate 61812
employees and fund the appropriate activities of the following 61813
offices established by the Supreme Court pursuant to the Rules for 61814
the Government of the Bar of Ohio: the Office of Disciplinary 61815
Counsel, the Board of Commissioners on Grievances and Discipline, 61816
the Clients' Security Fund, the Board of Commissioners on the 61817
Unauthorized Practice of Law, and the Office of Attorney 61818
Registration. If it is determined by the Administrative Director 61819
of the Supreme Court that additional appropriations are necessary, 61820
the amounts are hereby appropriated. 61821

No moneys in the Attorney Registration Fund shall be 61822
transferred to any other fund by the Director of Budget and 61823
Management or the Controlling Board. Interest earned on moneys in 61824
the Attorney Registration Fund shall be credited to the fund. 61825

GRANTS AND AWARDS 61826

The Grants and Awards Fund (Fund 5T8) shall consist of grants 61827
and other moneys awarded to the Supreme Court (The Judiciary) by 61828

the State Justice Institute, the Office of Criminal Justice 61829
Services, or other entities. The foregoing appropriation item 61830
005-609, Grants and Awards, shall be used in a manner consistent 61831
with the purpose of the grant or award. If it is determined by the 61832
Administrative Director of the Supreme Court that additional 61833
appropriations are necessary, the amounts are hereby appropriated. 61834

No moneys in the Grants and Awards Fund shall be transferred 61835
to any other fund by the Director of Budget and Management or the 61836
Controlling Board. However, interest earned on moneys in the 61837
Grants and Awards Fund shall be credited or transferred to the 61838
General Revenue Fund. 61839

SUPREME COURT ADMISSIONS 61840

The foregoing appropriation item 005-606, Supreme Court 61841
Admissions, shall be used to compensate Supreme Court employees 61842
who are primarily responsible for administering the attorney 61843
admissions program, pursuant to the Rules for the Government of 61844
the Bar of Ohio, and to fund any other activities considered 61845
appropriate by the court. Moneys shall be deposited into the 61846
Supreme Court Admissions Fund (Fund 6A8) pursuant to the Supreme 61847
Court Rules for the Government of the Bar of Ohio. If it is 61848
determined by the Administrative Director of the Supreme Court 61849
that additional appropriations are necessary, the amounts are 61850
hereby appropriated. 61851

No moneys in the Supreme Court Admissions Fund shall be 61852
transferred to any other fund by the Director of Budget and 61853
Management or the Controlling Board. Interest earned on moneys in 61854
the Supreme Court Admissions Fund shall be credited to the fund. 61855

CONTINUING LEGAL EDUCATION 61856

The foregoing appropriation item 005-607, Commission on 61857
Continuing Legal Education, shall be used to compensate employees 61858
of the Commission on Continuing Legal Education, established 61859

pursuant to the Supreme Court Rules for the Government of the Bar 61860
of Ohio, and to fund other activities of the commission considered 61861
appropriate by the court. If it is determined by the 61862
Administrative Director of the Supreme Court that additional 61863
appropriations are necessary, the amounts are hereby appropriated. 61864

No moneys in the Continuing Legal Education Fund shall be 61865
transferred to any other fund by the Director of Budget and 61866
Management or the Controlling Board. Interest earned on moneys in 61867
the Continuing Legal Education Fund shall be credited to the fund. 61868

Section 61. LEC LAKE ERIE COMMISSION 61869

State Special Revenue Fund Group 61870

4C0 780-601 Lake Erie Protection \$ 1,070,975 \$ 1,070,975 61871
Fund

5D8 780-602 Lake Erie Resources \$ 689,004 \$ 689,004 61872
Fund

TOTAL SSR State Special Revenue 61873

Fund Group \$ 1,759,979 \$ 1,759,979 61874

TOTAL ALL BUDGET FUND GROUPS \$ 1,759,979 \$ 1,759,979 61875

CASH TRANSFER 61876

Not later than the thirtieth day of November of each fiscal 61877
year, the Executive Director of the Ohio Lake Erie Office, with 61878
the approval of the Lake Erie Commission, shall certify to the 61879
Director of Budget and Management the cash balance in the Lake 61880
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet 61881
operating expenses of the Lake Erie Office. The Ohio Lake Erie 61882
Office may request the Director of Budget and Management to 61883
transfer up to the certified amount from the Lake Erie Resources 61884
Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The 61885
Director of Budget and Management may transfer the requested 61886
amount, or the Director may transfer a different amount up to the 61887
certified amount. Cash transferred shall be used for the purposes 61888

described in division (A) of section 1506.23 of the Revised Code. 61889
 The amount transferred by the director is appropriated to the 61890
 foregoing appropriation item 780-601, Lake Erie Protection Fund, 61891
 which shall be increased by the amount transferred. 61892

Section 62. LRS LEGAL RIGHTS SERVICE 61893

General Revenue Fund 61894

GRF 054-100 Personal Services	\$	193,514	\$	193,514	61895
GRF 054-200 Maintenance	\$	33,938	\$	33,938	61896
GRF 054-300 Equipment	\$	1,856	\$	1,856	61897
GRF 054-401 Ombudsman	\$	291,247	\$	291,247	61898
TOTAL GRF General Revenue Fund	\$	520,555	\$	520,555	61899

General Services Fund Group 61900

416 054-601 Gifts and Donations	\$	1,352	\$	1,352	61901
5M0 054-610 Settlements	\$	75,000	\$	75,000	61902
TOTAL GSF General Services					61903
Fund Group	\$	76,352	\$	76,352	61904

Federal Special Revenue Fund Group 61905

3B8 054-603 Protection and	\$	1,018,279	\$	1,018,279	61906
Advocacy - Mentally					
Ill					
3N3 054-606 Protection and	\$	507,648	\$	507,648	61907
Advocacy - Individual					
Rights					
3N9 054-607 Assistive Technology	\$	50,000	\$	50,000	61908
3R9 054-604 Family Support	\$	242,500	\$	242,500	61909
Collaborative					
3T2 054-609 Client Assistance	\$	404,807	\$	404,807	61910
Program					
3X1 054-611 Protection and	\$	187,784	\$	187,784	61911
Advocacy for					
Beneficiaries of					

	Social Security				
326	054-612	Traumatic Brain Injury	\$ 50,000	\$ 50,000	61912
305	054-602	Protection and	\$ 1,280,363	\$ 1,280,363	61913
		Advocacy -			
		Developmentally			
		Disabled			
TOTAL FED Federal Special Revenue					61914
Fund Group			\$ 3,741,381	\$ 3,741,381	61915
TOTAL ALL BUDGET FUND GROUPS					61916

Section 62a. LBA LEGISLATIVE BUDGET AUDIT COMMISSION 61918

General Revenue Fund					61919
GRF	075-321	Legislative Budget	\$ 500,000	\$ 500,000	61920
Audit Commission					
TOTAL GRF General Revenue Fund					61921
TOTAL ALL BUDGET FUND GROUPS					61922

LEGISLATIVE BUDGET AUDIT COMMISSION 61923

The foregoing appropriation item 075-321, Legislative Budget 61924
 Audit Commission, shall be used for all operating expenses related 61925
 to the start-up of the Commission and to the hiring of Commission 61926
 staff, including, but not limited to, staff salaries, the cost of 61927
 entering into a lease agreement for office space for the 61928
 Commission and Commission staff and making lease payments on that 61929
 office space, and the cost of procuring office furniture, computer 61930
 equipment, and other office materials necessary to the normal 61931
 operation of an office of an agency of the state. 61932

Section 63. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 61933

General Revenue Fund					61934
GRF	028-321	Legislative Ethics	\$ 550,000	\$ 550,000	61935
Committee					
TOTAL GRF General Revenue Fund					61936

TOTAL ALL BUDGET FUND GROUPS	\$	550,000	\$	550,000	61937
TRANSFER OF FUNDS TO GRF					61938
On July 1, 2003, or as soon thereafter as possible, the					61939
Director of Budget and Management shall transfer 50 per cent of					61940
the cash balance in the Joint Legislative Ethics Committee Fund					61941
(Fund 4G7) to the General Revenue Fund. On July 1, 2004, or as					61942
soon thereafter as possible, the Director of Budget and Management					61943
shall transfer all of the remaining cash balance in the Joint					61944
Legislative Ethics Committee Fund (Fund 4G7) to the General					61945
Revenue Fund.					61946
Section 64. LSC LEGISLATIVE SERVICE COMMISSION					61947
General Revenue Fund					61948
GRF 035-321 Operating Expenses	\$	14,065,000	\$	14,900,000	61949
GRF 035-402 Legislative Interns	\$	975,000	\$	990,000	61950
GRF 035-404 Legislative Office of	\$	1,205,000	\$	1,256,427	61951
Education Oversight					
GRF 035-406 ATMS Replacement	\$	20,000	\$	20,000	61952
Project					
GRF 035-407 Legislative Task Force	\$	100,000	\$	0	61953
on Redistricting					
GRF 035-409 National Associations	\$	430,000	\$	441,000	61954
GRF 035-410 Legislative	\$	3,624,200	\$	3,624,200	61955
Information Systems					
TOTAL GRF General Revenue Fund	\$	20,419,200	\$	21,231,627	61956
General Services Fund Group					61957
4F6 035-603 Legislative Budget	\$	149,350	\$	152,337	61958
Services					
410 035-601 Sale of Publications	\$	25,000	\$	25,000	61959
TOTAL GSF General Services					61960
Fund Group	\$	174,350	\$	177,337	61961
TOTAL ALL BUDGET FUND GROUPS	\$	20,593,550	\$	21,408,964	61962

ATMS REPLACEMENT PROJECT				61963
Of the foregoing appropriation item 035-406, ATMS Replacement Project, any amounts not used for the ATMS project may be used to pay the operating expenses of the Legislative Service Commission.				61964 61965 61966
Section 65. LIB STATE LIBRARY BOARD				61967
General Revenue Fund				61968
GRF 350-321 Operating Expenses	\$	6,700,721	\$ 6,700,721	61969
GRF 350-400 Ohio Public Library Information Network	\$	0	\$ 5,000,000	61970
GRF 350-401 Ohioana Rental Payments	\$	124,816	\$ 124,816	61971
GRF 350-501 Cincinnati Public Library	\$	584,414	\$ 569,803	61972
GRF 350-502 Regional Library Systems	\$	1,104,374	\$ 1,104,374	61973
GRF 350-503 Cleveland Public Library	\$	879,042	\$ 857,066	61974
TOTAL GRF General Revenue Fund	\$	9,393,367	\$ 14,356,780	61975
General Services Fund Group				61976
139 350-602 Intra-Agency Service Charges	\$	9,000	\$ 9,000	61977
4S4 350-604 OPLIN Technology	\$	6,450,000	\$ 1,000,000	61978
459 350-602 Interlibrary Service Charges	\$	2,759,661	\$ 2,809,661	61979
TOTAL GSF General Services Fund Group	\$	9,218,661	\$ 3,818,661	61980 61981
Federal Special Revenue Fund Group				61982
313 350-601 LSTA Federal	\$	5,541,647	\$ 5,541,647	61983
TOTAL FED Federal Special Revenue Fund Group	\$	5,541,647	\$ 5,541,647	61984 61985

TOTAL ALL BUDGET FUND GROUPS	\$	24,153,675	\$	23,717,088	61986
OHIOANA RENTAL PAYMENTS					61987
The foregoing appropriation item 350-401, Ohioana Rental					61988
Payments, shall be used to pay the rental expenses of the Martha					61989
Kinney Cooper Ohioana Library Association pursuant to section					61990
3375.61 of the Revised Code.					61991
REGIONAL LIBRARY SYSTEMS					61992
The foregoing appropriation item 350-502, Regional Library					61993
Systems, shall be used to support regional library systems					61994
eligible for funding under section 3375.90 of the Revised Code.					61995
OHIO PUBLIC LIBRARY INFORMATION NETWORK					61996
The foregoing appropriation items 350-604, OPLIN Technology,					61997
and, in fiscal year 2005, 350-400, Ohio Public Library Information					61998
Network, shall be used for an information telecommunications					61999
network linking public libraries in the state and such others as					62000
may be certified as participants by the Ohio Public Library					62001
Information Network Board.					62002
The Ohio Public Library Information Network Board shall					62003
consist of eleven members appointed by the State Library Board					62004
from among the staff of public libraries and past and present					62005
members of boards of trustees of public libraries, based on the					62006
recommendations of the Ohio library community. The Ohio Public					62007
Library Information Network Board, in consultation with the State					62008
Library, shall develop a plan of operations for the network. The					62009
board may make decisions regarding use of the foregoing OPLIN					62010
appropriation items 350-604 and may receive and expend grants to					62011
carry out the operations of the network in accordance with state					62012
law and the authority to appoint and fix the compensation of a					62013
director and necessary staff. The State Library shall be the					62014
fiscal agent for the network and shall have fiscal accountability					62015
for the expenditure of funds. The Ohio Public Library Information					62016

Network Board members shall be reimbursed for actual travel and 62017
necessary expenses incurred in carrying out their 62018
responsibilities. 62019

In order to limit access to obscene and illegal materials 62020
through internet use at Ohio Public Library Information Network 62021
(OPLIN) terminals, local libraries with OPLIN computer terminals 62022
shall adopt policies that control access to obscene and illegal 62023
materials. These policies may include use of technological systems 62024
to select or block certain internet access. The OPLIN shall 62025
condition provision of its funds, goods, and services on 62026
compliance with these policies. The OPLIN Board shall also adopt 62027
and communicate specific recommendations to local libraries on 62028
methods to control such improper usage. These methods may include 62029
each library implementing a written policy controlling such 62030
improper use of library terminals and requirements for parental 62031
involvement or written authorization for juvenile internet usage. 62032

The OPLIN Board shall research and assist or advise local 62033
libraries with regard to emerging technologies and methods that 62034
may be effective means to control access to obscene and illegal 62035
materials. The OPLIN Executive Director shall biannually provide 62036
written reports to the Governor, the Speaker and Minority Leader 62037
of the House of Representatives, and the President and Minority 62038
Leader of the Senate on any steps being taken by OPLIN and public 62039
libraries in the state to limit and control such improper usage as 62040
well as information on technological, legal, and law enforcement 62041
trends nationally and internationally affecting this area of 62042
public access and service. 62043

The Ohio Public Library Information Network, InfOhio, and 62044
OhioLink shall, to the extent feasible, coordinate and cooperate 62045
in their purchase or other acquisition of the use of electronic 62046
databases for their respective users and shall contribute funds in 62047
an equitable manner to such effort. 62048

TRANSFER TO OPLIN TECHNOLOGY FUND				62049
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).				62050 62051 62052 62053 62054 62055 62056
Section 66. LCO LIQUOR CONTROL COMMISSION				62057
Liquor Control Fund Group				62058
043 970-321 Operating Expenses	\$	779,886	\$ 794,387	62059
TOTAL LCF Liquor Control Fund Group	\$	779,886	\$ 794,387	62060
TOTAL ALL BUDGET FUND GROUPS	\$	779,886	\$ 794,387	62061
COMPUTER EQUIPMENT				62062
Of the foregoing appropriation item 970-321, Operating Expenses, \$27,700 in fiscal year 2004 and \$4,500 in fiscal year 2005 shall be used for computer equipment.				62063 62064 62065
Section 67. LOT STATE LOTTERY COMMISSION				62066
State Lottery Fund Group				62067
044 950-100 Personal Services	\$	25,114,200	\$ 25,133,314	62068
044 950-200 Maintenance	\$	20,100,168	\$ 20,120,268	62069
044 950-300 Equipment	\$	3,067,250	\$ 3,113,259	62070
044 950-402 Game and Advertising	\$	68,683,000	\$ 68,683,000	62071
Contracts				
044 950-500 Problem Gambling	\$	335,000	\$ 335,000	62072
Subsidy				
044 950-601 Prizes, Bonuses, and Commissions	\$	166,173,455	\$ 166,173,455	62073
871 950-602 Annuity Prizes	\$	162,228,451	\$ 162,185,260	62074

TOTAL SLF State Lottery Fund				62075	
Group	\$	445,701,524	\$	445,743,556	62076
TOTAL ALL BUDGET FUND GROUPS	\$	445,701,524	\$	445,743,556	62077
OPERATING EXPENSES				62078	
The Controlling Board may, at the request of the State				62079	
Lottery Commission, authorize additional appropriations for				62080	
operating expenses of the State Lottery Commission from the State				62081	
Lottery Fund up to a maximum of 15 per cent of anticipated total				62082	
revenue accruing from the sale of lottery tickets.				62083	
PRIZES, BONUSES, AND COMMISSIONS				62084	
Any amounts, in addition to the amounts appropriated in				62085	
appropriation item 950-601, Prizes, Bonuses, and Commissions, that				62086	
are determined by the Director of the State Lottery Commission to				62087	
be necessary to fund prizes, bonuses, and commissions are hereby				62088	
appropriated.				62089	
ANNUITY PRIZES				62090	
With the approval of the Office of Budget and Management, the				62091	
State Lottery Commission shall transfer cash from the State				62092	
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund				62093	
(Fund 871) in an amount sufficient to fund deferred prizes. The				62094	
Treasurer of State, from time to time, shall credit the Deferred				62095	
Prizes Trust Fund (Fund 871) the pro rata share of interest earned				62096	
by the Treasurer of State on invested balances.				62097	
Any amounts, in addition to the amounts appropriated in				62098	
appropriation item 950-602, Annuity Prizes, that are determined by				62099	
the Director of the State Lottery Commission to be necessary to				62100	
fund deferred prizes and interest earnings are hereby				62101	
appropriated.				62102	
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND				62103	
The Ohio Lottery Commission shall transfer an amount greater				62104	

than or equal to \$637,900,000 in fiscal year 2004 and \$637,900,000 62105
in fiscal year 2005 to the Lottery Profits Education Fund. 62106
Transfers from the Commission to the Lottery Profits Education 62107
Fund shall represent the estimated net income from operations for 62108
the Commission in fiscal year 2004 or fiscal year 2005. Transfers 62109
by the Commission to the Lottery Profits Education Fund shall be 62110
administered in accordance with and pursuant to the Revised Code. 62111
The unencumbered and unallotted balances as of June 30, 2003, in 62112
the Unclaimed Prize Fund (Fund 872), are hereby transferred to the 62113
State Lottery Fund Group (Fund 044). 62114

Section 68. MED STATE MEDICAL BOARD 62115

General Services Fund Group 62116
5C6 883-609 State Medical Board \$ 7,199,162 \$ 7,302,330 62117
Operating
TOTAL GSF General Services 62118
Fund Group \$ 7,119,162 \$ 7,302,330 62119
TOTAL ALL BUDGET FUND GROUPS \$ 7,119,162 \$ 7,302,330 62120

Section 69. DMH DEPARTMENT OF MENTAL HEALTH 62122

Division of General Administration Intragovernmental Service Fund 62123
Group 62124
151 235-601 General Administration \$ 85,181,973 \$ 85,181,973 62125
TOTAL ISF Intragovernmental 62126
Service Fund Group \$ 85,181,973 \$ 85,181,973 62127
Division of Mental Health-- 62128
Psychiatric Services to Correctional Facilities 62129

General Revenue Fund 62130
GRF 332-401 Forensic Services \$ 4,152,291 \$ 4,152,291 62131
TOTAL GRF General Revenue Fund \$ 4,152,291 \$ 4,152,291 62132
TOTAL ALL BUDGET FUND GROUPS \$ 89,334,264 \$ 89,334,264 62133

FORENSIC SERVICES 62134

The foregoing appropriation item 322-401, Forensic Services, 62135
shall be used to provide psychiatric services to courts of common 62136
pleas. The appropriation shall be allocated through community 62137
mental health boards to certified community agencies and shall be 62138
distributed according to the criteria delineated in rule 62139
5122:4-1-01 of the Administrative Code. These community forensic 62140
funds may also be used to provide forensic training to community 62141
mental health boards and to forensic psychiatry residency programs 62142
in hospitals operated by the Department of Mental Health and to 62143
provide evaluations of patients of forensic status in facilities 62144
operated by the Department of Mental Health prior to conditional 62145
release to the community. 62146

In addition, appropriation item 332-401, Forensic Services, 62147
may be used to support projects involving mental health, substance 62148
abuse, courts, and law enforcement to identify and develop 62149
appropriate alternative services to institutionalization for 62150
nonviolent mentally ill offenders, and to provide linkage to 62151
community services for severely mentally disabled offenders 62152
released from institutions operated by the Department of 62153
Rehabilitation and Correction. Funds may also be utilized to 62154
provide forensic monitoring and tracking in addition to community 62155
programs serving persons of forensic status on conditional release 62156
or probation. 62157

Division of Mental Health-- 62158

Administration and Statewide Programs 62159

General Revenue Fund 62160

GRF 333-321	Central Administration	\$	22,000,000	\$	22,000,000	62161
GRF 333-402	Resident Trainees	\$	1,330,796	\$	1,330,796	62162
GRF 333-403	Pre-Admission	\$	633,882	\$	633,882	62163

Screening Expenses

GRF 333-415	Lease-Rental Payments	\$	25,935,650	\$	23,206,750	62164
GRF 333-416	Research Program	\$	810,289	\$	810,289	62165

Evaluation			
TOTAL GRF General Revenue Fund	\$	50,710,617	\$ 50,710,617 62166
General Services Fund Group			62167
149 333-609 Central Office Rotary	\$	1,087,454	\$ 1,103,578 62168
- Operating			
TOTAL General Services Fund Group	\$	1,087,454	\$ 1,103,578 62169
Federal Special Revenue Fund Group			62170
3A7 333-612 Social Services Block	\$	25,000	\$ 0 62171
Grant			
3A8 333-613 Federal Grant -	\$	57,470	\$ 57,984 62172
Administration			
3A9 333-614 Mental Health Block	\$	827,363	\$ 835,636 62173
Grant			
3B1 333-635 Community Medicaid	\$	4,126,430	\$ 4,145,222 62174
Expansion			
324 333-605 Medicaid/Medicare	\$	523,761	\$ 514,923 62175
TOTAL Federal Special Revenue			62176
Fund Group	\$	5,560,024	\$ 5,553,765 62177
State Special Revenue Fund Group			62178
4X5 333-607 Behavioral Health	\$	2,913,327	\$ 3,000,634 62179
Medicaid Services			
485 333-632 Mental Health	\$	134,233	\$ 134,233 62180
Operating			
5M2 333-602 PWLC Campus	\$	200,000	\$ 200,000 62181
Improvement			
TOTAL State Special Revenue			62182
Fund Group	\$	3,247,560	\$ 3,334,867 62183
TOTAL ALL BUDGET FUND GROUPS	\$	61,656,091	\$ 60,394,343 62184
RESIDENCY TRAINEESHIP PROGRAMS			62185
The foregoing appropriation item 333-402, Resident Trainees,			62186
shall be used to fund training agreements entered into by the			62187

Department of Mental Health for the development of curricula and 62188
the provision of training programs to support public mental health 62189
services. 62190

PRE-ADMISSION SCREENING EXPENSES 62191

The foregoing appropriation item 333-403, Pre-Admission 62192
Screening Expenses, shall be used to pay for costs to ensure that 62193
uniform statewide methods for pre-admission screening are in place 62194
to perform assessments for persons in need of mental health 62195
services or for whom institutional placement in a hospital or in 62196
another inpatient facility is sought. Pre-admission screening 62197
includes the following activities: pre-admission assessment, 62198
consideration of continued stay requests, discharge planning and 62199
referral, and adjudication of appeals and grievance procedures. 62200

LEASE-RENTAL PAYMENTS 62201

The foregoing appropriation item 333-415, Lease-Rental 62202
Payments, shall be used to meet all payments at the times they are 62203
required to be made during the period from July 1, 2003, to June 62204
30, 2005, by the Department of Mental Health pursuant to leases 62205
and agreements made under section 154.20 of the Revised Code, but 62206
limited to the aggregate amount of \$49,142,400. Nothing in this 62207
act shall be deemed to contravene the obligation of the state to 62208
pay, without necessity for further appropriation, from the sources 62209
pledged thereto, the bond service charges on obligations issued 62210
pursuant to section 154.20 of the Revised Code. 62211

Section 69.01. DIVISION OF MENTAL HEALTH - HOSPITALS 62212

General Revenue Fund 62213

GRF 334-408 Community and Hospital \$ 376,716,546 \$ 386,793,392 62214

Mental Health Services

GRF 334-506 Court Costs \$ 926,461 \$ 926,461 62215

TOTAL GRF General Revenue Fund \$ 377,643,007 \$ 387,719,853 62216

General Services Fund Group				62217
149 334-609 Hospital Rotary -	\$	22,908,053	\$ 24,408,053	62218
Operating Expenses				
150 334-620 Special Education	\$	120,930	\$ 120,930	62219
TOTAL GSF General Services				62220
Fund Group	\$	23,028,983	\$ 24,528,983	62221
Federal Special Revenue Fund Group				62222
3B0 334-617 Elementary and	\$	248,644	\$ 251,866	62223
Secondary Education				
Act				
3B1 334-635 Hospital Medicaid	\$	2,000,000	\$ 2,000,000	62224
Expansion				
324 334-605 Medicaid/Medicare	\$	10,484,944	\$ 10,916,925	62225
TOTAL FED Federal Special Revenue				62226
Fund Group	\$	12,733,588	\$ 13,168,791	62227
State Special Revenue Fund Group				62228
485 334-632 Mental Health	\$	2,387,253	\$ 2,476,297	62229
Operating				
5L2 334-619 Health	\$	26,000	\$ 0	62230
Foundation/Greater				
Cincinnati				
692 334-636 Community Mental	\$	100,000	\$ 100,000	62231
Health Board Risk Fund				
TOTAL SSR State Special Revenue				62232
Fund Group	\$	2,487,253	\$ 2,576,297	62233
TOTAL ALL BUDGET FUND GROUPS	\$	415,892,831	\$ 427,067,463	62234
COMMUNITY MENTAL HEALTH BOARD RISK FUND				62235
The foregoing appropriation item 334-636, Community Mental				62236
Health Board Risk Fund, shall be used to make payments pursuant to				62237
section 5119.62 of the Revised Code.				62238

Section 69.02. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT			62239
SERVICES			62240
General Revenue Fund			62241
GRF 335-419	Community Medication Subsidy	\$ 7,509,010 \$ 7,509,010	62242
GRF 335-505	Local MH Systems of Care	\$ 89,687,868 \$ 89,687,868	62243
TOTAL GRF	General Revenue Fund	\$ 97,196,878 \$ 97,196,878	62244
General Services Fund Group			62245
4P9 335-604	Community Mental Health Projects	\$ 200,000 \$ 200,000	62246
TOTAL GSF	General Services Fund Group	\$ 200,000 \$ 200,000	62247
Federal Special Revenue Fund Group			62249
3A7 335-612	Social Services Block Grant	\$ 9,314,108 \$ 9,314,108	62250
3A8 335-613	Federal Grant - Community Mental Health Board Subsidy	\$ 1,717,040 \$ 1,717,040	62251
3A9 335-614	Mental Health Block Grant	\$ 16,887,218 \$ 17,056,090	62252
3B1 335-635	Community Medicaid Expansion	\$ 220,472,136 \$ 237,766,721	62253
TOTAL FED	Federal Special Revenue Fund Group	\$ 248,390,502 \$ 265,853,959	62254
State Special Revenue Fund Group			62255
632 335-616	Community Capital Replacement	\$ 250,000 \$ 250,000	62256
TOTAL SSR	State Special Revenue Fund Group	\$ 250,000 \$ 250,000	62257
TOTAL ALL BUDGET FUND GROUPS		\$ 346,037,380 \$ 363,500,837	62258

DEPARTMENT TOTAL				62259	
GENERAL REVENUE FUND	\$	529,702,793	\$	537,050,739	62260
DEPARTMENT TOTAL				62261	
GENERAL SERVICES FUND GROUP	\$	24,316,437	\$	25,832,561	62262
DEPARTMENT TOTAL				62263	
FEDERAL SPECIAL REVENUE				62264	
FUND GROUP	\$	266,684,114	\$	284,576,515	62265
DEPARTMENT TOTAL				62266	
STATE SPECIAL REVENUE FUND GROUP	\$	6,010,813	\$	6,161,164	62267
DEPARTMENT TOTAL				62268	
INTRAGOVERNMENTAL FUND GROUP	\$	85,181,973	\$	85,181,973	62269
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	911,896,130	\$	938,802,952	62270

Section 69.03. COMMUNITY MEDICATION SUBSIDY 62272

The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs. 62273
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LOCAL MENTAL HEALTH SYSTEMS OF CARE 62278

The foregoing appropriation item 335-505, Local Mental Health Systems of Care, shall be used for mental health services provided by community mental health boards in accordance with a community mental health plan submitted pursuant to section 340.03 of the Revised Code and as approved by the Department of Mental Health. 62279
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Of the foregoing appropriation, not less than \$34,818,917 in fiscal year 2004 and not less than \$34,818,917 in fiscal year 2005 shall be distributed by the Department of Mental Health on a per capita basis to community mental health boards. 62284
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62286
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Of the foregoing appropriation, \$100,000 in each fiscal year shall be used to fund family and consumer education and support. 62288
62289

BEHAVIORAL HEALTH MEDICAID SERVICES				62290
The Department of Mental Health shall administer specified				62291
Medicaid Services as delegated by the Department of Job and Family				62292
Services in an interagency agreement. The foregoing appropriation				62293
item 333-607, Behavioral Health Medicaid Services, may be used to				62294
make payments for free-standing psychiatric hospital inpatient				62295
services as defined in an interagency agreement with the				62296
Department of Job and Family Services.				62297
Section 70. DMR DEPARTMENT OF MENTAL RETARDATION AND				62298
DEVELOPMENTAL DISABILITIES				62299
Section 70.01. GENERAL ADMINISTRATION AND STATEWIDE SERVICES				62300
General Revenue Fund				62301
GRF 320-321 Central Administration	\$	9,174,390	\$ 9,174,390	62302
GRF 320-412 Protective Services	\$	1,420,658	\$ 1,420,658	62303
GRF 320-415 Lease-Rental Payments	\$	25,935,650	\$ 23,206,750	62304
TOTAL GRF General Revenue Fund	\$	36,530,698	\$ 33,801,798	62305
General Services Fund Group				62306
4B5 320-640 Conference/Training	\$	400,000	\$ 400,000	62307
TOTAL GSF General Services				62308
Fund Group	\$	400,000	\$ 400,000	62309
Federal Special Revenue Fund Group				62310
3A4 320-605 Administrative Support	\$	12,492,892	\$ 12,492,892	62311
3A5 320-613 DD Council Operating	\$	862,261	\$ 862,261	62312
Expenses				62313
325 320-634 Protective Services	\$	100,000	\$ 100,000	62314
TOTAL FED Federal Special Revenue				62315
Fund Group	\$	13,455,153	\$ 13,455,153	62316
State Special Revenue Fund Group				62317
5S2 590-622 Medicaid	\$	2,969,552	\$ 2,969,552	62318
Administration &				

Oversight

TOTAL SSR State Special Revenue				62319
Fund Group	\$	2,969,552	\$ 2,969,552	62320
TOTAL ALL GENERAL ADMINISTRATION AND STATEWIDE SERVICES				62321 62322
BUDGET FUND GROUPS	\$	53,355,403	\$ 50,626,503	62323

LEASE-RENTAL PAYMENTS 62324

The foregoing appropriation item 320-415, Lease-Rental 62325
 Payments, shall be used to meet all payments at the times they are 62326
 required to be made during the period from July 1, 2003, to June 62327
 30, 2005, by the Department of Mental Retardation and 62328
 Developmental Disabilities pursuant to leases and agreements made 62329
 under section 154.20 of the Revised Code, but limited to the 62330
 aggregate amount of \$49,142,400. Nothing in this act shall be 62331
 deemed to contravene the obligation of the state to pay, without 62332
 necessity for further appropriation, from the sources pledged 62333
 thereto, the bond service charges on obligations issued pursuant 62334
 to section 154.20 of the Revised Code. 62335

Section 70.02. COMMUNITY SERVICES 62336

General Revenue Fund				62337
GRF 322-405 State Use Program	\$	242,004	\$ 242,004	62338
GRF 322-413 Residential and Support Services	\$	8,439,337	\$ 8,439,337	62339
GRF 322-416 Waiver State Match	\$	95,695,198	\$ 100,019,747	62340
GRF 322-417 Supported Living	\$	43,179,715	\$ 43,179,715	62341
GRF 322-451 Family Support Services	\$	6,801,473	\$ 6,801,473	62342
GRF 322-452 Service and Support Administration	\$	8,628,481	\$ 8,628,481	62343
GRF 322-501 County Boards Subsidies	\$	31,795,691	\$ 31,795,691	62344

GRF 322-503 Tax Equity	\$	14,000,000	\$	14,000,000	62345
TOTAL GRF General Revenue Fund	\$	208,781,899	\$	213,106,448	62346
General Services Fund Group					62347
4J6 322-645 Intersystem Services for Children	\$	3,300,000	\$	3,300,000	62348
4U4 322-606 Community MR and DD Trust	\$	300,000	\$	300,000	62349
4V1 322-611 Program Support	\$	610,000	\$	625,000	62350
488 322-603 Residential Services Refund	\$	1,000,000	\$	1,000,000	62351
TOTAL GSF General Services Fund Group	\$	5,210,000	\$	5,225,000	62352 62353
Federal Special Revenue Fund Group					62354
3A4 322-605 Community Program Support	\$	1,000,000	\$	1,000,000	62355
3A4 322-610 Community Residential Support	\$	500,000	\$	500,000	62356
3A5 322-613 DD Council Grants	\$	3,130,000	\$	3,130,000	62357
3G6 322-639 Medicaid Waiver	\$	344,068,714	\$	373,772,814	62358
3M7 322-650 CAFS Medicaid	\$	254,739,737	\$	267,668,087	62359
325 322-608 Federal Grants - Operating Expenses	\$	2,023,587	\$	1,833,815	62360 62361
325 322-612 Social Service Block Grant	\$	10,319,346	\$	10,330,830	62362 62363
325 322-617 Education Grants - Operating	\$	75,500	\$	75,500	62364 62365
TOTAL FED Federal Special Revenue Fund Group	\$	615,856,884	\$	658,311,046	62366 62367
State Special Revenue Fund Group					62368
4K8 322-604 Waiver - Match	\$	12,000,000	\$	12,000,000	62369
5H0 322-619 Medicaid Repayment	\$	25,000	\$	25,000	62370
TOTAL SSR State Special Revenue					62371

Fund Group	\$	12,025,000	\$	12,025,000	62372
TOTAL ALL COMMUNITY SERVICES					62373
BUDGET FUND GROUPS	\$	841,873,783	\$	888,667,494	62374
RESIDENTIAL AND SUPPORT SERVICES					62375
The Department of Mental Retardation and Developmental					62376
Disabilities may designate a portion of appropriation item					62377
322-413, Residential and Support Services, for the following:					62378
(A) Sermak Class Services used to implement the requirements					62379
of the agreement settling the consent decree in <i>Sermak v. Manuel</i> ,					62380
Case No. c-2-80-220, United States District Court for the Southern					62381
District of Ohio, Eastern Division;					62382
(B) Medicaid-reimbursed programs other than home and					62383
community-based waiver services, in an amount not to exceed					62384
\$1,000,000 in each fiscal year, that enable persons with mental					62385
retardation and developmental disabilities to live in the					62386
community.					62387
WAIVER STATE MATCH					62388
The purposes for which the foregoing appropriation item					62389
322-416, Waiver State Match, shall be used include the following:					62390
(A) Home and community-based waiver services pursuant to					62391
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42					62392
U.S.C. 301, as amended.					62393
(B) Services contracted by county boards of mental					62394
retardation and developmental disabilities.					62395
The Department of Mental Retardation and Developmental					62396
Disabilities may designate a portion of appropriation item					62397
322-416, Waiver State Match, to county boards of mental					62398
retardation and developmental disabilities that have greater need					62399
for various residential and support services due to a low					62400
percentage of residential and support services development in					62401

comparison to the number of individuals with mental retardation or 62402
developmental disabilities in the county. 62403

SUPPORTED LIVING 62404

The purposes for which the foregoing appropriation item 62405
322-417, Supported Living, shall be used include supported living 62406
services contracted by county boards of mental retardation and 62407
developmental disabilities in accordance with sections 5126.40 to 62408
5126.47 of the Revised Code. 62409

OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS 62410

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 62411
the Department of Mental Retardation and Developmental 62412
Disabilities may develop residential and support service programs 62413
funded by appropriation item 322-413, Residential and Support 62414
Services, appropriation item 322-416, Waiver State Match, or 62415
appropriation item 322-417, Supported Living, that enable persons 62416
with mental retardation and developmental disabilities to live in 62417
the community. Notwithstanding Chapter 5121. and section 5123.122 62418
of the Revised Code, the department may waive the support 62419
collection requirements of those statutes for persons in community 62420
programs developed by the department under this section. The 62421
department shall adopt rules under Chapter 119. of the Revised 62422
Code or may use existing rules for the implementation of these 62423
programs. 62424

FAMILY SUPPORT SERVICES 62425

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 62426
5126.11 of the Revised Code, the Department of Mental Retardation 62427
and Developmental Disabilities may implement programs funded by 62428
appropriation item 322-451, Family Support Services, to provide 62429
assistance to persons with mental retardation or developmental 62430
disabilities and their families who are living in the community. 62431
The department shall adopt rules to implement these programs. 62432

SERVICE AND SUPPORT ADMINISTRATION 62433

The foregoing appropriation item 322-452, Service and Support Administration, shall be allocated to county boards of mental retardation and developmental disabilities for the purpose of providing service and support administration services and to assist in bringing state funding for all department-approved service and support administrators within county boards of mental retardation and developmental disabilities to the level authorized in division (C) of section 5126.15 of the Revised Code. The department may request approval from the Controlling Board to transfer any unobligated appropriation authority from other state General Revenue Fund appropriation items within the department's budget to appropriation item 322-452, Service and Support Administration, to be used to meet the statutory funding level in division (C) of section 5126.15 of the Revised Code.

Notwithstanding division (C) of section 5126.15 of the Revised Code and subject to funding in appropriation item 322-452, Service and Support Administration, no county may receive less than its allocation in fiscal year 1995. Wherever case management services are referred to in any law, contract, or other document, the reference shall be deemed to refer to service and support administration. No action or proceeding pending on the effective date of this section is affected by the renaming of case management services as service and support administration.

The Department of Mental Retardation and Developmental Disabilities shall adopt, amend, and rescind rules as necessary to reflect the renaming of case management services as service and support administration. All boards of mental retardation and developmental disabilities and the entities with which they contract for services shall rename the titles of their employees who provide service and support administration. All boards and contracting entities shall make corresponding changes to all

employment contracts.	62465
STATE SUBSIDIES TO MR/DD BOARDS	62466
The foregoing appropriation item 322-501, County Boards	62467
Subsidies, shall be distributed to county boards of mental	62468
retardation and developmental disabilities pursuant to section	62469
5126.12 of the Revised Code to the limit of the lesser of the	62470
amount required by that section or the appropriation in	62471
appropriation item 322-501 prorated to all county boards of mental	62472
retardation and developmental disabilities.	62473
TAX EQUITY	62474
The foregoing appropriation item 322-503, Tax Equity, shall	62475
be used to fund the tax equalization program created under section	62476
5126.18 of the Revised Code for county boards of mental	62477
retardation and developmental disabilities.	62478
INTERSYSTEM SERVICES FOR CHILDREN	62479
The foregoing appropriation item 322-645, Intersystem	62480
Services for Children, shall be used to support direct grants to	62481
county family and children first councils created under section	62482
121.37 of the Revised Code. The funds shall be used as partial	62483
support payment and reimbursement for locally coordinated	62484
treatment plans for multi-needs children that come to the	62485
attention of the Family and Children First Cabinet Council	62486
pursuant to section 121.37 of the Revised Code. The Department of	62487
Mental Retardation and Developmental Disabilities may use up to	62488
five per cent of this amount for administrative expenses	62489
associated with the distribution of funds to the county councils.	62490
WAIVER - MATCH	62491
The foregoing appropriation item 322-604, Waiver-Match (Fund	62492
4K8), shall be used as state matching funds for the home and	62493
community-based waivers.	62494

Section 70.03. DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A	62495
MODEL BILLING FOR SERVICES RENDERED	62496
Developmental centers of the Department of Mental Retardation	62497
and Developmental Disabilities may provide services to persons	62498
with mental retardation or developmental disabilities living in	62499
the community or to providers of services to these persons. The	62500
department may develop a methodology for recovery of all costs	62501
associated with the provisions of these services.	62502
 Section 70.04. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER	62503
PHARMACY PROGRAMS	62504
Beginning July 1, 2003, the Department of Mental Retardation	62505
and Developmental Disabilities shall pay the Department of Job and	62506
Family Services quarterly, through intrastate transfer voucher,	62507
the nonfederal share of Medicaid prescription drug claim costs for	62508
all developmental centers paid by the Department of Job and Family	62509
Services.	62510
 Section 70.05. RESIDENTIAL FACILITIES	62511
General Revenue Fund	62512
GRF 323-321 Residential Facilities \$ 103,402,750 \$ 104,634,635	62513
Operations	62514
TOTAL GRF General Revenue Fund \$ 103,402,750 \$ 104,634,635	62515
General Services Fund Group	62516
152 323-609 Residential Facilities \$ 912,177 \$ 912,177	62517
Support	62518
TOTAL GSF General Services	62519
Fund Group \$ 912,177 \$ 912,177	62520
Federal Special Revenue Fund Group	62521
3A4 323-605 Residential Facilities \$ 128,736,729 \$ 128,831,708	62522
Reimbursement	62523

325 323-608	Federal Grants -	\$	571,381	\$	582,809	62524
	Subsidies					62525
325 323-617	Education Grants -	\$	425,000	\$	425,000	62526
	Residential Facilities					62527
TOTAL FED	Federal Special Revenue					62528
Fund Group		\$	129,733,110	\$	129,839,517	62529
State Special Revenue	Fund Group					62530
489 323-632	Operating Expense	\$	12,125,628	\$	12,125,628	62531
TOTAL SSR	State Special Revenue					62532
Fund Group		\$	12,125,628	\$	12,125,628	62533
TOTAL ALL RESIDENTIAL FACILITIES						62534
BUDGET FUND GROUPS		\$	246,173,665	\$	247,511,957	62535
DEPARTMENT TOTAL						62536
GENERAL REVENUE FUND		\$	348,715,347	\$	351,542,881	62537
DEPARTMENT TOTAL						62538
GENERAL SERVICES FUND GROUP		\$	6,522,177	\$	6,537,177	62539
DEPARTMENT TOTAL						62540
FEDERAL SPECIAL REVENUE FUND GROUP		\$	759,045,147	\$	801,605,716	62541
DEPARTMENT TOTAL						62542
STATE SPECIAL REVENUE FUND GROUP		\$	27,120,180	\$	27,120,180	62543
TOTAL DEPARTMENT OF MENTAL						62544
RETARDATION AND DEVELOPMENTAL						62545
DISABILITIES		\$	1,141,402,851	\$	1,186,805,954	62546

(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;	62556 62557
(4) One representative of the Office of Budget and Management appointed by the Director of Budget and Management;	62558 62559
(5) One representative of The Arc of Ohio appointed by the organization's board of trustees;	62560 62561
(6) One representative of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities appointed by the association's board of trustees;	62562 62563 62564
(7) One representative of the Ohio Superintendents of County Boards of Mental Retardation and Developmental Disabilities appointed by the organization's board of trustees;	62565 62566 62567
(8) One representative of the Ohio Provider Resource Association appointed by the association's board of trustees;	62568 62569
(9) One representative of the Ohio Health Care Association appointed by the association's board of trustees;	62570 62571
(10) One representative of individuals with mental retardation or other developmental disability appointed by the Director of Mental Retardation and Developmental Disabilities.	62572 62573 62574
(B) The Governor shall appoint the chairperson of the committee. Members of the committee shall serve without compensation or reimbursement, except to the extent that serving on the committee is considered a part of their regular employment duties.	62575 62576 62577 62578 62579
(C) The committee shall meet at times determined by the chairperson to do all of the following:	62580 62581
(1) Review the effect that the provisions of this act regarding Medicaid funding for services to individuals with mental retardation or other developmental disability have on the funding and provision of services to such individuals;	62582 62583 62584 62585

(2) Identify issues related to, and barriers to, the effective implementation of those provisions of this act with the goal of meeting the needs of individuals with mental retardation or other developmental disability;

(3) Establish effective means for resolving the issues and barriers, including advocating changes to state law, rules, or both.

(D) The committee shall submit a final report to the Governor and Directors of Mental Retardation and Developmental Disabilities and Job and Family Services and shall cease to exist on submission of the final report unless the Governor issues an executive order providing for the committee to continue.

Section 71. MIH COMMISSION ON MINORITY HEALTH

General Revenue Fund

GRF 149-321 Operating Expenses	\$	539,318	\$	539,318	62600
GRF 149-501 Minority Health Grants	\$	751,478	\$	751,478	62601
GRF 149-502 Lupus Program	\$	141,556	\$	141,556	62602
TOTAL GRF General Revenue Fund	\$	1,432,352	\$	1,432,352	62603

Federal Special Revenue Fund Group

3J9 149-602 Federal Grants	\$	150,000	\$	150,000	62605
TOTAL FED Federal Special Revenue Fund Group	\$	150,000	\$	150,000	62607

State Special Revenue Fund Group

4C2 149-601 Minority Health	\$	150,000	\$	150,000	62609
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Conference

TOTAL SSR State Special Revenue Fund Group	\$	150,000	\$	150,000	62611
TOTAL ALL BUDGET FUND GROUPS	\$	1,732,352	\$	1,732,352	62612

LUPUS PROGRAM

The foregoing appropriation item 149-502, Lupus Program,

shall be used to provide grants for programs in patient, public, 62615
and professional education on the subject of systemic lupus 62616
erythematosus; to encourage and develop local centers on lupus 62617
information gathering and screening; and to provide outreach to 62618
minority women. 62619

Section 72. CRB MOTOR VEHICLE COLLISION REPAIR REGISTRATION				62620
BOARD				62621
General Service Fund Group				62622
5H9 865-609 Operating Expenses	\$	285,497	\$ 314,422	62623
TOTAL GSF General Services				62624
Fund Group	\$	285,497	\$ 314,422	62625
TOTAL ALL BUDGET FUND GROUPS	\$	285,497	\$ 314,422	62626

Section 73. DNR DEPARTMENT OF NATURAL RESOURCES				62628
General Revenue Fund				62629
GRF 725-404 Fountain Square Rental	\$	1,093,300	\$ 1,094,800	62630
Payments - OBA				
GRF 725-407 Conservation Reserve	\$	1,218,750	\$ 1,218,750	62631
Enhancement Program				
GRF 725-412 Reclamation Commission	\$	57,934	\$ 57,934	62632
GRF 725-413 OPFC Lease Rental	\$	15,066,500	\$ 17,709,500	62633
Payments				
GRF 725-423 Stream and Ground	\$	331,819	\$ 331,819	62634
Water Gauging				
GRF 725-425 Wildlife License	\$	605,000	\$ 605,000	62635
Reimbursement				
GRF 725-456 Canal Lands	\$	332,859	\$ 332,859	62636
GRF 725-502 Soil and Water	\$	11,182,024	\$ 11,475,507	62637
Districts				
GRF 725-903 Natural Resources	\$	23,808,300	\$ 26,914,300	62638
General Obligation				

		Debt Service					
GRF	727-321	Division of Forestry	\$	9,068,735	\$	9,068,735	62639
GRF	728-321	Division of Geological Survey	\$	1,980,135	\$	1,991,163	62640
GRF	729-321	Office of Information Technology	\$	440,895	\$	440,895	62641
GRF	730-321	Division of Parks and Recreation	\$	33,443,524	\$	34,772,812	62642
GRF	733-321	Division of Water	\$	3,355,830	\$	3,237,619	62643
GRF	736-321	Division of Engineering	\$	3,410,852	\$	3,436,918	62644
GRF	737-321	Division of Soil and Water	\$	3,995,288	\$	4,014,788	62645
GRF	738-321	Division of Real Estate and Land Management	\$	2,322,031	\$	2,331,781	62646
GRF	741-321	Division of Natural Areas and Preserves	\$	3,104,405	\$	3,104,405	62647
GRF	744-321	Division of Mineral Resources Management	\$	3,439,744	\$	3,495,967	62648
TOTAL GRF		General Revenue Fund	\$	118,257,925	\$	125,635,552	62649
		General Services Fund Group					62650
155	725-601	Departmental Projects	\$	2,645,479	\$	2,831,337	62651
157	725-651	Central Support Indirect	\$	8,272,102	\$	8,423,094	62652
161	725-635	Parks Facilities Maintenance	\$	2,063,124	\$	2,576,240	62653
204	725-687	Information Services	\$	3,384,275	\$	3,476,627	62654
206	725-689	REALM Support Services	\$	475,000	\$	475,000	62655
207	725-690	Real Estate Services	\$	54,000	\$	54,000	62656
4D5	725-618	Recycled Materials	\$	50,000	\$	50,000	62657
4S9	725-622	NatureWorks Personnel	\$	908,516	\$	983,103	62658
4X8	725-662	Water Resources	\$	282,524	\$	282,524	62659

		Council				
430	725-671	Canal Lands	\$	1,119,834	\$	1,059,056 62660
508	725-684	Natural Resources	\$	209,364	\$	215,626 62661
		Publication Center				
		Interstate				
510	725-631	Maintenance -	\$	255,905	\$	260,849 62662
		state-owned residences				
516	725-620	Water Management	\$	3,663,849	\$	2,342,814 62663
635	725-664	Fountain Square	\$	3,104,199	\$	3,104,199 62664
		Facilities Management				
697	725-670	Submerged Lands	\$	507,099	\$	542,011 62665
		TOTAL GSF General Services				62666
		Fund Group	\$	26,995,270	\$	26,676,480 62667
		Federal Special Revenue Fund Group				62668
3B3	725-640	Federal Forest	\$	140,000	\$	150,000 62669
		Pass-Thru				
3B4	725-641	Federal Flood	\$	280,000	\$	285,000 62670
		Pass-Thru				
3B5	725-645	Federal Abandoned Mine	\$	11,922,845	\$	11,843,866 62671
		Lands				
3B6	725-653	Federal Land and Water	\$	4,900,000	\$	5,000,000 62672
		Conservation Grants				
3B7	725-654	Reclamation -	\$	2,179,870	\$	2,168,413 62673
		Regulatory				
3P0	725-630	Natural Areas and	\$	718,876	\$	552,480 62674
		Preserves - Federal				
3P1	725-632	Geological Survey -	\$	470,780	\$	479,653 62675
		Federal				
3P2	725-642	Oil and Gas-Federal	\$	224,537	\$	232,964 62676
3P3	725-650	Real Estate and Land	\$	2,357,000	\$	2,357,000 62677
		Management - Federal				
3P4	725-660	Water - Federal	\$	300,000	\$	242,000 62678
3R5	725-673	Acid Mine Drainage	\$	792,028	\$	837,223 62679

Abatement/Treatment					
325	725-657	REALM Federal	\$	1,578,871	\$ 1,578,871 62680
328	725-603	Forestry Federal	\$	1,530,561	\$ 1,484,531 62681
332	725-669	Federal Mine Safety	\$	247,364	\$ 258,103 62682
Grant					
TOTAL FED Federal Special Revenue					62683
Fund Group			\$	27,642,732	\$ 27,470,104 62684
State Special Revenue Fund Group					62685
4J2	725-628	Injection Well Review	\$	98,468	\$ 81,188 62686
4M7	725-631	Wildfire Suppression	\$	50,000	\$ 100,000 62687
4U6	725-668	Scenic Rivers	\$	561,000	\$ 617,100 62688
Protection					
5B3	725-674	Mining Regulation	\$	35,000	\$ 35,000 62689
5K1	725-626	Urban Forestry Grant	\$	400,000	\$ 400,000 62690
5P2	725-634	Wildlife Boater Angler	\$	1,500,000	\$ 1,500,000 62691
Administration					
509	725-602	State Forest	\$	982,970	\$ 1,127,117 62692
511	725-646	Ohio Geologic Mapping	\$	983,274	\$ 985,940 62693
512	725-605	State Parks Operations	\$	29,915,146	\$ 29,915,146 62694
514	725-606	Lake Erie Shoreline	\$	1,027,093	\$ 936,254 62695
518	725-643	Oil and Gas Permit	\$	2,205,651	\$ 2,399,580 62696
Fees					
518	725-677	Oil and Gas Well	\$	1,000,000	\$ 1,000,000 62697
Plugging					
521	725-627	Off-Road Vehicle	\$	118,490	\$ 123,490 62698
Trails					
522	725-656	Natural Areas Checkoff	\$	2,046,737	\$ 1,550,670 62699
Funds					
526	725-610	Strip Mining	\$	1,449,459	\$ 1,449,459 62700
Administration Fees					
527	725-637	Surface Mining	\$	2,793,938	\$ 2,693,938 62701
Administration					
529	725-639	Unreclaimed Land Fund	\$	1,841,589	\$ 1,971,037 62702

531	725-648	Reclamation Forfeiture	\$	2,393,762	\$	2,374,087	62703
532	725-644	Litter Control and Recycling	\$	12,544,686	\$	12,544,686	62704
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	62705
615	725-661	Dam Safety	\$	286,045	\$	408,223	62706
TOTAL SSR State Special Revenue							62707
Fund Group			\$	63,233,308	\$	63,212,915	62708
Clean Ohio Fund Group							62709
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	62710
TOTAL CLR Clean Ohio Fund Group			\$	155,000	\$	155,000	62711
Wildlife Fund Group							62712
015	740-401	Division of Wildlife Conservation	\$	46,000,000	\$	46,000,000	62713
815	725-636	Cooperative Management Projects	\$	120,449	\$	120,449	62714
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	62715
817	725-655	Wildlife Conservation Checkoff Fund	\$	5,000,000	\$	5,000,000	62716
818	725-629	Cooperative Fisheries Research	\$	988,582	\$	988,582	62717
819	725-685	Ohio River Management	\$	128,584	\$	128,584	62718
TOTAL WLF Wildlife Fund Group			\$	53,204,500	\$	53,204,500	62719
Waterways Safety Fund Group							62720
086	725-414	Waterways Improvement	\$	3,813,051	\$	4,140,186	62721
086	725-418	Buoy Placement	\$	42,182	\$	42,182	62722
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	62723
086	725-506	Watercraft Marine Patrol	\$	576,153	\$	576,153	62724
086	725-513	Watercraft Educational Grants	\$	366,643	\$	366,643	62725
086	739-401	Division of Watercraft	\$	19,201,158	\$	18,299,158	62726
TOTAL WSF Waterways Safety Fund							62727

Group	\$	24,137,054	\$	23,562,189	62728
Holding Account Redistribution Fund Group					62729
R17 725-659 Performance Cash Bond	\$	226,500	\$	226,500	62730
Refunds					
R43 725-624 Forestry	\$	800,000	\$	800,000	62731
TOTAL 090 Holding Account					62732
Redistribution Fund Group	\$	1,026,500	\$	1,026,500	62733
Accrued Leave Liability Fund Group					62734
4M8 725-675 FOP Contract	\$	20,844	\$	20,844	62735
TOTAL ALF Accrued Leave					62736
Liability Fund Group	\$	20,844	\$	20,844	62737
TOTAL ALL BUDGET FUND GROUPS	\$	314,673,133	\$	320,964,084	62738

Section 73.01. FOUNTAIN SQUARE 62740

The foregoing appropriation item 725-404, Fountain Square 62741
 Rental Payments - OBA, shall be used by the Department of Natural 62742
 Resources to meet all payments required to be made to the Ohio 62743
 Building Authority during the period from July 1, 2003, to June 62744
 30, 2005, pursuant to leases and agreements with the Ohio Building 62745
 Authority under section 152.241 of the Revised Code, but limited 62746
 to the aggregate amount of \$2,188,100. 62747

The Director of Natural Resources, using intrastate transfer 62748
 vouchers, shall make payments to the General Revenue Fund from 62749
 funds other than the General Revenue Fund to reimburse the General 62750
 Revenue Fund for the other funds' shares of the lease rental 62751
 payments to the Ohio Building Authority. The transfers from the 62752
 non-General Revenue funds shall be made within 10 days of the 62753
 payment to the Ohio Building Authority for the actual amounts 62754
 necessary to fulfill the leases and agreements pursuant to section 62755
 152.241 of the Revised Code. 62756

The foregoing appropriation item 725-664, Fountain Square 62757

Facilities Management (Fund 635), shall be used for payment of 62758
repairs, renovation, utilities, property management, and building 62759
maintenance expenses for the Fountain Square Complex. Cash 62760
transferred by intrastate transfer vouchers from various 62761
department funds and rental income received by the Department of 62762
Natural Resources shall be deposited into the Fountain Square 62763
Facilities Management Fund (Fund 635). 62764

LEASE RENTAL PAYMENTS

62765

The foregoing appropriation item 725-413, OPFC Lease Rental 62766
Payments, shall be used to meet all payments at the times they are 62767
required to be made during the period from July 1, 2003, to June 62768
30, 2005, by the Department of Natural Resources pursuant to 62769
leases and agreements made under section 154.22 of the Revised 62770
Code, but limited to the aggregate amount of \$32,776,000. Nothing 62771
in this act shall be deemed to contravene the obligation of the 62772
state to pay, without necessity for further appropriation, from 62773
the sources pledged thereto, the bond service charges on 62774
obligations issued pursuant to section 154.22 of the Revised Code. 62775

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE

62776

The foregoing appropriation item 725-903, Natural Resources 62777
General Obligation Debt Service, shall be used to pay all debt 62778
service and related financing costs at the times they are required 62779
to be made pursuant to sections 151.01 and 151.05 of the Revised 62780
Code during the period from July 1, 2003, to June 30, 2005. The 62781
Office of the Sinking Fund or the Director of Budget and 62782
Management shall effectuate the required payments by an intrastate 62783
transfer voucher. 62784

Section 73.02. WILDLIFE LICENSE REIMBURSEMENT

62785

Notwithstanding the limits of the transfer from the General 62786
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 62787

of the Revised Code, up to the amount available in appropriation 62788
item 725-425, Wildlife License Reimbursement, may be transferred 62789
from the General Revenue Fund to the Wildlife Fund (Fund 015). 62790
Pursuant to the certification of the Director of Budget and 62791
Management of the amount of foregone revenue in accordance with 62792
section 1533.15 of the Revised Code, the foregoing appropriation 62793
item in the General Revenue Fund, appropriation item 725-425, 62794
Wildlife License Reimbursement, shall be used to reimburse the 62795
Wildlife Fund (Fund 015) for the cost of hunting and fishing 62796
licenses and permits issued after June 30, 1990, to individuals 62797
who are exempted under the Revised Code from license, permit, and 62798
stamp fees. 62799

CANAL LANDS 62800

The foregoing appropriation item 725-456, Canal Lands, shall 62801
be used to transfer funds to the Canal Lands Fund (Fund 430) to 62802
provide operating expenses for the State Canal Lands Program. The 62803
transfer shall be made using an intrastate transfer voucher and 62804
shall be subject to the approval of the Director of Budget and 62805
Management. 62806

SOIL AND WATER DISTRICTS 62807

In addition to state payments to soil and water conservation 62808
districts authorized by section 1515.10 of the Revised Code, the 62809
Department of Natural Resources may pay to any soil and water 62810
conservation district, from authority in appropriation item 62811
725-502, Soil and Water Districts, an annual amount not to exceed 62812
\$30,000, upon receipt of a request and justification from the 62813
district and approval by the Ohio Soil and Water Conservation 62814
Commission. The county auditor shall credit the payments to the 62815
special fund established under section 1515.10 of the Revised Code 62816
for the local soil and water conservation district. Moneys 62817
received by each district shall be expended for the purposes of 62818
the district. 62819

Of the foregoing appropriation item 725-502, Soil and Water 62820
Districts, \$120,000 shall be earmarked in fiscal year 2004 for the 62821
Franklin County Soil and Water District. 62822

Of the foregoing appropriation item 725-502, Soil and Water 62823
Districts, \$175,000 shall be earmarked in fiscal year 2004 for the 62824
Indian Lake Watershed. 62825

Of the foregoing appropriation item 725-502, Soil and Water 62826
Districts, \$50,000 shall be earmarked for the Rush Creek Watershed 62827
in each fiscal year. 62828

Of the foregoing appropriation item 725-502, Soil and Water 62829
Districts, \$28,000 shall be earmarked for the Conservation Action 62830
Program in each fiscal year. 62831

Of the foregoing appropriation item 725-502, Soil and Water 62832
Districts, \$150,000 each fiscal year shall be earmarked for the 62833
Muskingum Conservancy District. 62834

Of the foregoing appropriation item 725-502, Soil and Water 62835
Districts, \$120,000 each fiscal year shall be earmarked for the 62836
relocation of Route 30. 62837

FUND CONSOLIDATION 62838

On July 15, 2003, or as soon thereafter as possible, the 62839
Director of Budget and Management shall transfer the cash balance 62840
as certified by the Director of Natural Resources from the Real 62841
Estate and Land Management-Federal Fund (Fund 3P3) to the 62842
REALM-Federal Fund (Fund 325). The Director shall cancel any 62843
remaining outstanding encumbrances against appropriation item 62844
725-650, Real Estate and Land Management-Federal, that are 62845
associated with the REALM federal programs and reestablish them 62846
against appropriation item 725-657, REALM-Federal. The amounts of 62847
any encumbrances canceled and reestablished are hereby 62848
appropriated. 62849

OIL AND GAS WELL PLUGGING 62850

The foregoing appropriation item 725-677, Oil and Gas Well 62851
Plugging, shall be used exclusively for the purposes of plugging 62852
wells and to properly restore the land surface of idle and orphan 62853
oil and gas wells pursuant to section 1509.071 of the Revised 62854
Code. No funds from the appropriation item shall be used for 62855
salaries, maintenance, equipment, or other administrative 62856
purposes, except for those costs directly attributed to the 62857
plugging of an idle or orphan well. Appropriation authority from 62858
this appropriation item shall not be transferred to any other fund 62859
or line item. 62860

CLEAN OHIO OPERATING EXPENSES 62861

The foregoing appropriation item 725-405, Clean Ohio 62862
Operating, shall be used by the Department of Natural Resources in 62863
administering section 1519.05 of the Revised Code. 62864

WATERCRAFT MARINE PATROL 62865

Of the foregoing appropriation item 739-401, Division of 62866
Watercraft, not more than \$200,000 in each fiscal year shall be 62867
expended for the purchase of equipment for marine patrols 62868
qualifying for funding from the Department of Natural Resources 62869
pursuant to section 1547.67 of the Revised Code. Proposals for 62870
equipment shall accompany the submission of documentation for 62871
receipt of a marine patrol subsidy pursuant to section 1547.67 of 62872
the Revised Code and shall be loaned to eligible marine patrols 62873
pursuant to a cooperative agreement between the Department of 62874
Natural Resources and the eligible marine patrol. 62875

ELIMINATION OF CIVILIAN CONSERVATION CORPS 62876

Upon the closure of the Division of Civilian Conservation, 62877
the Director of Natural Resources, not later than June 30, 2004, 62878
shall distribute, allocate, salvage, or transfer all assets, 62879

equipment, supplies, and cash balances of the Division of Civilian Conservation to other operating divisions of the Department of Natural Resources as determined by the director. The director shall maintain a record of such disposition of all assets.

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.

Section 74. NUR STATE BOARD OF NURSING

General Services Fund Group					62890
4K9 884-609 Operating Expenses	\$	5,232,776	\$	5,257,576	62891
5P8 884-601 Nursing Special Issues	\$	5,000	\$	5,000	62892
TOTAL GSF General Services Fund Group	\$	5,237,776	\$	5,262,576	62893
TOTAL ALL BUDGET FUND GROUPS	\$	5,237,776	\$	5,262,576	62894

NURSING SPECIAL ISSUES

The foregoing appropriation item 884-601, Nursing Special Issues (Fund 5P8), shall be used to pay the costs the Board of Nursing incurs in implementing section 4723.062 of the Revised Code.

Section 75. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD

General Services Fund Group					62901
4K9 890-609 Operating Expenses	\$	771,391	\$	801,480	62902
TOTAL GSF General Services Fund Group	\$	771,391	\$	801,480	62903
TOTAL ALL BUDGET FUND GROUPS	\$	771,391	\$	801,480	62904

Section 80. PBR STATE PERSONNEL BOARD OF REVIEW

62909

General Revenue Fund				62910
GRF 124-321 Operating	\$	1,280,092	\$ 1,327,832	62911
TOTAL GRF General Revenue Fund	\$	1,280,092	\$ 1,327,832	62912
General Services Fund Group				62913
636 124-601 Transcript and Other	\$	25,000	\$ 25,000	62914
TOTAL GSF General Services				62915
Fund Group	\$	25,000	\$ 25,000	62916
TOTAL ALL BUDGET FUND GROUPS	\$	1,305,092	\$ 1,352,832	62917
TRANSCRIPT AND OTHER				62918
The foregoing appropriation item 124-601, Transcript and				62919
Other, may be used to defray the costs of producing an				62920
administrative record.				62921
Section 81. PRX STATE BOARD OF PHARMACY				62922
General Services Fund Group				62923
4A5 887-605 Drug Law Enforcement	\$	72,900	\$ 75,550	62924
4K9 887-609 Operating Expenses	\$	4,733,987	\$ 4,914,594	62925
TOTAL GSF General Services				62926
Fund Group	\$	4,806,887	\$ 4,990,144	62927
TOTAL ALL BUDGET FUND GROUPS	\$	4,806,887	\$ 4,990,144	62928
Section 82. PSY STATE BOARD OF PSYCHOLOGY				62930
General Services Fund Group				62931
4K9 882-609 Operating Expenses	\$	516,544	\$ 513,525	62932
TOTAL GSF General Services				62933
Fund Group	\$	516,544	\$ 513,525	62934
TOTAL ALL BUDGET FUND GROUPS	\$	516,544	\$ 513,525	62935
Section 83. PUB OHIO PUBLIC DEFENDER COMMISSION				62937
General Revenue Fund				62938
GRF 019-321 Public Defender	\$	1,430,057	\$ 1,351,494	62939

		Administration				
GRF 019-401	State Legal Defense	\$	5,724,780	\$	5,693,572	62940
	Services					
GRF 019-403	Multi-County: State	\$	917,668	\$	930,894	62941
	Share					
GRF 019-404	Trumbull County -	\$	299,546	\$	308,450	62942
	State Share					
GRF 019-405	Training Account	\$	33,323	\$	33,323	62943
GRF 019-501	County Reimbursement -	\$	30,567,240	\$	32,630,070	62944
	Non-Capital Cases					
GRF 019-503	County Reimbursement -	\$	693,000	\$	726,000	62945
	Capital Cases					
TOTAL GRF	General Revenue Fund	\$	39,665,614	\$	41,673,803	62946
	General Services Fund Group					62947
101 019-602	Inmate Legal	\$	52,698	\$	53,086	62948
	Assistance					
406 019-603	Training and	\$	16,000	\$	16,000	62949
	Publications					
407 019-604	County Representation	\$	255,789	\$	259,139	62950
408 019-605	Client Payments	\$	285,533	\$	285,533	62951
TOTAL GSF	General Services					62952
Fund Group		\$	610,020	\$	613,758	62953
	Federal Special Revenue Fund Group					62954
3S8 019-608	Federal Representation	\$	351,428	\$	355,950	62955
TOTAL FED	Federal Special Revenue					62956
Fund Group		\$	351,428	\$	355,950	62957
	State Special Revenue Fund Group					62958
4C7 019-601	Multi-County: County	\$	1,923,780	\$	1,991,506	62959
	Share					
4X7 019-610	Trumbull County -	\$	624,841	\$	658,764	62960
	County Share					
574 019-606	Legal Services	\$	14,305,700	\$	14,305,800	62961

Corporation

TOTAL SSR State Special Revenue				62962	
Fund Group	\$	16,854,321	\$	16,956,070	62963
TOTAL ALL BUDGET FUND GROUPS	\$	57,481,383	\$	59,599,581	62964

INDIGENT DEFENSE OFFICE 62965

The foregoing appropriation items 019-404, Trumbull County - 62966
State Share, and 019-610, Trumbull County - County Share, shall be 62967
used to support an indigent defense office for Trumbull County. 62968

MULTI-COUNTY OFFICE 62969

The foregoing appropriation items 019-403, Multi-County: 62970
State Share, and 019-601, Multi-County: County Share, shall be 62971
used to support the Office of the Ohio Public Defender's 62972
Multi-County Branch Office Program. 62973

TRAINING ACCOUNT 62974

The foregoing appropriation item 019-405, Training Account, 62975
shall be used by the Ohio Public Defender to provide legal 62976
training programs at no cost for private appointed counsel who 62977
represent at least one indigent defendant at no cost and for state 62978
and county public defenders and attorneys who contract with the 62979
Ohio Public Defender to provide indigent defense services. 62980

FEDERAL REPRESENTATION 62981

The foregoing appropriation item 019-608, Federal 62982
Representation, shall be used to receive reimbursements from the 62983
federal courts when the Ohio Public Defender provides 62984
representation in federal court cases and to support 62985
representation in such cases. 62986

APPOINTED COUNSEL REIMBURSEMENT RATE FREEZE 62987

In establishing maximum amounts that the state will reimburse 62988
counties for legal services pursuant to divisions (B) (8) and (9) 62989
of section 120.04 of the Revised Code for the period from July 1, 62990

2003, through June 30, 2005, the state public defender shall not 62991
establish maximum amounts that exceed the maximum amounts in 62992
effect on March 1, 2003. 62993

Section 84. DHS DEPARTMENT OF PUBLIC SAFETY 62994

General Revenue Fund 62995

GRF 763-403 Operating Expenses - \$ 4,058,188 \$ 4,058,188 62996

EMA

GRF 763-507 Individual and \$ 48,750 \$ 48,750 62997

Households Grants

TOTAL GRF General Revenue Fund \$ 4,106,938 \$ 4,106,938 62998

State Special Revenue Fund Group 62999

5X1 764-415 Public Safety \$ 800,000 \$ 800,000 63000

Investigative Unit

TOTAL SSR State Special Revenue \$ 800,000 \$ 800,000 63001

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 4,906,938 \$ 4,906,938 63002

OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT 63003

Of the foregoing appropriation item 763-403, Operating 63004

Expenses - EMA, \$200,000 in each fiscal year shall be used to fund 63005

the Ohio Task Force One - Urban Search and Rescue Unit and other 63006

urban search and rescue programs around the state to create a 63007

stronger search and rescue capability statewide. 63008

COUNTY EMERGENCY PREPAREDNESS GRANTS 63009

The foregoing appropriation item 763-501, County Emergency 63010

Preparedness Grants, shall be used to improve preparedness of 63011

local emergency management agencies and authorities in accordance 63012

with Chapter 5502. of the Revised Code. The grants shall be 63013

distributed to agencies based on the distribution formula 63014

established for the Federal Emergency Management Agency (FEMA) 63015

"Emergency Management Performance Grant" (EMPG). Grants made under 63016

this section are not intended to supplant any federal, state, or 63017
 local funding to an agency or authority. Therefore, neither a 63018
 state agency nor any political subdivision shall take into account 63019
 the receipt of a grant under this section in determining the 63020
 amount of support that a state agency or political subdivision 63021
 provides to an emergency management agency or authority. 63022

INDIVIDUAL AND HOUSEHOLDS GRANTS STATE MATCH 63023

The foregoing appropriation item 763-507, Individual and 63024
 Households Grants, shall be used to fund the state share of costs 63025
 to provide grants to individuals and households in cases of 63026
 disaster. 63027

TRANSFER TO INVESTIGATIVE UNIT FUND 63028

On July 1, 2003, or as soon thereafter as possible, the 63029
 Director of Budget and Management shall transfer \$136,000 from the 63030
 Drug Abuse Resistance Education Fund (Fund 4L6) to the Public 63031
 Safety Investigative Unit Fund (Fund 5X1). 63032

Section 85. PUC PUBLIC UTILITIES COMMISSION OF OHIO 63033

General Services Fund Group 63034

5F6 870-622 Utility and Railroad	\$	30,622,222	\$	30,622,222	63035
Regulation					

5F6 870-624 NARUC/NRRI Subsidy	\$	167,233	\$	167,233	63036
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5F6 870-625 Motor Transportation	\$	5,361,239	\$	5,361,239	63037
Regulation					

558 870-602 Salvage and Exchange	\$	16,477	\$	4,000	63038
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TOTAL GSF General Services 63039

Fund Group	\$	36,167,171	\$	36,154,694	63040
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Federal Special Revenue Fund Group 63041

3V3 870-604 Commercial Vehicle	\$	870,000	\$	300,000	63042
Information					

Systems/Networks

333	870-601	Gas Pipeline Safety	\$	597,957	\$	597,957	63043
350	870-608	Motor Carrier Safety	\$	7,027,712	\$	7,027,712	63044
TOTAL FED Federal Special Revenue							63045
Fund Group			\$	8,495,669	\$	7,925,669	63046
State Special Revenue Fund Group							63047
4A3	870-614	Grade Crossing	\$	1,349,757	\$	1,349,757	63048
Protection							
Devices-State							
4L8	870-617	Pipeline Safety-State	\$	187,621	\$	187,621	63049
4S6	870-618	Hazardous Material	\$	899,325	\$	614,325	63050
Registration							
4S6	870-621	Hazardous Materials	\$	373,346	\$	373,346	63051
Base State							
Registration							
4U8	870-620	Civil Forfeitures	\$	719,986	\$	434,986	63052
559	870-605	Public Utilities	\$	4,000	\$	4,000	63053
Territorial							
Administration							
560	870-607	Special Assessment	\$	100,000	\$	100,000	63054
561	870-606	Power Siting Board	\$	337,210	\$	337,210	63055
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	63056
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	63057
Transportation							
TOTAL SSR State Special Revenue							63058
Fund Group			\$	4,911,245	\$	4,341,245	63059
Agency Fund Group							63060
4G4	870-616	Base State	\$	6,500,000	\$	6,500,000	63061
Registration Program							
TOTAL AGY Agency Fund Group							63062
TOTAL ALL BUDGET FUND GROUPS							63063
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT							63064
The Commercial Vehicle Information Systems and Networks Fund							63065

is hereby created in the state treasury. The Commercial Vehicle 63066
Information Systems and Networks Fund shall receive funding from 63067
the United States Department of Transportation's Commercial 63068
Vehicle Intelligent Transportation System Infrastructure 63069
Deployment Program and shall be used to deploy the Ohio Commercial 63070
Vehicle Information Systems and Networks Project and to expedite 63071
and improve the safety of motor carrier operations through 63072
electronic exchange of data by means of on-highway electronic 63073
systems. 63074

Notwithstanding section 4905.80 of the Revised Code, up to 63075
\$435,000 in fiscal year 2004 and \$150,000 in fiscal year 2005 of 63076
the foregoing appropriation item 870-618, Hazardous Material 63077
Registration, may be used to pay the state share of the 63078
implementation of the Ohio Commercial Vehicle Information Systems 63079
and Networks Project. 63080

Notwithstanding section 4923.12 of the Revised Code, up to 63081
\$435,000 in fiscal year 2004 and \$150,000 in fiscal year 2005 of 63082
the foregoing appropriation item 870-620, Civil Forfeitures, may 63083
be used to pay the state share of the implementation of the Ohio 63084
Commercial Vehicle Information Systems and Networks Project. 63085

Section 86. PWC PUBLIC WORKS COMMISSION 63086

General Revenue Fund 63087

GRF 150-904 Conservation General \$ 9,743,500 \$ 11,235,700 63088

Obligation Debt

Service

GRF 150-907 State Capital \$ 156,974,400 \$ 152,069,700 63089

Improvements

General Obligation 63090

Debt Service

TOTAL GRF General Revenue Fund \$ 166,717,900 \$ 163,305,400 63091

Clean Ohio Fund Group 63092

056 150-403 Clean Ohio Operating	\$	298,200	\$	304,400	63093
Expenses					
TOTAL 056 Clean Ohio Fund Group	\$	298,200	\$	304,400	63094
TOTAL ALL BUDGET FUND GROUPS	\$	167,016,100	\$	163,609,800	63095
CONSERVATION GENERAL OBLIGATION DEBT SERVICE					63096
The foregoing appropriation item 150-904, Conservation					63097
General Obligation Debt Service, shall be used to pay all debt					63098
service and related financing costs at the times they are required					63099
to be made pursuant to sections 151.01 and 151.09 of the Revised					63100
Code during the period from July 1, 2003, to June 30, 2005. The					63101
Office of the Sinking Fund or the Director of Budget and					63102
Management shall effectuate the required payments by an intrastate					63103
transfer voucher.					63104
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE					63105
The foregoing appropriation item 150-907, State Capital					63106
Improvements General Obligation Debt Service, shall be used to pay					63107
all debt service and related financing costs at the times they are					63108
required to be made pursuant to sections 151.01 and 151.08 of the					63109
Revised Code during the period from July 1, 2003, to June 30,					63110
2005. The Office of the Sinking Fund or the Director of Budget and					63111
Management shall effectuate the required payments by an intrastate					63112
transfer voucher.					63113
CLEAN OHIO OPERATING EXPENSES					63114
The foregoing appropriation item 150-403, Clean Ohio					63115
Operating Expenses, shall be used by the Ohio Public Works					63116
Commission in administering sections 164.20 to 164.27 of the					63117
Revised Code.					63118
Section 87. RAC STATE RACING COMMISSION					63119
State Special Revenue Fund Group					63120
5C4 875-607 Simulcast Horse Racing	\$	19,730,799	\$	19,476,952	63121

		Purse					
562	875-601	Thoroughbred Race Fund	\$	4,642,378	\$	4,642,378	63122
563	875-602	Standardbred	\$	2,908,841	\$	3,161,675	63123
		Development Fund					
564	875-603	Quarterhorse	\$	1,000	\$	2,000	63124
		Development Fund					
565	875-604	Racing Commission	\$	4,495,490	\$	4,769,547	63125
		Operating					
		TOTAL SSR State Special Revenue					63126
		Fund Group	\$	31,778,508	\$	32,052,552	63127
		Holding Account Redistribution Fund Group					63128
R21	875-605	Bond Reimbursements	\$	212,900	\$	212,900	63129
		TOTAL 090 Holding Account					63130
		Redistribution					
		Fund Group	\$	212,900	\$	212,900	63131
		TOTAL ALL BUDGET FUND GROUPS	\$	31,991,408	\$	32,265,452	63132
		Section 88. BOR BOARD OF REGENTS					63134
		General Revenue Fund					63135
GRF	235-321	Operating Expenses	\$	2,886,284	\$	2,767,219	63136
GRF	235-401	Lease Rental Payments	\$	246,500,700	\$	216,836,400	63137
GRF	235-402	Sea Grants	\$	274,895	\$	274,895	63138
GRF	235-403	Math/Science Teaching	\$	1,757,614	\$	1,757,614	63139
		Improvement					
GRF	235-404	College Readiness	\$	2,277,641	\$	2,277,641	63140
		Initiatives					
GRF	235-406	Articulation and	\$	513,450	\$	513,450	63141
		Transfer					
GRF	235-408	Midwest Higher	\$	35,000	\$	35,000	63142
		Education Compact					
GRF	235-409	Information System	\$	1,185,879	\$	1,154,671	63143
GRF	235-414	State Grants and	\$	1,219,719	\$	1,211,373	63144

	Scholarship				
	Administration				
GRF 235-415	Jobs Challenge	\$ 9,348,300	\$ 9,348,300	63145	
GRF 235-417	Ohio Learning Network	\$ 3,413,046	\$ 3,327,720	63146	
GRF 235-418	Access Challenge	\$ 74,568,622	\$ 74,568,622	63147	
GRF 235-420	Success Challenge	\$ 43,113,077	\$ 43,113,077	63148	
GRF 235-428	Appalachian New	\$ 940,000	\$ 940,000	63149	
	Economy Partnership				
GRF 235-451	Eminent Scholars	\$ 0	\$ 1,462,500	63150	
GRF 235-454	Research Challenge	\$ 18,330,000	\$ 18,330,000	63151	
GRF 235-455	EnterpriseOhio Network	\$ 1,505,262	\$ 1,465,650	63152	
GRF 235-474	Area Health Education	\$ 1,580,502	\$ 1,540,990	63153	
	Centers Program				
	Support				
GRF 235-477	Access Improvement	\$ 1,048,664	\$ 1,080,124	63154	
	Projects				
GRF 235-501	State Share of	\$ 1,505,373,459	\$ 1,505,335,851	63155	
	Instruction				
GRF 235-502	Student Support	\$ 870,675	\$ 848,908	63156	
	Services				
GRF 235-503	Ohio Instructional	\$ 111,966,343	\$ 115,325,333	63157	
	Grants				
GRF 235-504	War Orphans	\$ 4,672,321	\$ 4,672,321	63158	
	Scholarships				
GRF 235-507	OhioLINK	\$ 7,028,392	\$ 7,028,392	63159	
GRF 235-508	Air Force Institute of	\$ 1,880,000	\$ 1,880,000	63160	
	Technology				
GRF 235-510	Ohio Supercomputer	\$ 4,208,472	\$ 4,103,260	63161	
	Center				
GRF 235-511	Cooperative Extension	\$ 25,394,863	\$ 25,394,863	63162	
	Service				
GRF 235-513	Ohio University	\$ 271,977	\$ 265,178	63163	
	Voinovich Center				

GRF 235-514	Central State Supplement	\$ 11,039,203	\$ 11,039,203	63164
GRF 235-515	Case Western Reserve University School of Medicine	\$ 3,168,949	\$ 3,089,725	63165
GRF 235-519	Family Practice	\$ 4,840,887	\$ 4,719,865	63166
GRF 235-520	Shawnee State Supplement	\$ 2,082,289	\$ 2,082,289	63167
GRF 235-521	The Ohio State University Glenn Institute	\$ 271,977	\$ 265,178	63168
GRF 235-524	Police and Fire Protection	\$ 209,046	\$ 203,819	63169
GRF 235-525	Geriatric Medicine	\$ 820,696	\$ 800,179	63170
GRF 235-526	Primary Care Residencies	\$ 2,390,061	\$ 2,330,310	63171
GRF 235-527	Ohio Aerospace Institute	\$ 1,763,843	\$ 1,719,747	63172
GRF 235-530	Academic Scholarships	\$ 7,800,000	\$ 7,800,000	63173
GRF 235-531	Student Choice Grants	\$ 52,139,646	\$ 52,139,646	63174
GRF 235-534	Student Workforce Development Grants	\$ 2,437,500	\$ 2,437,500	63175
GRF 235-535	Ohio Agricultural Research and Development Center	\$ 35,496,855	\$ 35,496,855	63176
GRF 235-536	The Ohio State University Clinical Teaching	\$ 12,461,503	\$ 12,461,503	63177
GRF 235-537	University of Cincinnati Clinical Teaching	\$ 10,249,417	\$ 10,249,417	63178
GRF 235-538	Medical College of Ohio at Toledo	\$ 7,988,864	\$ 7,988,864	63179

	Clinical Teaching					
GRF 235-539	Wright State	\$	3,881,147	\$	3,881,147	63180
	University Clinical Teaching					
GRF 235-540	Ohio University	\$	3,752,022	\$	3,752,022	63181
	Clinical Teaching					
GRF 235-541	Northeastern Ohio	\$	3,858,951	\$	3,858,951	63182
	Universities College of Medicine Clinical Teaching					
GRF 235-543	Ohio College of Podiatric Medicine Clinical Subsidy	\$	389,513	\$	389,513	63183
GRF 235-547	School of International Business	\$	1,264,611	\$	1,232,996	63184
GRF 235-549	Part-time Student Instructional Grants	\$	14,036,622	\$	14,457,721	63185
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,726,884	\$	2,726,884	63186
GRF 235-554	Computer Science Graduate Education	\$	2,577,209	\$	2,512,779	63187
GRF 235-555	Library Depositories	\$	1,775,467	\$	1,731,080	63188
GRF 235-556	Ohio Academic Resources Network	\$	3,657,009	\$	3,803,289	63189
GRF 235-558	Long-term Care Research	\$	230,906	\$	225,134	63190
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	121,586	\$	118,546	63191
GRF 235-572	The Ohio State University Clinic Support	\$	1,400,394	\$	1,362,259	63192
GRF 235-583	Urban University	\$	4,813,113	\$	4,692,785	63193

	Programs			
GRF 235-585	Ohio University	\$	36,078	\$ 35,176 63194
	Innovation Center			
GRF 235-587	Rural University	\$	1,018,010	\$ 992,559 63195
	Projects			
GRF 235-588	Ohio Resource Center	\$	853,262	\$ 853,262 63196
	for Mathematics, Science, and Reading			
GRF 235-595	International Center	\$	137,352	\$ 133,918 63197
	for Water Resources Development			
GRF 235-596	Hazardous Materials	\$	339,647	\$ 331,156 63198
	Program			
GRF 235-599	National Guard	\$	13,252,916	\$ 14,578,208 63199
	Scholarship Program			
GRF 235-909	Higher Education	\$	97,668,000	\$ 130,967,600 63200
	General Obligation Debt Service			
TOTAL GRF	General Revenue Fund	\$	2,385,116,592	\$ 2,394,320,437 63201
	General Services Fund Group 63202			
220 235-614	Program Approval and	\$	400,000	\$ 400,000 63203
	Reauthorization			
456 235-603	Sales and Services	\$	300,002	\$ 300,003 63204
TOTAL GSF	General Services			63205
Fund Group		\$	700,002	\$ 700,003 63206
	Federal Special Revenue Fund Group 63207			
3H2 235-608	Human Services Project	\$	1,500,000	\$ 1,500,000 63208
3N6 235-605	State Student	\$	2,196,680	\$ 2,196,680 63209
	Incentive Grants			
3T0 235-610	National Health	\$	150,001	\$ 150,001 63210
	Service Corps - Ohio Loan Repayment			

312	235-609	Tech Prep	\$	183,850	\$	183,850	63211
312	235-611	Gear-up Grant	\$	1,478,245	\$	1,370,691	63212
312	235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	63213
312	235-615	Professional Development	\$	523,129	\$	523,129	63214
312	235-616	Workforce Investment Act Administration	\$	850,000	\$	850,000	63215
312	235-631	Federal Grants	\$	3,444,949	\$	3,150,590	63216
TOTAL FED Federal Special Revenue							63217
Fund Group			\$	10,439,814	\$	10,037,901	63218
State Special Revenue Fund Group							63219
4E8	235-602	Higher Educational Facility Commission Administration	\$	20,000	\$	20,000	63220
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870	63221
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	63222
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	63223
TOTAL SSR State Special Revenue							63224
Fund Group			\$	2,149,870	\$	2,149,870	63225
TOTAL ALL BUDGET FUND GROUPS			\$	2,398,406,278	\$	2,407,208,211	63226

Section 88.01. OPERATING EXPENSES 63228

Of the foregoing appropriation item 235-321, Operating 63229
Expenses, \$50,000 in each fiscal year shall be distributed to the 63230
Don't Laugh at Me Program, which shall use the funds to 63231
disseminate educational resources designed to establish a climate 63232

that reduces the emotional and physical harm caused by ridicule, 63233
bullying, and violence. 63234

LEASE RENTAL PAYMENTS 63235

The foregoing appropriation item 235-401, Lease Rental 63236
Payments, shall be used to meet all payments at the times they are 63237
required to be made during the period from July 1, 2003, to June 63238
30, 2005, by the Board of Regents pursuant to leases and 63239
agreements made under section 154.21 of the Revised Code, but 63240
limited to the aggregate amount of \$463,377,100. Nothing in this 63241
act shall be deemed to contravene the obligation of the state to 63242
pay, without necessity for further appropriation, from the sources 63243
pledged thereto, the bond service charges on obligations issued 63244
pursuant to section 154.21 of the Revised Code. 63245

SEA GRANTS 63246

The foregoing appropriation item 235-402, Sea Grants, shall 63247
be disbursed to the Ohio State University and shall be used to 63248
conduct research on fish in Lake Erie. 63249

MATHEMATICS AND SCIENCE TEACHING IMPROVEMENT 63250

Appropriation item 235-403, Math/Science Teaching 63251
Improvement, shall be used by the Board of Regents to support 63252
programs such as OSI - Discovery designed to raise the quality of 63253
mathematics and science teaching in primary and secondary 63254
education. 63255

Of the foregoing appropriation item 235-403, Math/Science 63256
Teaching Improvement, \$217,669 in each fiscal year shall be 63257
distributed to the Mathematics and Science Center in Lake County. 63258

Of the foregoing appropriation item 235-403, Math/Science 63259
Teaching Improvement, \$87,068 in fiscal year 2004 and \$87,067 in 63260
fiscal year 2005 shall be distributed to the Ohio Mathematics and 63261
Science Coalition. 63262

COLLEGE READINESS INITIATIVES	63263
Appropriation item 235-404, College Readiness Initiatives,	63264
shall be used by the Board of Regents to support programs designed	63265
to improve the academic preparation and increase the number of	63266
students that enroll and succeed in higher education.	63267
MIDWEST HIGHER EDUCATION COMPACT	63268
The foregoing appropriation item 235-408, Midwest Higher	63269
Education Compact, shall be distributed by the Board of Regents	63270
pursuant to section 3333.40 of the Revised Code.	63271
INFORMATION SYSTEM	63272
The foregoing appropriation item 235-409, Information System,	63273
shall be used by the Board of Regents to operate the higher	63274
education information data system known as the Higher Education	63275
Information System.	63276
Section 88.02. JOBS CHALLENGE	63277
Funds appropriated to appropriation item 235-415, Jobs	63278
Challenge, shall be distributed to state-assisted community and	63279
technical colleges, regional campuses of state-assisted	63280
universities, and other organizationally distinct and identifiable	63281
member campuses of the EnterpriseOhio Network in support of	63282
noncredit job-related training. In each fiscal year, \$2,770,773	63283
shall be distributed as performance grants to EnterpriseOhio	63284
Network campuses based upon each campus's documented performance	63285
according to criteria established by the Board of Regents for	63286
increasing training and related services to businesses,	63287
industries, and public sector organizations.	63288
Of the foregoing appropriation item 235-415, Jobs Challenge,	63289
\$2,819,345 in each fiscal year shall be allocated to the Targeted	63290
Industries Training Grant Program to attract, develop, and retain	63291
business and industry strategically important to the state's	63292

economy. 63293

Also, in each fiscal year, \$3,758,182 shall be allocated to 63294
the Higher Skills Incentives Program to promote and deliver 63295
coordinated, comprehensive training to local employers and to 63296
reward EnterpriseOhio Network campuses for increasing the amount 63297
of non-credit skill upgrading services provided to Ohio employers 63298
and employees. The funds shall be distributed to campuses in 63299
proportion to each campus's share of noncredit job-related 63300
training revenues received by all campuses for the previous fiscal 63301
year. It is the intent of the General Assembly that this Higher 63302
Skills Incentives component of the Jobs Challenge Program reward 63303
campus noncredit job-related training efforts in the same manner 63304
that the Research Challenge Program rewards campuses for their 63305
ability to obtain sponsored research revenues. 63306

OHIO LEARNING NETWORK 63307

Appropriation item 235-417, Ohio Learning Network, shall be 63308
used by the Board of Regents to support the continued 63309
implementation of the Ohio Learning Network, a statewide 63310
electronic collaborative effort designed to promote degree 63311
completion of students, workforce training of employees, and 63312
professional development through the use of advanced 63313
telecommunications and distance education initiatives. 63314

ACCESS CHALLENGE 63315

In each fiscal year, the foregoing appropriation item 63316
235-418, Access Challenge, shall be distributed to Ohio's 63317
state-assisted access colleges and universities. For the purposes 63318
of this allocation, "access campuses" includes state-assisted 63319
community colleges, state community colleges, technical colleges, 63320
Shawnee State University, Central State University, Cleveland 63321
State University, the regional campuses of state-assisted 63322
universities, and, where they are organizationally distinct and 63323

identifiable, the community-technical colleges located at the 63324
University of Cincinnati, Youngstown State University, and the 63325
University of Akron. 63326

The purpose of Access Challenge is to reduce the student 63327
share of costs for resident undergraduates enrolled in lower 63328
division undergraduate courses at Ohio's access campuses. The 63329
long-term goal is to make the student share of costs for these 63330
students equivalent to the student share of costs for resident 63331
undergraduate students enrolled throughout Ohio's public colleges 63332
and universities. Access Challenge appropriations shall be used in 63333
both years of the biennium to sustain, as much as possible, the 63334
tuition restraint or tuition reduction that was achieved with 63335
Access Challenge allocations in prior years. 63336

In fiscal year 2004, Access Challenge subsidies shall be 63337
distributed by the Board of Regents to eligible access campuses on 63338
the basis of the average of each campus's share of fiscal year 63339
2001 and 2002 all-terms subsidy-eligible General Studies FTEs. In 63340
fiscal year 2005, Access Challenge subsidies shall be distributed 63341
by the Board of Regents to eligible access campuses on the basis 63342
of the average of each campus's share of fiscal year 2002 and 2003 63343
all-terms subsidy-eligible General Studies FTEs. 63344

For the purposes of this calculation, Cleveland State 63345
University's enrollments shall be adjusted by the ratio of the sum 63346
of subsidy-eligible lower-division FTE student enrollments 63347
eligible for access funding to the sum of subsidy-eligible General 63348
Studies FTE student enrollments at Central State University and 63349
Shawnee State University, and for the following universities and 63350
their regional campuses: the Ohio State University, Ohio 63351
University, Kent State University, Bowling Green State University, 63352
Miami University, the University of Cincinnati, the University of 63353
Akron, and Wright State University. 63354

SUCCESS CHALLENGE 63355

The foregoing appropriation item 235-420, Success Challenge, 63356
shall be used by the Board of Regents to promote degree completion 63357
by students enrolled at a main campus of a state-assisted 63358
university. 63359

In each fiscal year, two-thirds of the appropriations shall 63360
be distributed to state-assisted university main campuses in 63361
proportion to each campus's share of the total statewide 63362
bachelor's degrees granted by university main campuses to 63363
"at-risk" students. In fiscal years 2004 and 2005, an "at-risk" 63364
student means any undergraduate student who was eligible to 63365
receive an Ohio Instructional Grant during the past ten years. An 63366
eligible institution shall not receive its share of this 63367
distribution until it has submitted a plan that addresses how the 63368
subsidy will be used to better serve at-risk students and increase 63369
their likelihood of successful completion of a bachelor's degree 63370
program. The Board of Regents shall disseminate to all 63371
state-supported institutions of higher education all such plans 63372
submitted by institutions that received Success Challenge funds. 63373

In each fiscal year, one-third of the appropriations shall be 63374
distributed to university main campuses in proportion to each 63375
campus's share of the total bachelor's degrees granted by 63376
university main campuses to undergraduate students who completed 63377
their bachelor's degrees in a "timely manner" in the previous 63378
fiscal year. For the purposes of this section, "timely manner" 63379
means the normal time it would take for a full-time degree-seeking 63380
undergraduate student to complete the student's degree. Generally, 63381
for such students pursuing a bachelor's degree, "timely manner" 63382
means four years. Exceptions to this general rule shall be 63383
permitted for students enrolled in programs specifically designed 63384
to be completed in a longer time period. The Board of Regents 63385
shall collect data to assess the timely completion statistics by 63386
university main campuses. 63387

APPALACHIAN NEW ECONOMY PARTNERSHIP 63388

The foregoing appropriation item 235-428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

EMINENT SCHOLARS 63396

The foregoing appropriation item 235-451, Eminent Scholars, shall be used by the Ohio Board of Regents to establish an Ohio Eminent Scholars Program, the purpose of which is to invest educational resources to address problems that are of vital statewide significance while fostering the growth in eminence of Ohio's academic programs. Ohio Eminent Scholars endowed chairs will allow Ohio universities to recruit senior faculty members from outside Ohio who are nationally and internationally recognized scholars in areas of science and technology that provide the basic research platforms on which our technology and commercialization efforts are built. Endowment grants of approximately \$750,000 to state colleges and universities and nonprofit Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code to match endowment gifts from nonstate sources may be made in accordance with a plan established by the Ohio Board of Regents. Matching nonstate gifts in science and technology programs shall be \$750,000. The grants shall have as their purpose attracting and sustaining in Ohio scholar-leaders of national or international prominence; each will assist in accelerating state economic growth through research that provides an essential basic science platform for commercialization efforts. Such scholar-leaders shall, among their duties, share broadly the

benefits and knowledge unique to their fields of scholarship to 63420
the betterment of Ohio and its people and collaborate with other 63421
state technology programs and program recipients. 63422

RESEARCH CHALLENGE 63423

The foregoing appropriation item 235-454, Research Challenge, 63424
shall be used to enhance the basic research capabilities of public 63425
colleges and universities and accredited Ohio institutions of 63426
higher education holding certificates of authorization issued 63427
pursuant to section 1713.02 of the Revised Code, in order to 63428
strengthen academic research for pursuing Ohio's economic 63429
development goals. The Board of Regents, in consultation with the 63430
colleges and universities, shall administer the Research Challenge 63431
Program and utilize a means of matching, on a fractional basis, 63432
external funds attracted in the previous year by institutions for 63433
basic research. The program may include incentives for increasing 63434
the amount of external research funds coming to eligible 63435
institutions and for focusing research efforts upon critical state 63436
needs. Colleges and universities shall submit for review and 63437
approval to the Board of Regents plans for the institutional 63438
allocation of state dollars received through the program. The 63439
institutional plans shall provide the rationale for the allocation 63440
in terms of the strategic targeting of funds for academic and 63441
state purposes, for strengthening research programs, for 63442
increasing the amount of external research funds, and shall 63443
include an evaluation process to provide results of the increased 63444
support. Each institutional plan for the investment of Research 63445
Challenge moneys shall report on existing, planned, and/or 63446
possible relationships with other State of Ohio science and 63447
technology programs and funding recipients in order to further 63448
ongoing statewide science and technology collaboration objectives. 63449
The Board of Regents shall submit a biennial report of progress to 63450
the General Assembly. 63451

ENTERPRISEOHIO NETWORK 63452

The foregoing appropriation item 235-455, EnterpriseOhio 63453
Network, shall be allocated by the Board of Regents to continue 63454
increasing the capabilities of the EnterpriseOhio Network to meet 63455
the ongoing training needs of Ohio employers. Funds shall support 63456
multicampus collaboration, best practice dissemination, and 63457
capacity building projects. The Regents Advisory Committee for 63458
Workforce Development, in its advisory role, shall advise in the 63459
development of plans and activities. 63460

Of the foregoing appropriation item 235-455, EnterpriseOhio 63461
Network, \$181,101 in fiscal year 2004 and \$176,334 in fiscal year 63462
2005 shall be used by the Dayton Business/Sinclair College Jobs 63463
Profiling Program. 63464

Section 88.03. AREA HEALTH EDUCATION CENTERS 63465

The foregoing appropriation item 235-474, Area Health 63466
Education Centers Program Support, shall be used by the Board of 63467
Regents to support the medical school regional area health 63468
education centers' educational programs for the continued support 63469
of medical and other health professions education and for support 63470
of the Area Health Education Center Program. 63471

Of the foregoing appropriation item 235-474, Area Health 63472
Education Centers Program Support, \$174,135 in fiscal year 2004 63473
and \$169,782 in fiscal year 2005 shall be disbursed to the Ohio 63474
University College of Osteopathic Medicine to operate a mobile 63475
health care unit to serve the southeastern area of the state. Of 63476
the foregoing appropriation item 235-474, Area Health Education 63477
Centers Program Support, \$130,601 in fiscal year 2004 and \$127,337 63478
in fiscal year 2005 shall be used to support the Ohio Valley 63479
Community Health Information Network (OVCHIN) project. 63480

ACCESS IMPROVEMENT PROJECTS 63481

The foregoing appropriation item 235-477, Access Improvement
Projects, shall be used by the Board of Regents to support
innovative statewide strategies to increase student access and
retention for specialized populations, and to provide for pilot
projects that will contribute to improving access to higher
education by specialized populations. The funds may be used for
projects that improve access for nonpublic secondary students.

Of the foregoing appropriation item 235-477, Access
Improvement Projects, \$798,684 in fiscal year 2004 and \$822,645 in
fiscal year 2005 shall be distributed to the Ohio Appalachian
Center for Higher Education at Shawnee State University. The board
of directors of the center shall consist of the presidents of
Shawnee State University, Ohio University, Belmont Technical
College, Hocking Technical College, Jefferson Community College,
Muskingum Area Technical College, Rio Grande Community College,
Southern State Community College, and Washington State Community
College; the dean of one of the Salem, Tuscarawas, and East
Liverpool regional campuses of Kent State University, as
designated by the president of Kent State University; and a
representative of the Board of Regents designated by the
Chancellor.

Of the foregoing appropriation item 235-477, Access
Improvement Projects, \$169,553 in fiscal year 2004 and \$174,640 in
fiscal year 2005 shall be distributed to Miami University for the
Student Achievement in Research and Scholarship (STARS) Program.

Section 88.04. STATE SHARE OF INSTRUCTION

As soon as practicable during each fiscal year of the
2003-2005 biennium in accordance with instructions of the Board of
Regents, each state-assisted institution of higher education shall
report its actual enrollment to the Board of Regents.

The Board of Regents shall establish procedures required by 63512
the system of formulas set out below and for the assignment of 63513
individual institutions to categories described in the formulas. 63514
The system of formulas establishes the manner in which aggregate 63515
expenditure requirements shall be determined for each of the three 63516
components of institutional operations. In addition to other 63517
adjustments and calculations described below, the subsidy 63518
entitlement of an institution shall be determined by subtracting 63519
from the institution's aggregate expenditure requirements income 63520
to be derived from the local contributions assumed in calculating 63521
the subsidy entitlements. The local contributions for purposes of 63522
determining subsidy support shall not limit the authority of the 63523
individual boards of trustees to establish fee levels. 63524

The General Studies and Technical models shall be adjusted by 63525
the Board of Regents so that the share of state subsidy earned by 63526
those models is not altered by changes in the overall local share. 63527
A lower-division fee differential shall be used to maintain the 63528
relationship that would have occurred between these models and the 63529
baccalaureate models had an assumed share of 37 per cent been 63530
funded. 63531

In defining the number of full-time equivalent (FTE) students 63532
for state subsidy purposes, the Board of Regents shall exclude all 63533
undergraduate students who are not residents of Ohio, except those 63534
charged in-state fees in accordance with reciprocity agreements 63535
made pursuant to section 3333.17 of the Revised Code or employer 63536
contracts entered into pursuant to section 3333.32 of the Revised 63537
Code. 63538

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT 63539

(1) INSTRUCTION AND SUPPORT SERVICES 63540

MODEL	FY 2004	FY 2005	
General Studies I	\$ 4,947	\$ 4,983	63541 63542

General Studies II	\$ 5,323	\$ 5,336	63543
General Studies III	\$ 6,883	\$ 7,120	63544
Technical I	\$ 5,913	\$ 6,137	63545
Technical III	\$ 9,522	\$ 10,026	63546
Baccalaureate I	\$ 7,623	\$ 7,721	63547
Baccalaureate II	\$ 8,584	\$ 8,864	63548
Baccalaureate III	\$ 12,559	\$ 12,932	63549
Masters and Professional I	\$ 15,867	\$ 18,000	63550
Masters and Professional II	\$ 20,861	\$ 22,141	63551
Masters and Professional III	\$ 27,376	\$ 28,190	63552
Medical I	\$ 30,867	\$ 31,819	63553
Medical II	\$ 41,495	\$ 41,960	63554
MPD I	\$ 14,938	\$ 14,966	63555

(2) STUDENT SERVICES 63556

For this purpose, FTE counts shall be weighted to reflect 63557
differences among institutions in the numbers of students enrolled 63558
on a part-time basis. The student services subsidy per FTE shall 63559
be \$822 in fiscal year 2004 and \$903 in fiscal year 2005 for all 63560
models. 63561

(B) PLANT OPERATION AND MAINTENANCE (POM) 63562

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY 63563

Space undergoing renovation shall be funded at the rate 63564
allowed for storage space. 63565

In the calculation of square footage for each campus, square 63566
footage shall be weighted to reflect differences in space 63567
utilization. 63568

The space inventories for each campus shall be those 63569
determined in the fiscal year 2003 state share of instruction 63570
calculation, adjusted for changes attributable to the construction 63571
or renovation of facilities for which state appropriations were 63572
made or local commitments were made prior to January 1, 1995. 63573

Only 50 per cent of the space permanently taken out of operation in fiscal year 2004 or fiscal year 2005 that is not otherwise replaced by a campus shall be deleted from the plant operation and maintenance space inventory.

The square-foot-based plant operation and maintenance subsidy for each campus shall be determined as follows:

(a) For each standard room type category shown below, the subsidy-eligible net assignable square feet (NASF) for each campus shall be multiplied by the following rates, and the amounts summed for each campus to determine the total gross square-foot-based POM expenditure requirement:

	FY 2004	FY 2005	
Classrooms	\$5.80	\$6.04	
Laboratories	\$7.22	\$7.53	
Offices	\$5.80	\$6.04	
Audio Visual Data Processing	\$7.22	\$7.53	
Storage	\$2.57	\$2.68	
Circulation	\$7.31	\$7.62	
Other	\$5.80	\$6.04	

(b) The total gross square-foot POM expenditure requirement shall be allocated to models in proportion to FTE enrollments as reported in enrollment data for all models except Doctoral I and Doctoral II.

(c) The amounts allocated to models in division (B)(1)(b) of this section shall be multiplied by the ratio of subsidy-eligible FTE students to total FTE students reported in each model, and the amounts summed for all models. To this total amount shall be added an amount to support roads and grounds expenditures to produce the total square-foot-based POM subsidy.

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY

(a) The number of subsidy-eligible FTE students in each model

shall be multiplied by the following rates for each campus for 63605
each fiscal year. 63606

	FY 2004	FY 2005	
General Studies I	\$ 552	\$ 560	63608
General Studies II	\$ 696	\$ 705	63609
General Studies III	\$1,608	\$1,651	63610
Technical I	\$ 777	\$ 806	63611
Technical III	\$1,501	\$1,570	63612
Baccalaureate I	\$ 700	\$ 706	63613
Baccalaureate II	\$1,250	\$1,232	63614
Baccalaureate III	\$1,520	\$1,458	63615
Masters and Professional I	\$1,258	\$1,301	63616
Masters and Professional II	\$2,817	\$2,688	63617
Masters and Professional III	\$3,832	\$3,712	63618
Medical I	\$2,663	\$2,669	63619
Medical II	\$3,837	\$4,110	63620
MPD I	\$1,213	\$1,233	63621

(b) The sum of the products for each campus determined in 63622
division (B)(2)(a) of this section for all models except Doctoral 63623
I and Doctoral II for each fiscal year shall be weighted by a 63624
factor to reflect sponsored research activity and job 63625
training-related public services expenditures to determine the 63626
total activity-based POM subsidy. 63627

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS 63628

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 63629

The calculation of the core subsidy entitlement shall consist 63630
of the following components: 63631

(a) For each campus and for each fiscal year, the core 63632
subsidy entitlement shall be determined by multiplying the amounts 63633
listed above in divisions (A)(1) and (2) and (B)(2) of this 63634
section less assumed local contributions, by (i) average 63635

subsidy-eligible FTEs for the two-year period ending in the prior 63636
year for all models except Doctoral I and Doctoral II; and (ii) 63637
average subsidy-eligible FTEs for the five-year period ending in 63638
the prior year for all models except Doctoral I and Doctoral II. 63639

(b) In calculating the core subsidy entitlements for Medical 63640
II models only, the Board of Regents shall use the following count 63641
of FTE students: 63642

(i) For those medical schools whose current year enrollment, 63643
including students repeating terms, is below the base enrollment, 63644
the Medical II FTE enrollment shall equal: 65 per cent of the base 63645
enrollment plus 35 per cent of the current year enrollment 63646
including students repeating terms, where the base enrollment is: 63647

The Ohio State University	1010	63648
University of Cincinnati	833	63649
Medical College of Ohio at Toledo	650	63650
Wright State University	433	63651
Ohio University	433	63652
Northeastern Ohio Universities College of Medicine	433	63653

(ii) For those medical schools whose current year enrollment, 63654
excluding students repeating terms, is equal to or greater than 63655
the base enrollment, the Medical II FTE enrollment shall equal the 63656
base enrollment plus the FTE for repeating students. 63657

(iii) Students repeating terms may be no more than five per 63658
cent of current year enrollment. 63659

(c) The Board of Regents shall compute the sum of the two 63660
calculations listed in division (C)(1)(a) of this section and use 63661
the greater sum as the core subsidy entitlement. 63662

The POM subsidy for each campus shall equal the greater of 63663
the square-foot-based subsidy or the activity-based POM subsidy 63664
component of the core subsidy entitlement. 63665

(d) The state share of instruction provided for doctoral students shall be based on a fixed percentage of the total appropriation. In each fiscal year of the biennium not more than 10.0 per cent of the total state share of instruction shall be reserved to implement the recommendations of the Graduate Funding Commission. It is the intent of the General Assembly that the doctoral reserve not exceed 10.0 per cent of the total state share of instruction to implement the recommendations of the Graduate Funding Commission. The Board of Regents may reallocate up to two per cent in each fiscal year of the reserve among the state-assisted universities on the basis of a quality review as specified in the recommendations of the Graduate Funding Commission. No such reallocation shall occur unless the Board of Regents, in consultation with representatives of state-assisted universities, determines that sufficient funds are available for this purpose.

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 amount, if any, by which debt service charged in Am. H.B. No. 748 of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd General Assembly, Am. H.B. No. 640 of the 123rd General Assembly,

and H.B. No. 675 of the 124th General Assembly for that campus 63698
exceeds that campus's capital component earnings. 63699

(D) REDUCTIONS IN EARNINGS 63700

If the total state share of instruction earnings in any 63701
fiscal year exceed the total appropriations available for such 63702
purposes, the Board of Regents shall proportionately reduce the 63703
state share of instruction earnings for all campuses by a uniform 63704
percentage so that the system wide sum equals available 63705
appropriations. 63706

(E) EXCEPTIONAL CIRCUMSTANCES 63707

Adjustments may be made to the state share of instruction 63708
payments and other subsidies distributed by the Board of Regents 63709
to state-assisted colleges and universities for exceptional 63710
circumstances. No adjustments for exceptional circumstances may be 63711
made without the recommendation of the Chancellor and the approval 63712
of the Controlling Board. 63713

(F) MID-YEAR APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 63714
INSTRUCTION 63715

The standard provisions of the state share of instruction 63716
calculation as described in the preceding sections of temporary 63717
law shall apply to any reductions made to appropriation line item 63718
235-501, State Share of Instruction, before the Board of Regents 63719
has formally approved the final allocation of the state share of 63720
instruction funds for any fiscal year. 63721

Any reductions made to appropriation line item 235-501, State 63722
Share of Instruction, after the Board of Regents has formally 63723
approved the final allocation of the state share of instruction 63724
funds for any fiscal year, shall be uniformly applied to each 63725
campus in proportion to its share of the final allocation. 63726

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 63727

The state share of instruction payments to the institutions 63728
shall be in substantially equal monthly amounts during the fiscal 63729
year, unless otherwise determined by the Director of Budget and 63730
Management pursuant to section 126.09 of the Revised Code. 63731
Payments during the first six months of the fiscal year shall be 63732
based upon the state share of instruction appropriation estimates 63733
made for the various institutions of higher education according to 63734
Board of Regents enrollment estimates. Payments during the last 63735
six months of the fiscal year shall be distributed after approval 63736
of the Controlling Board upon the request of the Board of Regents. 63737

(H) LAW SCHOOL SUBSIDY 63738

The state share of instruction to state-supported 63739
universities for students enrolled in law schools in fiscal year 63740
2004 and fiscal year 2005 shall be calculated by using the number 63741
of subsidy-eligible FTE law school students funded by state 63742
subsidy in fiscal year 1995 or the actual number of 63743
subsidy-eligible FTE law school students at the institution in the 63744
fiscal year, whichever is less. 63745

Section 88.05. HIGHER EDUCATION - BOARD OF TRUSTEES 63746

Funds appropriated for instructional subsidies at colleges 63747
and universities may be used to provide such branch or other 63748
off-campus undergraduate courses of study and such master's degree 63749
courses of study as may be approved by the Board of Regents. 63750

In providing instructional and other services to students, 63751
boards of trustees of state-assisted institutions of higher 63752
education shall supplement state subsidies by income from charges 63753
to students. Each board shall establish the fees to be charged to 63754
all students, including an instructional fee for educational and 63755
associated operational support of the institution and a general 63756
fee for noninstructional services, including locally financed 63757

student services facilities used for the benefit of enrolled 63758
students. The instructional fee and the general fee shall 63759
encompass all charges for services assessed uniformly to all 63760
enrolled students. Each board may also establish special purpose 63761
fees, service charges, and fines as required; such special purpose 63762
fees and service charges shall be for services or benefits 63763
furnished individual students or specific categories of students 63764
and shall not be applied uniformly to all enrolled students. 63765
Except for the board of trustees of Miami University in 63766
implementing the pilot tuition restructuring plan recognized by 63767
this section, a tuition surcharge shall be paid by all students 63768
who are not residents of Ohio. 63769

The boards of trustees of individual state-assisted 63770
universities, university branch campuses, community colleges, 63771
state community colleges, and technical colleges shall limit 63772
in-state undergraduate instructional and general fee increases for 63773
an academic year over the amounts charged in the prior academic 63774
year to no more than six per cent. In addition to the six per cent 63775
main campus in-state undergraduate instructional and general fee 63776
increase limit established in this section, the Board of Trustees 63777
of The Ohio State University may authorize an additional 63778
university main campus in-state undergraduate instructional and 63779
general fee increase of three per cent for academic years 63780
2003-2004 and 2004-2005. The Board of Trustees of The Ohio State 63781
University and individual state-assisted universities, university 63782
branch campuses, community colleges, state community colleges, and 63783
technical colleges with instructional and general fees below the 63784
average for their respective sector, may charge an additional fee 63785
of \$300 to in-coming students. The boards of trustees of 63786
individual state-assisted universities, university branch 63787
campuses, community colleges, state community colleges, and 63788
technical colleges shall not authorize combined instructional and 63789
general fee increases of more than six per cent in a single vote. 63790

These fee increase limitations apply even if an institutional 63791
board of trustees has, prior to the effective date of this 63792
section, voted to assess a higher fee for the 2003-2004 academic 63793
year. These limitations shall not apply to increases required to 63794
comply with institutional covenants related to their obligations 63795
or to meet unfunded legal mandates or legally binding obligations 63796
incurred or commitments made prior to the effective date of this 63797
act with respect to which the institution had identified such fee 63798
increases as the source of funds. Any increase required by such 63799
covenants and any such mandates, obligations, or commitments shall 63800
be reported by the Board of Regents to the Controlling Board. 63801
These limitations may also be modified by the Board of Regents, 63802
with the approval of the Controlling Board, to respond to 63803
exceptional circumstances as identified by the Board of Regents. 63804

The boards of trustees of individual state-assisted 63805
universities, university branch campuses, community colleges, 63806
state community colleges, and technical colleges shall place 63807
moratoriums during fiscal years 2004 and 2005 on the creation, 63808
acquisition, and expansion of academic programs, capital projects, 63809
real estate, and student centers, except for those for which the 63810
Ohio Board of Regents has approved a resolution prior to July 1, 63811
2003, to create, acquire, expand, or finance, and except for those 63812
otherwise specified in legislation enacted prior to July 1, 2003, 63813
and except for requests meeting the review and approval of the 63814
Third Frontier Commission. The Third Frontier Commission shall 63815
review only those requests that seek to establish or enhance the 63816
research and development and the workforce position of the state 63817
or a region of the state. Any such requests approved by the Third 63818
Frontier Commission shall require the review and approval of the 63819
Controlling Board. Notwithstanding anything to the contrary in 63820
this paragraph, the board of trustees of a state-assisted 63821
university, university branch campus, community college, state 63822
community college, or technical college may seek approval by the 63823

Controlling Board for an action not otherwise permitted by this 63824
paragraph for exceptional circumstances. 63825

State-assisted universities, university branch campuses, 63826
community colleges, state community colleges, and technical 63827
colleges shall not seek the appropriation of funds for, or 63828
transfer or seek approval to transfer funds to, any project not 63829
specified in Am. Sub. H.B. 850 of the 122nd General Assembly, Am. 63830
Sub. H.B. 640 of the 123rd General Assembly, Am. Sub. H.B. 675 of 63831
the 124th General Assembly, or any other act enacted after June 63832
30, 1998. Notwithstanding anything to the contrary in this 63833
paragraph, the board of trustees of a state-assisted university, 63834
university branch campus, community college, state community 63835
college, or technical college may seek approval by the Controlling 63836
Board for an action not otherwise permitted by this paragraph for 63837
exceptional circumstances. 63838

The board of trustees of a state-assisted institution of 63839
higher education shall not authorize a waiver or nonpayment of 63840
instructional fees or general fees for any particular student or 63841
any class of students other than waivers specifically authorized 63842
by law or approved by the Chancellor. This prohibition is not 63843
intended to limit the authority of boards of trustees to provide 63844
for payments to students for services rendered the institution, 63845
nor to prohibit the budgeting of income for staff benefits or for 63846
student assistance in the form of payment of such instructional 63847
and general fees. This prohibition is not intended to limit the 63848
authority of the board of trustees of Miami University in 63849
providing financial assistance to students in implementing the 63850
pilot tuition restructuring plan recognized by this section. 63851

Except for Miami University in implementing the pilot tuition 63852
restructuring plan recognized by this section, each state-assisted 63853
institution of higher education in its statement of charges to 63854
students shall separately identify the instructional fee, the 63855

general fee, the tuition charge, and the tuition surcharge. Fee 63856
charges to students for instruction shall not be considered to be 63857
a price of service but shall be considered to be an integral part 63858
of the state government financing program in support of higher 63859
educational opportunity for students. 63860

In providing the appropriations in support of instructional 63861
services at state-assisted institutions of higher education and 63862
the appropriations for other instruction it is the intent of the 63863
General Assembly that faculty members shall devote a proper and 63864
judicious part of their work week to the actual instruction of 63865
students. Total class credit hours of production per quarter per 63866
full-time faculty member is expected to meet the standards set 63867
forth in the budget data submitted by the Board of Regents. 63868

The authority of government vested by law in the boards of 63869
trustees of state-assisted institutions of higher education shall 63870
in fact be exercised by those boards. Boards of trustees may 63871
consult extensively with appropriate student and faculty groups. 63872
Administrative decisions about the utilization of available 63873
resources, about organizational structure, about disciplinary 63874
procedure, about the operation and staffing of all auxiliary 63875
facilities, and about administrative personnel shall be the 63876
exclusive prerogative of boards of trustees. Any delegation of 63877
authority by a board of trustees in other areas of responsibility 63878
shall be accompanied by appropriate standards of guidance 63879
concerning expected objectives in the exercise of such delegated 63880
authority and shall be accompanied by periodic review of the 63881
exercise of this delegated authority to the end that the public 63882
interest, in contrast to any institutional or special interest, 63883
shall be served. 63884

The General Assembly recognizes the pilot tuition 63885
restructuring plan of the board of trustees of Miami University 63886
for undergraduate students enrolled at the Oxford campus. The 63887

purpose of this plan is to make higher education more affordable 63888
for moderate income Ohioans, encourage high-achieving Ohio 63889
students to stay in Ohio rather than attending colleges in other 63890
states, and provide incentives for Ohio students to major in areas 63891
crucial to Ohio's priorities and future economic development. 63892

Notwithstanding any limit on in-state undergraduate 63893
instructional and general fees imposed by this act, the General 63894
Assembly recognizes that the plan will provide that all 63895
undergraduate students enrolled at the Oxford campus will be 63896
charged combined instructional and general fees in an amount equal 63897
to the nonresident instructional and general fees and tuition 63898
surcharge. For both resident student first enrolling on or after 63899
the summer term of 2003 and resident students who enrolled prior 63900
to this date, any increases in fees approved thereafter by the 63901
board of trustees are subject to any instructional and general fee 63902
caps imposed by the General Assembly. 63903

The General Assembly recognizes that the plan provides that 63904
all students who are residents of Ohio will receive student 63905
financial assistance in an amount to be determined by the 63906
University. 63907

The General Assembly recognizes that the plan provides that, 63908
for any resident student who enrolls at the Miami University 63909
Oxford campus prior to August 2004, the plan will have no direct 63910
financial impact except for paper changes on invoices so that such 63911
a student would only pay instructional and general fees in an 63912
amount equivalent to what the student was charged in the preceding 63913
year in addition to any increases in fees approved by the board of 63914
trustees. 63915

For as long as Miami University implements the pilot tuition 63916
restructuring plan, the Ohio tuition trust authority shall not 63917
include the tuition of Miami University in the calculation of the 63918
weighted average tuition of four-year state universities for 63919

purposes of establishing the sale price of a tuition credit under 63920
section 3334.07 of the Revised Code. 63921

Section 88.06. STUDENT SUPPORT SERVICES 63922

The foregoing appropriation item 235-502, Student Support 63923
Services, shall be distributed by the Board of Regents to Ohio's 63924
state-assisted colleges and universities that incur 63925
disproportionate costs in the provision of support services to 63926
disabled students. 63927

OHIO INSTRUCTIONAL GRANTS 63928

Notwithstanding section 3333.12 of the Revised Code, in lieu 63929
of the tables in that section, instructional grants for all 63930
full-time students shall be made for fiscal year 2004 using the 63931
tables under this heading. 63932

The tables under this heading prescribe the maximum grant 63933
amounts covering two semesters, three quarters, or a comparable 63934
portion of one academic year. The grant amount for a full-time 63935
student enrolled in an eligible institution for a semester or 63936
quarter in addition to the portion of the academic year covered by 63937
a grant determined under these tables shall be a percentage of the 63938
maximum prescribed in the applicable table. The maximum grant for 63939
a fourth quarter shall be one-third of the maximum amount 63940
prescribed under the table. The maximum grant for a third semester 63941
shall be one-half of the maximum amount prescribed under the 63942
table. 63943

For a full-time student who is a dependent and enrolled in a 63944
nonprofit educational institution that is not a state-assisted 63945
institution and that has a certificate of authorization issued 63946
pursuant to Chapter 1713. of the Revised Code, the amount of the 63947
instructional grant for two semesters, three quarters, or a 63948
comparable portion of the academic year shall be determined in 63949

accordance with the following table: 63950

Private Institution 63951

Table of Grants 63952

Maximum Grant \$5,466 63953

Gross Income Number of Dependents 63954

1 2 3 4 5 or 63955

more

\$0 - \$15,000 \$5,466 \$5,466 \$5,466 \$5,466 \$5,466 63956

\$15,001 - \$16,000 4,920 5,466 5,466 5,466 5,466 63957

\$16,001 - \$17,000 4,362 4,920 5,466 5,466 5,466 63958

\$17,001 - \$18,000 3,828 4,362 4,920 5,466 5,466 63959

\$18,001 - \$19,000 3,288 3,828 4,362 4,920 5,466 63960

\$19,001 - \$22,000 2,736 3,288 3,828 4,362 4,920 63961

\$22,001 - \$25,000 2,178 2,736 3,288 3,828 4,362 63962

\$25,001 - \$28,000 1,626 2,178 2,736 3,288 3,828 63963

\$28,001 - \$31,000 1,344 1,626 2,178 2,736 3,288 63964

\$31,001 - \$32,000 1,080 1,344 1,626 2,178 2,736 63965

\$32,001 - \$33,000 984 1,080 1,344 1,626 2,178 63966

\$33,001 - \$34,000 888 984 1,080 1,344 1,626 63967

\$34,001 - \$35,000 444 888 984 1,080 1,344 63968

\$35,001 - \$36,000 -- 444 888 984 1,080 63969

\$36,001 - \$37,000 -- -- 444 888 984 63970

\$37,001 - \$38,000 -- -- -- 444 888 63971

\$38,001 - \$39,000 -- -- -- -- 444 63972

For a full-time student who is financially independent and 63973

enrolled in a nonprofit educational institution that is not a 63974

state-assisted institution and that has a certificate of 63975

authorization issued pursuant to Chapter 1713. of the Revised 63976

Code, the amount of the instructional grant for two semesters, 63977

three quarters, or a comparable portion of the academic year shall 63978

be determined in accordance with the following table: 63979

Private Institution 63980

Table of Grants 63981

Gross Income	Maximum Grant \$5,466						63982
	Number of Dependents						63983
	0	1	2	3	4	5 or more	63984
Under \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	63985
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	63986
\$5,301 - \$5,800	4,362	5,028	5,466	5,466	5,466	5,466	63987
\$5,801 - \$6,300	3,828	4,584	5,028	5,466	5,466	5,466	63988
\$6,301 - \$6,800	3,288	4,158	4,584	5,028	5,466	5,466	63989
\$6,801 - \$7,300	2,736	3,726	4,158	4,584	5,028	5,466	63990
\$7,301 - \$8,300	2,178	3,282	3,726	4,158	4,584	5,028	63991
\$8,301 - \$9,300	1,626	2,838	3,282	3,726	4,158	4,584	63992
\$9,301 - \$10,300	1,344	2,394	2,838	3,282	3,726	4,158	63993
\$10,301 - \$11,800	1,080	2,166	2,394	2,838	3,282	3,726	63994
\$11,801 - \$13,300	984	1,956	2,166	2,394	2,838	3,282	63995
\$13,301 - \$14,800	888	1,878	1,956	2,166	2,394	2,838	63996
\$14,801 - \$16,300	444	1,692	1,878	1,956	2,166	2,394	63997
\$16,301 - \$19,300	--	1,122	1,584	1,770	1,956	2,166	63998
\$19,301 - \$22,300	--	546	1,014	1,476	1,662	1,848	63999
\$22,301 - \$25,300	--	438	546	1,014	1,476	1,662	64000
\$25,301 - \$30,300	--	324	438	546	1,014	1,476	64001
\$30,301 - \$35,300	--	198	216	270	324	792	64002

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	64011
Table of Grants	64012
Maximum Grant \$4,632	64013

Gross Income	Number of Dependents					64014
	1	2	3	4	5 or more	64015
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	64016
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	64017
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	64018
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	64019
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	64020
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	64021
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	64022
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	64023
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	64024
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	64025
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	64026
\$33,001 - \$34,000	750	852	906	1,134	1,416	64027
\$34,001 - \$35,000	372	750	852	906	1,134	64028
\$35,001 - \$36,000	--	372	750	852	906	64029
\$36,001 - \$37,000	--	--	372	750	852	64030
\$37,001 - \$38,000	--	--	--	372	750	64031
\$38,001 - \$39,000	--	--	--	--	372	64032

For a full-time student who is financially independent and 64033
enrolled in an educational institution that holds a certificate of 64034
registration from the state board of career colleges and schools 64035
or a private institution exempt from regulation under Chapter 64036
3332. of the Revised Code as prescribed in section 3333.046 of the 64037
Revised Code, the amount of the instructional grant for two 64038
semesters, three quarters, or a comparable portion of the academic 64039
year shall be determined in accordance with the following table: 64040

Career Institution 64041

Table of Grants 64042

Maximum Grant \$4,632 64043

Gross Income	Number of Dependents					64044
	0	1	2	3	4	5 or

						more	
Under \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	64046
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	64047
\$5,301 - \$5,800	3,684	4,272	4,632	4,632	4,632	4,632	64048
\$5,801 - \$6,300	3,222	3,876	4,272	4,632	4,632	4,632	64049
\$6,301 - \$6,800	2,790	3,504	3,876	4,272	4,632	4,632	64050
\$6,801 - \$7,300	2,292	3,156	3,504	3,876	4,272	4,632	64051
\$7,301 - \$8,300	1,854	2,760	3,156	3,504	3,876	4,272	64052
\$8,301 - \$9,300	1,416	2,412	2,760	3,156	3,504	3,876	64053
\$9,301 - \$10,300	1,134	2,058	2,412	2,760	3,156	3,504	64054
\$10,301 - \$11,800	906	1,836	2,058	2,412	2,760	3,156	64055
\$11,801 - \$13,300	852	1,650	1,836	2,058	2,412	2,760	64056
\$13,301 - \$14,800	750	1,608	1,650	1,836	2,058	2,412	64057
\$14,801 - \$16,300	372	1,434	1,608	1,650	1,836	2,058	64058
\$16,301 - \$19,300	--	942	1,338	1,518	1,650	1,836	64059
\$19,301 - \$22,300	--	456	858	1,242	1,416	1,560	64060
\$22,301 - \$25,300	--	372	456	858	1,242	1,416	64061
\$25,301 - \$30,300	--	282	372	456	858	1,242	64062
\$30,301 - \$35,300	--	168	180	228	282	666	64063

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

	Public Institution					
	Table of Grants					
	Maximum Grant \$2,190					
Gross Income	Number of Dependents					
	1	2	3	4	5 or more	
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	64074
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	64075
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	64076

\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	64077
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	64078
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	64079
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	64080
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	64081
\$28,001 - \$31,000	522	648	864	1,080	1,320	64082
\$31,001 - \$32,000	420	522	648	864	1,080	64083
\$32,001 - \$33,000	384	420	522	648	864	64084
\$33,001 - \$34,000	354	384	420	522	648	64085
\$34,001 - \$35,000	174	354	384	420	522	64086
\$35,001 - \$36,000	--	174	354	384	420	64087
\$36,001 - \$37,000	--	--	174	354	384	64088
\$37,001 - \$38,000	--	--	--	174	354	64089
\$38,001 - \$39,000	--	--	--	--	174	64090

For a full-time student who is financially independent and 64091
enrolled in a state-assisted educational institution, the amount 64092
of the instructional grant for two semesters, three quarters, or a 64093
comparable portion of the academic year shall be determined in 64094
accordance with the following table: 64095

Public Institution 64096

Table of Grants 64097

Maximum Grant \$2,190 64098

Gross Income Number of Dependents 64099

	0	1	2	3	4	5 or more	64100
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Under \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	64101
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	64102
\$5,301 - \$5,800	1,740	2,016	2,190	2,190	2,190	2,190	64103
\$5,801 - \$6,300	1,542	1,830	2,016	2,190	2,190	2,190	64104
\$6,301 - \$6,800	1,320	1,674	1,830	2,016	2,190	2,190	64105
\$6,801 - \$7,300	1,080	1,494	1,674	1,830	2,016	2,190	64106
\$7,301 - \$8,300	864	1,302	1,494	1,674	1,830	2,016	64107
\$8,301 - \$9,300	648	1,128	1,302	1,494	1,674	1,830	64108

\$9,301 - \$10,300	522	954	1,128	1,302	1,494	1,674	64109
\$10,301 - \$11,800	420	858	954	1,128	1,302	1,494	64110
\$11,801 - \$13,300	384	774	858	954	1,128	1,302	64111
\$13,301 - \$14,800	354	744	774	858	954	1,128	64112
\$14,801 - \$16,300	174	678	744	774	858	954	64113
\$16,301 - \$19,300	--	450	630	702	774	858	64114
\$19,301 - \$22,300	--	216	402	594	654	732	64115
\$22,301 - \$25,300	--	174	216	402	594	654	64116
\$25,301 - \$30,300	--	132	174	216	402	594	64117
\$30,301 - \$35,300	--	78	84	102	132	312	64118

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 64141

The foregoing appropriation item 235-508, Air Force Institute 64142
of Technology, shall be used to strengthen the research and 64143
educational linkages between the Wright Patterson Air Force Base 64144
and institutions of higher education in Ohio. Of the foregoing 64145
appropriation item 235-508, Air Force Institute of Technology, 64146
\$1,380,000 in fiscal year 2004 and \$1,380,000 in fiscal year 2005 64147
shall be used for research projects that connect the Air Force 64148
Research Laboratories with university partners. The institute 64149
shall provide annual reports to the Third Frontier Commission, 64150
that discuss existing, planned, or possible collaborations between 64151
programs and funding recipients related to technology, research 64152
development, commercialization, and support for Ohio's economic 64153
development. 64154

Of the foregoing appropriation item 235-508, Air Force 64155
Institute of Technology, \$500,000 in each fiscal year shall be 64156
used to match federal dollars to support the Wright Brothers 64157
Institute. Funds shall be used by the Wright Brothers Institute to 64158
create or expand Ohio-based technology and commercial development 64159
collaborations between industry, academia, and government in areas 64160
which include carbon nano-tube materials technology, genome-based 64161
biotechnology, knowledge-creation information technology, 64162
cognitive systems modeling and engineering, or other related 64163
projects as deemed appropriate by the institute. 64164

OHIO SUPERCOMPUTER CENTER 64165

The foregoing appropriation item 235-510, Ohio Supercomputer 64166
Center, shall be used by the Board of Regents to support the 64167
operation of the center, located at The Ohio State University, as 64168
a statewide resource available to Ohio research universities both 64169
public and private. It is also intended that the center be made 64170
accessible to private industry as appropriate. Policies of the 64171

center shall be established by a governance committee, 64172
representative of Ohio's research universities and private 64173
industry, to be appointed by the Chancellor of the Board of 64174
Regents and established for this purpose. 64175

The Ohio Supercomputer Center shall report on expanding 64176
solutions-oriented, computational science services to industrial 64177
and other customers, including alignment programs and recipients, 64178
and develop a plan for a computational science initiative in 64179
collaboration with the Wright Centers of Innovation program and 64180
the Computer Science Graduate Studies Program. 64181

COOPERATIVE EXTENSION SERVICE 64182

The foregoing appropriation item 235-511, Cooperative 64183
Extension Service, shall be disbursed through the Board of Regents 64184
to The Ohio State University in monthly payments, unless otherwise 64185
determined by the Director of Budget and Management pursuant to 64186
section 126.09 of the Revised Code. 64187

Of the foregoing appropriation item 235-511, Cooperative 64188
Extension Service, \$182,842 in fiscal year 2004 and \$178,271 in 64189
fiscal year 2005 shall be used for additional staffing for county 64190
agents for expanded 4-H activities. Of the foregoing appropriation 64191
item 235-511, Cooperative Extension Service, \$182,842 in fiscal 64192
year 2004 and \$178,271 in fiscal year 2005 shall be used by the 64193
Cooperative Extension Service, through the Enterprise Center for 64194
Economic Development in cooperation with other agencies, for a 64195
public-private effort to create and operate a small business 64196
economic development program to enhance the development of 64197
alternatives to the growing of tobacco, and implement, through 64198
applied research and demonstration, the production and marketing 64199
of other high-value crops and value-added products. Of the 64200
foregoing appropriation item 235-511, Cooperative Extension 64201
Service, \$56,594 in fiscal year 2004 and \$55,179 in fiscal year 64202
2005 shall be used for farm labor mediation and education 64203

programs. Of the foregoing appropriation item 235-511, Cooperative 64204
Extension Service, \$187,195 in fiscal year 2004 and \$182,515 in 64205
fiscal year 2005 shall be used to support the Ohio State 64206
University Marion Enterprise Center. 64207

Of the foregoing appropriation item 235-511, Cooperative 64208
Extension Service, \$792,750 in fiscal year 2004 and \$772,931 in 64209
fiscal year 2005 shall be used to support the Ohio Watersheds 64210
Initiative. 64211

CENTRAL STATE SUPPLEMENT 64212

The foregoing appropriation item 235-514, Central State 64213
Supplement, shall be used by Central State University to keep 64214
undergraduate fees below the statewide average, consistent with 64215
its mission of service to many first-generation college students 64216
from groups historically underrepresented in higher education and 64217
from families with limited incomes. 64218

PERFORMANCE STANDARDS FOR MEDICAL EDUCATION 64219

The Board of Regents, in consultation with the state-assisted 64220
medical colleges, shall develop performance standards for medical 64221
education. Special emphasis in the standards shall be placed on 64222
attempting to ensure that at least 50 per cent of the aggregate 64223
number of students enrolled in state-assisted medical colleges 64224
continue to enter residency as primary care physicians. Primary 64225
care physicians are general family practice physicians, general 64226
internal medicine practitioners, and general pediatric care 64227
physicians. The Board of Regents shall monitor medical school 64228
performance in relation to their plans for reaching the 50 per 64229
cent systemwide standard for primary care physicians. 64230

Section 88.08. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 64231
MEDICINE 64232

The foregoing appropriation item 235-515, Case Western 64233

Reserve University School of Medicine, shall be disbursed to Case 64234
Western Reserve University through the Board of Regents in 64235
accordance with agreements entered into as provided for by section 64236
3333.10 of the Revised Code, provided that the state support per 64237
full-time medical student shall not exceed that provided to 64238
full-time medical students at state universities. 64239

STATE UNIVERSITY CLINICAL TEACHING 64240

The foregoing appropriation items 235-536, The Ohio State 64241
University Clinical Teaching; 235-537, University of Cincinnati 64242
Clinical Teaching; 235-538, Medical College of Ohio at Toledo 64243
Clinical Teaching; 235-539, Wright State University Clinical 64244
Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, 64245
Northeastern Ohio Universities College of Medicine Clinical 64246
Teaching, shall be distributed through the Board of Regents. 64247

Of the foregoing appropriation item 235-539, Wright State 64248
University Clinical Teaching, \$124,644 in each fiscal year of the 64249
biennium shall be for the use of Wright State University's Ellis 64250
Institute for Clinical Teaching Studies to operate the clinical 64251
facility to serve the Greater Dayton area. 64252

FAMILY PRACTICE, GERIATRIC MEDICINE, AND PRIMARY CARE 64253
RESIDENCIES 64254

The Board of Regents shall develop plans consistent with 64255
existing criteria and guidelines as may be required for the 64256
distribution of appropriation items 235-519, Family Practice, 64257
235-525, Geriatric Medicine, and 235-526, Primary Care 64258
Residencies. 64259

SHAWNEE STATE SUPPLEMENT 64260

The foregoing appropriation item 235-520, Shawnee State 64261
Supplement, shall be used by Shawnee State University as detailed 64262
by both of the following: 64263

(A) To allow Shawnee State University to keep its 64264
undergraduate fees below the statewide average, consistent with 64265
its mission of service to an economically depressed Appalachian 64266
region; 64267

(B) To allow Shawnee State University to employ new faculty 64268
to develop and teach in new degree programs that meet the needs of 64269
Appalachians. 64270

POLICE AND FIRE PROTECTION 64271

The foregoing appropriation item 235-524, Police and Fire 64272
Protection, shall be used for police and fire services in the 64273
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 64274
Portsmouth, Xenia Township (Greene County), Rootstown Township, 64275
and the City of Nelsonville, that may be used to assist these 64276
local governments in providing police and fire protection for the 64277
central campus of the state-affiliated university located therein. 64278
Each participating municipality and township shall receive at 64279
least \$5,000 each year. Funds shall be distributed according to 64280
the methodology employed by the Board of Regents in the previous 64281
biennium. 64282

PRIMARY CARE RESIDENCIES 64283

The foregoing appropriation item 235-526, Primary Care 64284
Residencies, shall be distributed in each fiscal year of the 64285
biennium, based on whether or not the institution has submitted 64286
and gained approval for a plan. If the institution does not have 64287
an approved plan, it shall receive five per cent less funding per 64288
student than it would have received from its annual allocation. 64289
The remaining funding shall be distributed among those 64290
institutions that meet or exceed their targets. 64291

OHIO AEROSPACE INSTITUTE 64292

The foregoing appropriation item 235-527, Ohio Aerospace 64293

Institute, shall be distributed by the Board of Regents under 64294
section 3333.042 of the Revised Code. The Board of Regents, in 64295
conjunction with the Third Frontier Commission, shall review the 64296
progress of the Ohio Aerospace Institute's efforts in the context 64297
of the original mission to support academic research and education 64298
in aerospace engineering. These findings will be used to determine 64299
whether or not the institute shall continue to receive state 64300
funding. If a determination is made to discontinue state support 64301
for the Ohio Aerospace Institute through this appropriation item, 64302
the Board of Regents may utilize this appropriation item to fund 64303
other initiatives that support the advancement of aerospace 64304
research or education in aerospace engineering. 64305

ACADEMIC SCHOLARSHIPS 64306

The foregoing appropriation item 235-530, Academic 64307
Scholarships, shall be used to provide academic scholarships to 64308
students under section 3333.22 of the Revised Code. 64309

STUDENT CHOICE GRANTS 64310

The foregoing appropriation item 235-531, Student Choice 64311
Grants, shall be used to support the Student Choice Grant Program 64312
created by section 3333.27 of the Revised Code. The unencumbered 64313
balance of appropriation item 235-531, Student Choice Grants, at 64314
the end of fiscal year 2004 shall be transferred to fiscal year 64315
2005 for use under the same appropriation item to maintain grant 64316
award amounts in fiscal year 2005 equal to the awards provided in 64317
fiscal year 2004. The amounts transferred are hereby appropriated. 64318

STUDENT WORKFORCE DEVELOPMENT GRANTS 64319

The foregoing appropriation item 235-534, Student Workforce 64320
Development Grants, shall be used to support the Student Workforce 64321
Development Grant Program. Of the appropriated funds available, 64322
the Board of Regents shall distribute grants to each eligible 64323
student in an academic year. The size of each grant award shall be 64324

determined by the Board of Regents based on the amount of funds 64325
available for the program. 64326

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 64327

The foregoing appropriation item 235-535, Ohio Agricultural 64328
Research and Development Center, shall be disbursed through the 64329
Board of Regents to The Ohio State University in monthly payments, 64330
unless otherwise determined by the Director of Budget and 64331
Management pursuant to section 126.09 of the Revised Code. The 64332
Ohio Agricultural Research and Development Center shall not be 64333
required to remit payment to The Ohio State University during the 64334
2003-2005 biennium for cost reallocation assessments. The cost 64335
reallocation assessments include, but are not limited to, any 64336
assessment on state appropriations to the center. The Ohio 64337
Agricultural Research and Development Center, in conjunction with 64338
the Third Frontier Commission, shall provide for an independently 64339
evaluated self-study of research excellence and commercial 64340
relevance in a manner to be prescribed by the Third Frontier 64341
Commission. 64342

Of the foregoing appropriation item 235-535, Ohio 64343
Agricultural Research and Development Center, \$470,164 in fiscal 64344
year 2004 and \$458,410 in fiscal year 2005 shall be used to 64345
purchase equipment. 64346

Of the foregoing appropriation item 235-535, Ohio 64347
Agricultural Research and Development Center, \$827,141 in fiscal 64348
year 2004 and \$806,463 in fiscal year 2005 shall be distributed to 64349
the Piketon Agricultural Research and Extension Center. 64350

Of the foregoing appropriation item 235-535, Ohio 64351
Agricultural Research and Development Center, \$217,669 in fiscal 64352
year 2004 and \$212,227 in fiscal year 2005 shall be distributed to 64353
the Raspberry/Strawberry-Ellagic Acid Research program at the Ohio 64354
State University Medical College in cooperation with the Ohio 64355

State University College of Agriculture. 64356

Of the foregoing appropriation item 235-535, Ohio 64357
Agricultural Research and Development Center, \$43,534 in fiscal 64358
year 2004 and \$42,445 in fiscal year 2005 shall be used to support 64359
the Ohio Berry Administrator. 64360

Of the foregoing appropriation item 235-535, Ohio 64361
Agricultural Research and Development Center, \$87,067 in fiscal 64362
year 2004 and \$84,890 in fiscal year 2005 shall be used for the 64363
development of agricultural crops and products not currently in 64364
widespread production in Ohio, in order to increase the income and 64365
viability of family farmers. 64366

SCHOOL OF INTERNATIONAL BUSINESS 64367

Of the foregoing appropriation item 235-547, School of 64368
International Business, \$901,975 in fiscal year 2004 and \$879,426 64369
in fiscal year 2005 shall be used for the continued development 64370
and support of the School of International Business of the state 64371
universities of northeast Ohio. The money shall go to the 64372
University of Akron. These funds shall be used by the university 64373
to establish a School of International Business located at the 64374
University of Akron. It may confer with Kent State University, 64375
Youngstown State University, and Cleveland State University as to 64376
the curriculum and other matters regarding the school. 64377

Of the foregoing appropriation item 235-547, School of 64378
International Business, \$181,318 in fiscal year 2004 and \$176,785 64379
in fiscal year 2005 shall be used by the University of Toledo 64380
College of Business for expansion of its international business 64381
programs. 64382

Of the foregoing appropriation item 235-547, School of 64383
International Business, \$181,318 in fiscal year 2004 and \$176,785 64384
in fiscal year 2005 shall be used to support the Ohio State 64385
University BioMEMS program. 64386

PART-TIME STUDENT INSTRUCTIONAL GRANTS 64387

The foregoing appropriation item 235-549, Part-time Student 64388
Instructional Grants, shall be used to support a grant program for 64389
part-time undergraduate students who are Ohio residents and who 64390
are enrolled in degree granting programs. 64391

Eligibility for participation in the program shall include 64392
degree granting educational institutions that hold a certificate 64393
of registration from the State Board of Career Colleges and 64394
Schools, and nonprofit institutions that have a certificate of 64395
authorization issued pursuant to Chapter 1713. of the Revised 64396
Code, as well as state-assisted colleges and universities. Grants 64397
shall be given to students on the basis of need, as determined by 64398
the college, which, in making these determinations, shall give 64399
special consideration to single-parent heads-of-household and 64400
displaced homemakers who enroll in an educational degree program 64401
that prepares the individual for a career. In determining need, 64402
the college also shall consider the availability of educational 64403
assistance from a student's employer. It is the intent of the 64404
General Assembly that these grants not supplant such assistance. 64405

Section 88.09. DAYTON AREA GRADUATE STUDIES INSTITUTE 64406

The foregoing appropriation item 235-553, Dayton Area 64407
Graduate Studies Institute, shall be used by the Board of Regents 64408
to support the Dayton Area Graduate Studies Institute, an 64409
engineering graduate consortium of three universities in the 64410
Dayton area: Wright State University, the University of Dayton, 64411
and the Air Force Institute of Technology, with the participation 64412
of the University of Cincinnati and The Ohio State University. 64413

COMPUTER SCIENCE GRADUATE EDUCATION 64414

The foregoing appropriation item 235-554, Computer Science 64415
Graduate Education, shall be used by the Board of Regents to 64416

support improvements in graduate programs in computer science at 64417
state-assisted universities. Up to \$174,135 in fiscal year 2004, 64418
and up to \$169,782 in fiscal year 2005, may be used to support 64419
collaborative efforts in graduate education in this program area. 64420
The collaborative program shall be coordinated by the Ohio 64421
Supercomputer Center. 64422

OHIO ACADEMIC RESOURCES NETWORK (OARNET) 64423

The foregoing appropriation item 235-556, Ohio Academic 64424
Resources Network, shall be used to support the operations of the 64425
Ohio Academic Resources Network, which shall include support for 64426
Ohio's state-assisted colleges and universities in maintaining and 64427
enhancing network connections. The network shall give priority to 64428
supporting the Third Frontier Network and allocating bandwidth to 64429
programs directly supporting Ohio's economic development. 64430

LONG-TERM CARE RESEARCH 64431

The foregoing appropriation item 235-558, Long-term Care 64432
Research, shall be disbursed to Miami University for long-term 64433
care research. 64434

BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER 64435

The foregoing appropriation item 235-561, Bowling Green State 64436
University Canadian Studies Center, shall be used by the Canadian 64437
Studies Center at Bowling Green State University to study 64438
opportunities for Ohio and Ohio businesses to benefit from the 64439
Free Trade Agreement between the United States and Canada. 64440

THE OHIO STATE UNIVERSITY CLINIC SUPPORT 64441

The foregoing appropriation item 235-572, The Ohio State 64442
University Clinic Support, shall be distributed through the Board 64443
of Regents to The Ohio State University for support of dental and 64444
veterinary medicine clinics. 64445

Section 88.10. URBAN UNIVERSITY PROGRAMS 64446

Of the foregoing appropriation item 235-583, Urban University Programs, universities receiving funds that are used to support an ongoing university unit shall certify periodically in a manner approved by the Board of Regents that program funds are being matched on a one-to-one basis with equivalent resources. Overhead support may not be used to meet this requirement. Where Urban University Program funds are being used to support an ongoing university unit, matching funds shall come from continuing rather than one-time sources. At each participating state-assisted institution of higher education, matching funds shall be within the substantial control of the individual designated by the institution's president as the Urban University Program representative.

Of the foregoing appropriation item 235-583, Urban University Programs, \$275,603 in fiscal year 2004 and \$268,714 in fiscal year 2005 shall be used to support a public communication outreach program (WCPN). The primary purpose of the program shall be to develop a relationship between Cleveland State University and nonprofit communications entities.

Of the foregoing appropriation item 235-583, Urban University Programs, \$130,549 in fiscal year 2004 and \$127,286 in fiscal year 2005 shall be used to support the Center for the Interdisciplinary Study of Education and the Urban Child at Cleveland State University. These funds shall be distributed according to rules adopted by the Board of Regents and shall be used by the center for interdisciplinary activities targeted toward increasing the chance of lifetime success of the urban child, including interventions beginning with the prenatal period. The primary purpose of the center is to study issues in urban education and to systematically map directions for new approaches and new solutions by bringing together a cadre of researchers, scholars, and professionals representing the social, behavioral, education, and

health disciplines. 64479

Of the foregoing appropriation item 235-583, Urban University 64480
Programs, \$188,571 in fiscal year 2004 and \$183,857 in fiscal year 64481
2005 shall be used to support the Kent State University Learning 64482
and Technology Project. This project is a kindergarten through 64483
university collaboration between schools surrounding Kent's eight 64484
campuses in northeast Ohio, and corporate partners who will assist 64485
in development and delivery. 64486

The Kent State University Project shall provide a faculty 64487
member who has a full-time role in the development of 64488
collaborative activities and teacher instructional programming 64489
between Kent and the K-12th grade schools that surround its eight 64490
campuses; appropriate student support staff to facilitate these 64491
programs and joint activities; and hardware and software to 64492
schools that will make possible the delivery of instruction to 64493
pre-service and in-service teachers, and their students, in their 64494
own classrooms or school buildings. This shall involve the 64495
delivery of low-bandwidth streaming video and web-based 64496
technologies in a distributed instructional model. 64497

Of the foregoing appropriation item 235-583, Urban University 64498
Programs, \$72,527 in fiscal year 2004 and \$70,714 in fiscal year 64499
2005 year shall be used to support the Ameritech Classroom/Center 64500
for Research at Kent State University. 64501

Of the foregoing appropriation item 235-583, Urban University 64502
Programs, \$725,273 in fiscal year 2004 and \$707,141 in fiscal year 64503
2005 year shall be used to support the Polymer Distance Learning 64504
Project at the University of Akron. 64505

Of the foregoing appropriation item 235-583, Urban University 64506
Programs, \$36,264 in fiscal year 2004 and \$35,357 in fiscal year 64507
2005 shall be distributed to the Kent State University/Cleveland 64508
Design Center program. 64509

Of the foregoing appropriation item 235-583, Urban University Programs, \$181,318 in fiscal year 2004 and \$176,785 in fiscal year 2005 shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Programs, \$10,880 in fiscal year 2004 and \$10,606 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, \$1,596,064 in fiscal year 2004 and \$1,556,163 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, \$1,596,064 in fiscal year 2004 and \$1,556,163 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 \$156,949 in fiscal year 2004 and \$153,025 in fiscal year 2005, Miami University shall receive \$240,156 in fiscal year 2004 and \$234,152 in fiscal year 2005, and Ohio University shall receive \$548,378 in fiscal year 2004 and \$534,668 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. 64541

Of the foregoing appropriation item 235-587, Rural University 64542
Projects, \$18,131 in fiscal year 2004 and \$17,678 in fiscal year 64543
2005 shall be used to support the Washington State Community 64544
College day care center. 64545

Of the foregoing appropriation item 235-587, Rural University 64546
Projects, \$54,396 in fiscal year 2004 and \$53,036 in fiscal year 64547
2005 shall be used to support the COAD/ILGARD/GOA Appalachian 64548
Leadership Initiative. 64549

A small portion of the funds provided to Ohio University 64550
shall also be used for the Institute for Local Government 64551
Administration and Rural Development State and Rural Policy 64552
Partnership with the Governor's Office of Appalachia and the 64553
Appalachian delegation of the General Assembly. 64554

Section 88.11. OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, 64555
AND READING 64556

The foregoing appropriation item 235-588, Ohio Resource 64557
Center for Mathematics, Science, and Reading, shall be used to 64558
support a resource center for mathematics, science, and reading to 64559
be located at a state-assisted university for the purpose of 64560
identifying best educational practices in primary and secondary 64561
schools and establishing methods for communicating them to 64562
colleges of education and school districts. 64563

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT 64564

The foregoing appropriation item 235-595, International 64565
Center for Water Resources Development, shall be used to support 64566
the International Center for Water Resources Development at 64567
Central State University. The center shall develop methods to 64568
improve the management of water resources for Ohio and for 64569
emerging nations. 64570

HAZARDOUS MATERIALS PROGRAM 64571

The foregoing appropriation item 235-596, Hazardous Materials 64572
Program, shall be disbursed to Cleveland State University for the 64573
operation of a program to certify firefighters for the handling of 64574
hazardous materials. Training shall be available to all Ohio 64575
firefighters. 64576

Of the foregoing appropriation item 235-596, Hazardous 64577
Materials Program, \$130,601 in fiscal year 2004 and \$127,337 in 64578
fiscal year 2005 shall be used to support the Center for the 64579
Interdisciplinary Study of Education and Leadership in Public 64580
Service at Cleveland State University. These funds shall be 64581
distributed by the Board of Regents and shall be used by the 64582
center targeted toward increasing the role of special populations 64583
in public service and not-for-profit organizations. The primary 64584
purpose of the center is to study issues in public service and to 64585
guide strategies for attracting new communities into public 64586
service occupations by bringing together a cadre of researchers, 64587
scholars and professionals representing the public administration, 64588
social behavioral, and education disciplines. 64589

NATIONAL GUARD SCHOLARSHIP PROGRAM 64590

The Board of Regents shall disburse funds from appropriation 64591
item 235-599, National Guard Scholarship Program, at the direction 64592
of the Adjutant General. 64593

* PLEDGE OF FEES 64594

Any new pledge of fees, or new agreement for adjustment of 64595
fees, made in the 2003-2005 biennium to secure bonds or notes of a 64596
state-assisted institution of higher education for a project for 64597
which bonds or notes were not outstanding on the effective date of 64598
this section shall be effective only after approval by the Board 64599
of Regents, unless approved in a previous biennium. 64600

HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE 64601

The foregoing appropriation item 235-909, Higher Education 64602
General Obligation Debt Service, shall be used to pay all debt 64603
service and related financing costs at the times they are required 64604
to be made pursuant to sections 151.01 and 151.04 of the Revised 64605
Code during the period from July 1, 2003, to June 30, 2005. The 64606
Office of the Sinking Fund or the Director of Budget and 64607
Management shall effectuate the required payments by an intrastate 64608
transfer voucher. 64609

Section 88.12. OHIO HIGHER EDUCATIONAL FACILITY COMMISSION 64610
SUPPORT 64611

The foregoing appropriation item 235-602, Higher Educational 64612
Facility Commission Administration, shall be used by the Board of 64613
Regents for operating expenses related to the Board of Regents' 64614
support of the activities of the Ohio Higher Educational Facility 64615
Commission. Upon the request of the chancellor, the Director of 64616
Budget and Management shall transfer up to \$20,000 cash from Fund 64617
461 to Fund 4E8 in each fiscal year of the biennium. 64618

PHYSICIAN LOAN REPAYMENT 64619

The foregoing appropriation item 235-604, Physician Loan 64620
Repayment, shall be used in accordance with sections 3702.71 to 64621
3702.81 of the Revised Code. 64622

NURSING LOAN PROGRAM 64623

The foregoing appropriation item 235-606, Nursing Loan 64624
Program, shall be used to administer the nurse education 64625
assistance program. Up to \$159,600 in fiscal year 2004 and 64626
\$167,580 in fiscal year 2005 may be used for operating expenses 64627
associated with the program. Any additional funds needed for the 64628
administration of the program are subject to Controlling Board 64629
approval. 64630

Section 88.13. SCIENCE AND TECHNOLOGY COLLABORATION 64631

The Board of Regents shall work in close collaboration with 64632
the Department of Development, Air Quality Development Authority, 64633
and the Third Frontier Commission in relation to appropriation 64634
items and programs listed in the following paragraph, and other 64635
technology-related appropriations and programs in the Department 64636
of Development and the Board of Regents as these agencies may 64637
designate, to ensure implementation of a coherent state strategy 64638
with respect to science and technology. 64639

Each of the following appropriations and programs: 195-401, 64640
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 64641
Third Frontier Action Fund; 898-604, Coal Research and Development 64642
Fund; 235-454, Research Challenge; 235-508, Air Force Institute of 64643
Technology; 235-510, Ohio Supercomputer Center; 235-527, Ohio 64644
Aerospace Institute; 235-535, Ohio Agricultural Research and 64645
Development Center; 235-553, Dayton Area Graduate Studies 64646
Institute; 235-554, Computer Science Graduate Education; 235-556, 64647
Ohio Academic Resources Network; and 195-405, Biomedical Research 64648
and Technology Transfer Trust, shall be reviewed annually by the 64649
Third Frontier Commission with respect to its development of 64650
complementary relationships within a combined state science and 64651
technology investment portfolio and its overall contribution to 64652
the state's science and technology strategy, including the 64653
adoption of appropriately consistent criteria for: (1) the 64654
scientific merit of activities supported by the program; (2) the 64655
relevance of the program's activities to commercial opportunities 64656
in the private sector; (3) the private sector's involvement in a 64657
process that continually evaluates commercial opportunities to use 64658
the work supported by the program; and (4) the ability of the 64659
program and recipients of grant funding from the program to engage 64660
in activities that are collaborative, complementary, and efficient 64661

with respect to the expenditure of state funds. All programs 64662
listed above shall provide annual reports to the Third Frontier 64663
Commission discussing existing, planned, or possible 64664
collaborations between programs and recipients of grant funding 64665
related to technology, development, commercialization, and 64666
supporting Ohio's economic development. The annual review by the 64667
Third Frontier Commission shall be a comprehensive review of the 64668
entire state science and technology program portfolio rather than 64669
a review of individual programs. 64670

REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND MONEYS 64671

Notwithstanding any provision of law to the contrary, all 64672
repayments of Research Facility Investment Fund loans shall be 64673
made to the Bond Service Trust Fund. All Research Facility 64674
Investment Fund loan repayments made prior to the effective date 64675
of this section shall be transferred by the Director of Budget and 64676
Management to the Bond Service Trust Fund within sixty days of the 64677
effective date of this section. 64678

Campuses shall make timely repayments of Research Facility 64679
Investment Fund loans, according to the schedule established by 64680
the Board of Regents. In the case of late payments, the Board of 64681
Regents may deduct from an institution's periodic subsidy 64682
distribution an amount equal to the amount of the overdue payment 64683
for that institution, transfer such amount to the Bond Service 64684
Trust Fund, and credit the appropriate institution for the 64685
repayment. 64686

VETERANS' PREFERENCES 64687

The Board of Regents shall work with the Governor's Office of 64688
Veterans' Affairs to develop specific veterans' preference 64689
guidelines for higher education institutions. These guidelines 64690
shall ensure that the institutions' hiring practices are in 64691
accordance with the intent of Ohio's veterans' preference laws. 64692

Section 88.14. COMPREHENSIVE PLAN FOR HIGHER EDUCATION 64693

(A) The Board of Regents shall develop a comprehensive plan 64694
for higher education that includes all of the following: 64695

(1) The plan shall seek to eliminate duplications of academic 64696
programs at the graduate, professional, and doctoral levels. In 64697
eliminating duplications, the Board of Regents shall consider 64698
either a statewide or regional approach. 64699

(2) The plan shall identify public and private higher 64700
education institutions to recommend as part of an Ohio Centers of 64701
Excellence program. 64702

(3) The plan shall recommend that the six current 64703
state-supported medical colleges be consolidated into a Public 64704
Medical College System consisting of three institutions focusing 64705
on academics and research and three institutions focusing on 64706
clinical teaching and clinical research. 64707

(B) Not later than April 1, 2004, the Board of Regents shall 64708
submit its comprehensive plan for higher education to the General 64709
Assembly for the General Assembly's approval. 64710

Section 88.15. STUDY OF POSSIBLE MERGER OF COLLOCATED 64711
INSTITUTIONS 64712

The Board of Regents shall review and study the possibility 64713
of merging collocated state-assisted institutions of higher 64714
education and merging the administrations of those institutions, 64715
to optimize the use of state and student funds and to generate 64716
efficiencies where possible. For the purpose of this study, the 64717
administrations of the institutions that are recommended for 64718
merger shall exclude administrators at the levels of dean and 64719
below. The Board of Regents shall report its findings and 64720
recommendations to the General Assembly not later than May 15, 64721

2004.					64722
	Section 89.	DRC DEPARTMENT OF REHABILITATION AND CORRECTION			64723
	General Revenue Fund				64724
GRF 501-403	Prisoner Compensation	\$ 8,705,052	\$ 8,705,052		64725
GRF 501-405	Halfway House	\$ 37,640,139	\$ 38,079,419		64726
GRF 501-406	Lease Rental Payments	\$ 141,997,000	\$ 146,307,900		64727
GRF 501-407	Community Nonresidential Programs	\$ 15,161,353	\$ 15,352,814		64728
GRF 501-408	Community Misdemeanor Programs	\$ 7,942,211	\$ 8,041,489		64729
GRF 501-501	Community Residential Programs - CBCF	\$ 54,720,123	\$ 55,372,875		64730
GRF 503-321	Parole and Community Operations	\$ 77,695,938	\$ 78,845,845		64731
GRF 504-321	Central Office	\$ 24,533,707	\$ 24,920,848		64732
GRF X01-321	Allen Correctional Institution	\$ 25,686,812	\$ 25,686,812		64733
GRF X02-321	Belmont Correctional Institution	\$ 35,172,195	\$ 35,172,195		64734
GRF X03-321	Chillicothe Correctional Institution	\$ 43,801,113	\$ 43,801,113		64735
GRF X04-321	Corrections Medical Center	\$ 31,104,213	\$ 31,104,213		64736
GRF X05-321	Correctional Reception Center	\$ 36,725,045	\$ 36,725,045		64737
GRF X06-321	Dayton Correctional Institution	\$ 14,068,331	\$ 14,068,331		64738
GRF X07-321	Franklin Pre-Release Center	\$ 10,536,295	\$ 10,536,295		64739
GRF X08-321	Grafton Correctional	\$ 28,492,224	\$ 28,492,224		64740

		Institution				
GRF	X09-321	Hocking Correctional Facility	\$	11,805,361	\$	11,805,361 64741
GRF	X10-321	Lake Erie Correctional Institution	\$	19,287,699	\$	19,287,699 64742
GRF	X11-321	Lebanon Correctional Institution	\$	39,637,506	\$	39,637,506 64743
GRF	X12-321	Lima Correctional Institution	\$	33,681,083	\$	33,681,083 64744
GRF	X13-321	London Correctional Institution	\$	39,497,974	\$	39,497,974 64745
GRF	X14-321	Lorain Correctional Institution	\$	33,325,633	\$	33,325,633 64746
GRF	X15-321	Madison Correctional Institution	\$	38,400,230	\$	38,400,230 64747
GRF	X16-321	Mansfield Correctional Institution	\$	51,106,604	\$	51,106,604 64748
GRF	X17-321	Marion Correctional Institution	\$	27,594,700	\$	27,594,700 64749
GRF	X18-321	Montgomery Education/Pre-Release Center		9,830,575	\$	9,830,575 64750
GRF	X19-321	Noble Correctional Institution	\$	32,969,636	\$	32,969,636 64751
GRF	X20-321	North Central Correctional Institution	\$	32,599,193	\$	32,599,193 64752
GRF	X21-321	North Coast Correctional Treatment Facility	\$	11,904,273	\$	11,904,273 64753
GRF	X22-321	Northeast Pre-Release Center	\$	13,471,807	\$	13,471,807 64754
GRF	X23-321	Oakwood Correctional	\$	22,406,264	\$	22,406,264 64755

		Facility				
GRF	X24-321	Ohio Reformatory for Women	\$	39,381,493	\$	39,381,493 64756
GRF	X25-321	Pickaway Correctional Institution	\$	47,328,012	\$	47,328,012 64757
GRF	X26-321	Richland Correctional Institution	\$	31,638,746	\$	31,638,746 64758
GRF	X27-321	Ross Correctional Institution	\$	42,275,986	\$	42,275,986 64759
GRF	X28-321	Southeastern Correctional Institution	\$	30,598,192	\$	30,598,192 64760
GRF	X29-321	Southern Ohio Correctional Facility	\$	51,937,146	\$	51,937,146 64761
GRF	X30-321	Toledo Correctional Institution	\$	23,841,089	\$	23,841,089 64762
GRF	X31-321	Trumbull Correctional Institution	\$	29,731,240	\$	29,731,240 64763
GRF	X32-321	Warren Correctional Institution	\$	28,546,691	\$	28,546,691 64764
GRF	X33-321	Ohio State Penitentiary	\$	27,374,035	\$	27,374,035 64765
TOTAL GRF		General Revenue Fund	\$	1,364,152,919	\$	1,371,383,638 64766
		General Services Fund Group				64767
4B0	501-601	Penitentiary Sewer Treatment Facility Services	\$	1,693,129	\$	1,758,177 64768
4D4	501-603	Prisoner Programs	\$	20,537,291	\$	20,967,703 64769
4L4	501-604	Transitional Control	\$	1,348,740	\$	1,593,794 64770
4S5	501-608	Education Services	\$	4,452,754	\$	4,564,072 64771
483	501-605	Property Receipts	\$	383,894	\$	393,491 64772
5H8	501-617	Offender Financial Responsibility	\$	735,000	\$	774,020 64773

5L6	501-611	Information Technology	\$	3,650,712	\$	3,741,980	64774
		Services					
571	501-606	Training Academy	\$	73,356	\$	75,190	64775
		Receipts					
593	501-618	Laboratory Services	\$	4,707,730	\$	4,825,423	64776
TOTAL	GSF	General Services Fund	\$	37,582,606	\$	38,693,850	64777
Group							
Federal Special Revenue Fund Group							64778
3S1	501-615	Truth-In-Sentencing	\$	24,604,435	\$	25,517,173	64779
		Grants					
323	501-619	Federal Grants	\$	10,759,329	\$	11,300,335	64780
TOTAL	FED	Federal Special Revenue					64781
Fund Group			\$	35,363,764	\$	36,817,508	64782
Intragovernmental Service Fund Group							64783
148	501-602	Services and	\$	95,207,653	\$	95,207,653	64784
		Agricultural					
200	501-607	Ohio Penal Industries	\$	29,748,175	\$	31,491,879	64785
TOTAL	ISF	Intragovernmental					64786
Service Fund Group			\$	124,955,828	\$	126,699,532	64787
TOTAL ALL BUDGET FUND GROUPS			\$	1,562,055,117	\$	1,573,594,528	64788

ZERO-BASED BUDGETING

64789

The Director of Budget and Management shall prepare a full 64790
zero-based budget for the biennium ending June 30, 2007, for the 64791
Department of Rehabilitation and Correction. The Director shall 64792
offer the Department substantial technical assistance throughout 64793
the process of preparing its zero-based budget. The Department 64794
shall prepare a full zero-based budget in such manner and 64795
according to such schedule as the Director of Budget and 64796
Management requires. The zero-based budget shall, as the Director 64797
of Budget and Management determines, be in addition to or in place 64798
of the estimates of revenue and proposed expenditures that the 64799
Department otherwise would be required to prepare under section 64800

126.02 of the Revised Code.				64801
OHIO BUILDING AUTHORITY LEASE PAYMENTS				64802
The foregoing appropriation item 501-406, Lease Rental				64803
Payments, shall be used for payments to the Ohio Building				64804
Authority for the period July 1, 2003, to June 30, 2005, pursuant				64805
to the primary leases and agreements for those buildings made				64806
under Chapter 152. of the Revised Code but limited to the				64807
aggregate amount of \$288,304,900. This appropriation amount is the				64808
source of funds pledged for bond service charges on related				64809
obligations issued pursuant to Chapter 152. of the Revised Code.				64810
PRISONER COMPENSATION				64811
Money from the foregoing appropriation item 501-403, Prisoner				64812
Compensation, shall be transferred on a quarterly basis by				64813
intrastate transfer voucher to the Services and Agricultural Fund				64814
(Fund 148) for the purposes of paying prisoner compensation.				64815
Section 90. RSC REHABILITATION SERVICES COMMISSION				64816
General Revenue Fund				64817
GRF 415-100 Personal Services	\$	8,506,587	\$ 8,506,587	64818
GRF 415-402 Independent Living	\$	12,040	\$ 12,040	64819
Council				
GRF 415-403 Mental Health Services	\$	717,221	\$ 717,221	64820
GRF 415-404 MR/DD Services	\$	1,260,816	\$ 1,260,816	64821
GRF 415-405 Vocational	\$	536,912	\$ 536,912	64822
Rehabilitation/Job and				
Family Services				
GRF 415-406 Assistive Technology	\$	47,531	\$ 47,531	64823
GRF 415-431 Office for People with	\$	182,364	\$ 182,364	64824
Brain Injury				
GRF 415-506 Services for People	\$	11,830,306	\$ 12,185,215	64825
with Disabilities				

GRF 415-509	Services for the Elderly	\$	359,377	\$	359,377	64826
GRF 415-520	Independent Living Services	\$	48,208	\$	48,208	64827
TOTAL GRF	General Revenue Fund	\$	23,501,362	\$	23,856,271	64828
	General Services Fund Group					64829
4W5 415-606	Administrative Expenses	\$	18,016,543	\$	18,557,040	64830
467 415-609	Business Enterprise Operating Expenses	\$	1,584,545	\$	1,632,082	64831
TOTAL GSF	General Services Fund Group	\$	19,601,088	\$	20,189,122	64832 64833
	Federal Special Revenue Fund Group					64834
3L1 415-601	Social Security Personal Care Assistance	\$	3,984,486	\$	3,988,032	64835
3L1 415-605	Social Security Community Centers for the Deaf	\$	1,100,488	\$	1,100,488	64836
3L1 415-607	Social Security Administration Cost	\$	174,119	\$	175,860	64837
3L1 415-608	Social Security Special Programs/Assistance	\$	6,941,158	\$	6,941,158	64838
3L1 415-610	Social Security Vocational Rehabilitation	\$	1,338,324	\$	1,338,324	64839
3L1 415-614	Social Security Independent Living	\$	385,917	\$	385,917	64840
3L4 415-612	Federal-Independent Living Centers or Services	\$	663,687	\$	663,687	64841

3L4	415-615	Federal - Supported Employment	\$	1,714,546	\$	1,714,546	64842
3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,582,484	\$	1,582,484	64843
317	415-620	Disability Determination	\$	73,120,329	\$	76,776,343	64844
379	415-616	Federal-Vocational Rehabilitation	\$	117,955,833	\$	125,520,457	64845
TOTAL FED Federal Special							64846
Revenue Fund Group							\$ 208,961,371 \$ 220,187,296 64847
State Special Revenue Fund Group							64848
4L1	415-619	Services for Rehabilitation	\$	3,623,845	\$	3,176,070	64849
468	415-618	Third Party Funding	\$	1,692,991	\$	2,392,991	64850
TOTAL SSR State Special							64851
Revenue Fund Group							\$ 5,316,836 \$ 5,569,061 64852
TOTAL ALL BUDGET FUND GROUPS							\$ 257,380,657 \$ 269,801,750 64853
MR/DD SERVICES							64854
The foregoing appropriation item 415-404, MR/DD Services,							64855
shall be used as state matching funds to provide vocational							64856
rehabilitation services to mutually eligible clients between the							64857
Rehabilitation Services Commission and the Department of Mental							64858
Retardation and Developmental Disabilities. The Rehabilitation							64859
Services Commission shall report to the Department of Mental							64860
Retardation and Developmental Disabilities, as outlined in an							64861
interagency agreement, on the number and status of mutually							64862
eligible clients and the status of the funds and expenditures for							64863
these clients.							64864
VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES							64865

The foregoing appropriation item 415-405, Vocational Rehabilitation/Job and Family Services, shall be used as state matching funds to provide vocational rehabilitation services to mutually eligible clients between the Rehabilitation Services Commission and the Department of Job and Family Services. The Rehabilitation Services Commission shall report to the Department of Job and Family Services, as outlined in an interagency agreement, on the number and status of mutually eligible clients and the status of the funds and expenditures for these clients.

ASSISTIVE TECHNOLOGY

The foregoing appropriation item 415-406, Assistive Technology, shall be provided to Assistive Technology of Ohio and shall be used only to provide grants under that program. No amount of the appropriation may be used for administrative costs.

OFFICE FOR PEOPLE WITH BRAIN INJURY

Of the foregoing appropriation item 415-431, Office for People with Brain Injury, \$50,000 in each fiscal year shall be used for the state match for a federal grant awarded through the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to \$50,000 in fiscal year 2004 and up to \$50,000 in fiscal year 2005 shall be provided to the Brain Injury Trust Fund. The remaining appropriation in this item shall be used to plan and coordinate head-injury-related services provided by state agencies and other government or private entities, to assess the needs for such services, and to set priorities in this area.

SERVICES FOR THE ELDERLY

The foregoing appropriation item 415-509, Services for the Elderly, shall be used as matching funds for vocational rehabilitation services for eligible elderly citizens with a disability.

SOCIAL SECURITY REIMBURSEMENT FUNDS	64896
Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment, shall be used in the Social Security Reimbursement Fund (Fund 3L1), as follows:	64897 64898 64899 64900 64901
(A) Appropriation item 415-601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;	64902 64903 64904
(B) Appropriation item 415-605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments;	64905 64906 64907 64908
(C) Appropriation item 415-607, Social Security Administration Cost, to provide administrative services needed to administer the Social Security reimbursement program;	64909 64910 64911
(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.	64912 64913 64914 64915 64916 64917 64918
(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.	64919 64920 64921 64922
ADMINISTRATIVE EXPENSES	64923
The foregoing appropriation item 415-606, Administrative Expenses, shall be used to support the administrative functions of	64924 64925

the commission related to the provision of vocational 64926
rehabilitation, disability determination services, and ancillary 64927
programs. 64928

INDEPENDENT LIVING COUNCIL 64929

The foregoing appropriation item 415-402, Independent Living 64930
Council, shall be used to fund the operations of the State 64931
Independent Living Council. 64932

MENTAL HEALTH SERVICES 64933

The foregoing appropriation item 415-403, Mental Health 64934
Services, shall be used for the provision of vocational 64935
rehabilitation services to mutually eligible consumers of the 64936
Rehabilitation Services Commission and the Department of Mental 64937
Health. 64938

The Department of Mental Health shall receive a quarterly 64939
report from the Rehabilitation Services Commission stating the 64940
numbers served, numbers placed in employment, average hourly wage, 64941
and average hours worked. 64942

INDEPENDENT LIVING SERVICES 64943

The foregoing appropriation items 415-520, Independent Living 64944
Services, and 415-612, Federal-Independent Living Centers or 64945
Services, shall be used to support state independent living 64946
centers or independent living services pursuant to Title VII of 64947
the Independent Living Services and Centers for Independent Living 64948
of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 64949
U.S.C. 796d. 64950

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 64951

The foregoing appropriation item 415-617, Independent 64952
Living/Vocational Rehabilitation Programs, shall be used to 64953
support vocational rehabilitation programs, including, but not 64954
limited to, Projects with Industry, Training Grants, and Brain 64955

Injury Grants.				64956
PILOT PROGRAM FOR VOCATIONAL REHABILITATION				64957
During fiscal years 2004 and 2005, the Rehabilitation				64958
Services Commission may conduct a pilot program to provide				64959
vocational rehabilitation and related services to entities,				64960
employers, or individuals that are not eligible for state or				64961
federally supported services through the commission. The				64962
commission shall propose fees to be collected from the entities,				64963
employers, or individuals served by the pilot program for the				64964
approval of the Controlling Board to support the costs for				64965
vocational rehabilitation and related services provided under the				64966
pilot program. Fee revenues collected under the program shall be				64967
credited to Fund 468 (Third Party Funding). Prior to the				64968
commencement of services through the pilot program, the				64969
Rehabilitation Services Commission shall develop a program plan to				64970
be submitted to the Controlling Board. Any plan revisions or				64971
updates shall be reported to the Controlling Board. During the				64972
implementation of the pilot program, the Rehabilitation Services				64973
Commission shall investigate and determine the possibility of				64974
utilizing this source of revenue to match federal funds. The				64975
Rehabilitation Services Commission shall evaluate the progress of				64976
the pilot program and issue a report of its findings to the				64977
Governor by December 15, 2005. The report shall include a				64978
recommendation to either continue or discontinue the pilot program				64979
in the next biennium.				64980
Section 91. RCB RESPIRATORY CARE BOARD				64981
General Services Fund Group				64982
4K9 872-609 Operating Expenses	\$	318,499	\$	315,481
TOTAL GSF General Services				64984
Fund Group	\$	318,499	\$	315,481
TOTAL ALL BUDGET FUND GROUPS	\$	318,499	\$	315,481

Section 92. REVENUE DISTRIBUTION FUNDS				64988
Volunteer Firefighters' Dependents Fund				64989
085	800-900	Volunteer	\$ 200,000 \$ 200,000	64990
Firefighters'				
Dependents Fund				
TOTAL 085 Volunteer Firefighters'				64991
Dependents Fund				\$ 200,000 \$ 200,000 64992
Agency Fund Group				64993
062	110-900	Resort Area Excise Tax	\$ 500,000 \$ 500,000	64994
063	110-900	Permissive Tax	\$ 1,397,512,400 \$ 1,439,437,700	64995
Distribution				
067	110-900	School District Income	\$ 154,836,700 \$ 161,030,200	64996
Tax Fund				
4P8	001-698	Cash Management	\$ 2,500,000 \$ 2,500,000	64997
Improvement Fund				
608	001-699	Investment Earnings	\$ 174,300,000 \$ 181,300,000	64998
TOTAL AGY Agency Fund Group				\$ 1,729,649,100 \$ 1,784,767,900 64999
Holding Account Redistribution				65000
R45	110-617	International Fuel Tax	\$ 36,400,000 \$ 37,200,000	65001
Distribution				
TOTAL R45 Holding Account				\$ 36,400,000 \$ 37,200,000 65002
Redistribution Fund				
Revenue Distribution Fund Group				65003
049	038-900	Indigent Drivers	\$ 1,850,000 \$ 1,850,000	65004
Alcohol Treatment				
050	762-900	International	\$ 60,000,000 \$ 60,000,000	65005
Registration Plan				
Distribution				
051	762-901	Auto Registration	\$ 475,000,000 \$ 486,875,000	65006
Distribution				
054	110-900	Local Government	\$ 75,000,000 \$ 75,000,000	65007

	Property Tax				
	Replacement				
060	110-900 Gasoline Excise Tax	\$ 113,344,700	\$ 115,611,600	65008	
	Fund				
064	110-900 Local Government	\$ 98,500,000	\$ 98,500,000	65009	
	Revenue Assistance				
065	110-900 Library/Local	\$ 475,000,000	\$ 475,000,000	65010	
	Government Support				
	Fund				
066	800-900 Undivided Liquor	\$ 13,500,000	\$ 13,500,000	65011	
	Permit Fund				
068	110-900 State/Local Government	\$ 227,607,000	\$ 232,159,100	65012	
	Highway Distribution				
	Fund				
069	110-900 Local Government Fund	\$ 705,000,000	\$ 705,000,000	65013	
082	110-900 Horse Racing Tax	\$ 130,000	\$ 130,000	65014	
083	700-900 Ohio Fairs Fund	\$ 3,150,000	\$ 3,150,000	65015	
	TOTAL RDF Revenue Distribution			65016	
	Fund Group	\$ 2,248,081,700	\$ 2,266,775,700	65017	
	TOTAL ALL BUDGET FUND GROUPS	\$ 4,014,330,800	\$ 4,088,943,600	65018	
	ADDITIONAL APPROPRIATIONS			65019	
	Appropriation items in this section are to be used for the			65020	
	purpose of administering and distributing the designated revenue			65021	
	distributions fund according to the Revised Code. If it is			65022	
	determined that additional appropriations are necessary, such			65023	
	amounts are appropriated.			65024	
	Section 93. SAN BOARD OF SANITARIAN REGISTRATION			65025	
	General Services Fund Group			65026	
4K9	893-609 Operating Expenses	\$ 124,892	\$ 125,612	65027	
	TOTAL GSF General Services			65028	
	Fund Group	\$ 124,892	\$ 125,612	65029	

TOTAL ALL BUDGET FUND GROUPS	\$	124,892	\$	125,612	65030
Section 94. OSB OHIO STATE SCHOOL FOR THE BLIND					65032
General Revenue Fund					65033
GRF 226-100 Personal Services	\$	6,287,483	\$	6,456,616	65034
GRF 226-200 Maintenance	\$	685,256	\$	685,256	65035
GRF 226-300 Equipment	\$	121,355	\$	121,355	65036
TOTAL GRF General Revenue Fund	\$	7,094,094	\$	7,263,227	65037
General Services Fund Group					65038
4H8 226-602 Education Reform	\$	61,476	\$	61,476	65039
Grants					
TOTAL GSF General Services					65040
Fund Group	\$	61,476	\$	61,476	65041
State Special Revenue Fund Group					65042
4M5 226-601 Work Study &	\$	42,919	\$	42,919	65043
Technology Investments					
TOTAL SSR State Special Revenue					65044
Fund Group	\$	42,919	\$	42,919	65045
Federal Special Revenue Fund Group					65046
3P5 226-643 Medicaid Professional	\$	143,600	\$	143,600	65047
Services Reimbursement					
310 226-626 Coordinating Unit	\$	1,390,000	\$	1,384,000	65048
TOTAL FED Federal Special					65049
Revenue Fund Group	\$	1,533,600	\$	1,527,600	65050
TOTAL ALL BUDGET FUND GROUPS	\$	8,732,089	\$	8,895,222	65051
Section 95. OSD OHIO STATE SCHOOL FOR THE DEAF					65053
General Revenue Fund					65054
GRF 221-100 Personal Services	\$	8,134,597	\$	8,464,711	65055
GRF 221-200 Maintenance	\$	1,018,160	\$	1,028,342	65056
GRF 221-300 Equipment	\$	200,841	\$	200,841	65057
TOTAL GRF General Revenue Fund	\$	9,353,598	\$	9,693,894	65058

General Services Fund Group				65059
4M1 221-602 Education Reform	\$	70,701	\$ 70,701	65060
Grants				
TOTAL GSF General Services				65061
Fund Group	\$	70,701	\$ 70,701	65062
State Special Revenue Fund Group				65063
4M0 221-601 Educational Program	\$	33,188	\$ 33,188	65064
Expenses				65065
5H6 221-609 Even Start Fees &	\$	98,500	\$ 98,500	65066
Gifts				
TOTAL SSR State Special Revenue				65067
Fund Group	\$	131,688	\$ 131,688	65068
Federal Special Revenue Fund Group				65069
3R0 221-684 Medicaid Professional	\$	111,377	\$ 111,377	65070
Services Reimbursement				65071
311 221-625 Coordinating Unit	\$	949,899	\$ 974,649	65072
3Y1 221-686 Early Childhood Grant	\$	248,235	\$ 262,275	65073
TOTAL FED Federal Special				65074
Revenue Fund Group	\$	1,309,511	\$ 1,348,301	65075
TOTAL ALL BUDGET FUND GROUPS	\$	10,865,498	\$ 11,244,584	65076
Section 96. SFC SCHOOL FACILITIES COMMISSION				65078
General Revenue Fund				65079
GRF 230-428 Lease Rental Payments	\$	31,776,500	\$ 31,704,700	65080
GRF 230-908 Common Schools General	\$	106,322,300	\$ 145,989,300	65081
Obligation Debt				
Service				
TOTAL GRF General Revenue Fund	\$	138,098,800	\$ 177,694,000	65082
Federal Special Revenue Fund Group				65083
3X9 230-601 Federal School	\$	28,214,058	\$ 28,214,058	65084
Facilities Grant				

TOTAL FED Federal Special Revenue	\$	28,214,058	\$	28,214,058	65085
Fund Group					
State Special Revenue Fund Group					65086
5E3 230-644 Operating Expenses	\$	7,009,766	\$	7,009,766	65087
TOTAL SSR State Special Revenue					65088
Fund Group	\$	7,009,766	\$	7,009,766	65089
TOTAL ALL BUDGET FUND GROUPS	\$	173,322,624	\$	212,917,824	65090

Section 96.01. LEASE RENTAL PAYMENTS 65092

The foregoing appropriation item 230-428, Lease Rental 65093
Payments, shall be used to meet all payments at the times they are 65094
required to be made during the period from July 1, 2003, to June 65095
30, 2005, by the School Facilities Commission pursuant to leases 65096
and agreements made under section 3318.26 of the Revised Code, but 65097
limited to the aggregate amount of \$63,481,200. Nothing in this 65098
act shall be deemed to contravene the obligation of the state to 65099
pay, without necessity for further appropriation, from the sources 65100
pledged thereto, the bond service charges on obligations issued 65101
pursuant to Chapter 3318. of the Revised Code. 65102

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 65103

The foregoing appropriation item 230-908, Common Schools 65104
General Obligation Debt Service, shall be used to pay all debt 65105
service and related financing costs at the times they are required 65106
to be made pursuant to sections 151.01 and 151.03 of the Revised 65107
Code during the period from July 1, 2003, to June 30, 2005. The 65108
Office of the Sinking Fund or the Director of Budget and 65109
Management shall effectuate the required payments by an intrastate 65110
transfer voucher. 65111

OPERATING EXPENSES 65112

The foregoing appropriation item 230-644, Operating Expenses, 65113
shall be used by the Ohio School Facilities Commission to carry 65114

out its responsibilities pursuant to this section and Chapter 65115
3318. of the Revised Code. 65116

Within ten days after the effective date of this section, or 65117
as soon as possible thereafter, the Executive Director of the Ohio 65118
School Facilities Commission shall certify to the Director of 65119
Budget and Management the amount of cash from interest earnings to 65120
be transferred from the School Building Assistance Fund (Fund 032) 65121
or the Public School Building Fund (Fund 021) to the Ohio School 65122
Facilities Commission Fund (Fund 5E3). 65123

By July 10, 2004, the Executive Director of the Ohio School 65124
Facilities Commission shall certify to the Director of Budget and 65125
Management the amount of cash from interest earnings to be 65126
transferred from the School Building Assistance Fund (Fund 032) or 65127
the Public School Building Fund (Fund 021) to the Ohio School 65128
Facilities Commission Fund (Fund 5E3). The amount transferred may 65129
not exceed investment earnings credited to the School Building 65130
Assistance Fund (Fund 032) less any amount required to be paid for 65131
federal arbitrage rebate purposes. 65132

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 65133

At the request of the Executive Director of the Ohio School 65134
Facilities Commission, the Director of Budget and Management may 65135
cancel encumbrances for school district projects from a previous 65136
biennium if the district has not raised its local share of project 65137
costs within one year of receiving Controlling Board approval in 65138
accordance with section 3318.05 of the Revised Code. The Executive 65139
Director of the Ohio School Facilities Commission shall certify 65140
the amounts of these canceled encumbrances to the Director of 65141
Budget and Management on a quarterly basis. The amounts of the 65142
canceled encumbrances are appropriated. 65143

Section 96.02. COMMUNITY SCHOOL CLASSROOM FACILITIES LOAN 65144
GUARANTEE 65145

The unencumbered and unallotted balances as of June 30, 2003, 65146
in appropriation item 230-602, Community School Loan Guarantee, 65147
are hereby reappropriated in fiscal year 2004 to support loan 65148
guarantees to community schools under section 3318.50 of the 65149
Revised Code. The unencumbered an unallotted balances of the 65150
appropriation at the end of fiscal year 2004 are hereby 65151
reappropriated in fiscal year 2005 to support loan guarantees to 65152
community schools under section 3318.50 of the Revised Code. 65153

Section 96.03. (A) The Ohio School Facilities Commission may 65154
commit up to thirty-five million dollars to the Canton City School 65155
District for construction of a facility described in this section, 65156
in lieu of a high school that would otherwise be authorized under 65157
Chapter 3318. of the Revised Code. The commission shall not commit 65158
funds under this section unless all of the following conditions 65159
are met: 65160

(1) The district has entered into a cooperative agreement 65161
with a state-assisted technical college. 65162

(2) The district has received an irrevocable commitment of 65163
additional funding from nonpublic sources. 65164

(3) The facility is intended to serve both secondary and 65165
postsecondary instructional purposes. 65166

(B) The commission shall enter into an agreement with the 65167
district for the construction of the facility authorized under 65168
this section that is separate from and in addition to the 65169
agreement required for the district's participation in the 65170
Classroom Facilities Assistance Program under section 3318.08 of 65171
the Revised Code. Notwithstanding that section and sections 65172
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 65173
agreement shall provide, but not be limited to, the following: 65174

(1) The commission shall not have any oversight 65175

responsibilities over the construction of the facility.	65176
(2) The facility need not comply with the specifications for plans and materials for high schools adopted by the commission.	65177 65178
(3) The commission may decrease the basic project cost that would otherwise be calculated for a high school under Chapter 3318. of the Revised Code.	65179 65180 65181
(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section.	65182 65183 65184
All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section.	65185 65186 65187
The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised Code. All additional state funds committed to the Canton City School District for classroom facilities assistance shall be subject to all provisions of Chapter 3318. of the Revised Code.	65188 65189 65190 65191 65192 65193
Section 97. NET OHIO SCHOOLNET COMMISSION	65194
General Revenue Fund	65195
GRF 228-404 Operating Expenses \$ 5,961,208 \$ 5,961,208	65196
GRF 228-406 Technical and Instructional Professional Development	65197
GRF 228-539 Education Technology \$ 6,989,315 \$ 6,989,315	65198
Total GRF General Revenue Fund \$ 20,642,354 \$ 20,642,354	65199
General Services Fund Group	65200
5D4 228-640 Conference/Special Purpose Expenses \$ 1,350,000 \$ 1,350,000	65201

TOTAL GSF General Services				65202
Fund Group	\$	1,350,000	\$ 1,350,000	65203
State Special Revenue Fund Group				65204
4W9 228-630 Ohio SchoolNet	\$	400,000	\$ 400,000	65205
Telecommunity Fund				
4X1 228-634 Distance Learning	\$	1,750,000	\$ 1,750,000	65206
5T3 228-605 Gates Foundation	\$	1,194,908	\$ 1,194,908	65207
Grants				
TOTAL SSR State Special Revenue				65208
Fund Group	\$	3,344,908	\$ 3,344,908	65209
Federal Special Revenue Fund Group				65210
3X8 228-604 Individuals With	\$	1,500,000	\$ 1,500,000	65211
Disabilities Education				
Act				
TOTAL FED Federal Special Revenue				65212
Fund Group	\$	1,500,000	\$ 1,500,000	65213
TOTAL ALL BUDGET FUND GROUPS	\$	26,837,262	\$ 26,837,262	65214

Section 97.01. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL DEVELOPMENT 65216
DEVELOPMENT 65217

The foregoing appropriation item 228-406, Technical and Instructional Professional Development, shall be used by the Ohio SchoolNet Commission to make grants or provide services to qualifying schools, including the State School for the Blind and the Ohio School for the Deaf, for the provision of hardware, software, telecommunications services, and staff development to support educational uses of technology in the classroom. 65218
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The Ohio SchoolNet Commission shall consider the professional development needs associated with the OhioReads Program when making funding allocations and program decisions. 65225
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Of the foregoing appropriation \$1,260,000 in each fiscal year 65228

shall be used by the Ohio Educational Telecommunications Network Commission, with the advice of the Ohio SchoolNet Commission, to make grants for research, development and production of interactive instructional programming series and teleconferences to support the SchoolNet Commission. Up to \$55,000 of this amount shall be used in each fiscal year to provide for the administration of these activities by the Ohio Educational Telecommunications Network Commission. The programming shall be targeted to the needs of the poorest two hundred school districts as determined by the district's adjusted valuation per pupil as defined in section 3317.0213 of the Revised Code.

Of the foregoing appropriation item 228-406, Technical and Instructional Professional Development, \$818,322 in each fiscal year shall be used by the INFOhio Network, with the advice of the Ohio SchoolNet Commission, to support the provision of electronic resources to all public schools with preference given to elementary schools. Consideration shall be given by the Commission to coordinating the allocation of these moneys with the efforts of OhioLINK and the Ohio Public Information Network.

Of the foregoing appropriation item 228-406, Technical and Instructional Professional Development, \$300,000 in each fiscal year shall be used by the JASON project, with the advice of the Ohio SchoolNet Commission, to provide statewide access and a 75 per cent subsidy for statewide licensing of JASON content for 90,000 middle school students statewide, and professional development for teachers participating in the program.

The remaining appropriation allocated in appropriation item 228-406, Technical and Instructional Professional Development, shall be used by the Ohio SchoolNet Commission for professional development for teachers and administrators for the use of educational technology. The commission may make grants to provide technical assistance and professional development on the use of

educational technology to school districts. 65261

Eligible recipients of grants include regional training 65262
centers, county offices of education, data collection sites, 65263
instructional technology centers, institutions of higher 65264
education, public television stations, special education resource 65265
centers, area media centers, or other nonprofit educational 65266
organizations. Services provided through these grants may include 65267
use of private entities subcontracting through the grant 65268
recipient. 65269

Grants shall be made to entities on a contractual basis with 65270
the Ohio SchoolNet Commission. Contracts shall include provisions 65271
that demonstrate how services will benefit technology use in the 65272
schools, and in particular will support Ohio SchoolNet efforts to 65273
support technology in the schools. Contracts shall specify the 65274
scope of assistance being offered and the potential number of 65275
professionals who will be served. Contracting entities may be 65276
awarded more than one grant at a time. 65277

Grants shall be awarded in a manner consistent with the goals 65278
of Ohio SchoolNet. Special emphasis in the award of grants shall 65279
be placed on collaborative efforts among service providers. 65280

Application for grants from this appropriation in 65281
appropriation item 228-406, Technical and Instructional 65282
Professional Development, shall be consistent with a school 65283
district's technology plan that shall meet the minimum 65284
specifications for school district technology plans as prescribed 65285
by the Ohio SchoolNet Commission. Funds allocated through these 65286
grants may be combined with funds received through other state or 65287
federal grants for technology so long as the school district's 65288
technology plan specifies the use of these funds. 65289

EDUCATION TECHNOLOGY 65290

The foregoing appropriation item 228-539, Education 65291

Technology, shall be used to provide funding to suppliers of 65292
information services to school districts for the provision of 65293
hardware, software, and staff development in support of 65294
educational uses of technology in the classroom as prescribed by 65295
the State Plan for Technology pursuant to section 3301.07 of the 65296
Revised Code, and to support assistive technology for children and 65297
youth with disabilities. 65298

Of the foregoing appropriation item 228-539, Education 65299
Technology, up to \$1,946,000 in each fiscal year shall be used by 65300
the Ohio SchoolNet Commission to link all public K-12 classrooms 65301
to each other and the Internet, and to provide access to voice, 65302
video, and data educational resources for students and teachers 65303
through the OneNet Ohio Program. 65304

Up to \$4,403,778 in each fiscal year shall be used by the 65305
Ohio SchoolNet Commission to contract with instructional 65306
television, and \$639,537 in each fiscal year shall be used by the 65307
commission to contract with education media centers to provide 65308
Ohio schools with instructional resources and services. 65309

Resources may include, but not be limited to, the following: 65310
pre-recorded video materials (including videotape, laser discs, 65311
and CD-ROM discs); computer software for student use or student 65312
access to electronic communication, databases, spreadsheet, and 65313
word processing capability; live student courses or courses 65314
delivered electronically; automated media systems; and 65315
instructional and professional development materials for teachers. 65316
The commission shall cooperate with education technology agencies 65317
in the acquisition, development, and delivery of such educational 65318
resources to ensure high-quality and educational soundness at the 65319
lowest possible cost. Delivery of such resources may utilize a 65320
variety of technologies, with preference given to a high-speed 65321
integrated information network that can transport video, voice, 65322
data, and graphics simultaneously. 65323

Services shall include presentations and technical assistance 65324
that will help students and teachers integrate educational 65325
materials that support curriculum objectives, match specific 65326
learning styles, and are appropriate for individual interests and 65327
ability levels. 65328

Such instructional resources and services shall be made 65329
available for purchase by chartered nonpublic schools or by public 65330
school districts for the benefit of pupils attending chartered 65331
nonpublic schools. 65332

TELECOMMUNITY 65333

The foregoing appropriation item 228-630, Ohio SchoolNet 65334
Telecommunity Fund, shall be distributed by the Ohio SchoolNet 65335
Commission on a grant basis to eligible school districts to 65336
establish "distance learning" through interactive video 65337
technologies in the school district. Per agreements with eight 65338
Ohio local telephone companies: ALLTEL Ohio, CENTURY Telephone of 65339
Ohio, Chillicothe Telephone Company, Cincinnati Bell Telephone 65340
Company, Orwell Telephone Company, Sprint North Central Telephone, 65341
VERIZON, and Western Reserve Telephone Company, school districts 65342
are eligible for funds if they are within one of the listed 65343
telephone company service areas. Funds to administer the program 65344
shall be expended by the commission up to the amount specified in 65345
agreements with the listed telephone companies. 65346

Within 30 days after the effective date of this section, the 65347
Director of Budget and Management shall transfer to Fund 4W9 in 65348
the State Special Revenue Fund Group any investment earnings from 65349
moneys paid to the Ohio SchoolNet Commission by any telephone 65350
company as part of any settlement agreement between the listed 65351
companies and the Public Utilities Commission in fiscal years 1996 65352
and beyond. 65353

DISTANCE LEARNING 65354

Appropriation item 228-634, Distance Learning, shall be distributed by the Ohio SchoolNet Commission on a grant basis to eligible school districts to establish "distance learning" in the school district. Per the agreement with Ameritech, school districts are eligible for funds if they are within an Ameritech service area. Funds to administer the program shall be expended by the commission up to the amount specified in the agreement with Ameritech.

Within thirty days after the effective date of this section, the Director of Budget and Management shall transfer to fund 4X1 in the State Special Revenue Fund Group any investment earnings from moneys paid to the office or to the SchoolNet Commission by any telephone company as part of a settlement agreement between the company and the Public Utilities Commission in fiscal year 1995.

GATES FOUNDATION GRANTS

The foregoing appropriation item 228-605, Gates Foundation Grants, shall be used by the Ohio SchoolNet Commission to provide professional development to school district principals, superintendents, and other administrative staff for the use of education technology. The appropriation is made possible through a grant from the Bill and Melinda Gates foundation.

Section 98. SOS SECRETARY OF STATE

General Revenue Fund				65378
GRF 050-321 Operating Expenses	\$	2,750,000	\$ 2,750,000	65379
GRF 050-403 Election Statistics	\$	110,570	\$ 110,570	65380
GRF 050-407 Pollworkers Training	\$	295,742	\$ 295,742	65381
GRF 050-409 Litigation	\$	4,949	\$ 4,949	65382
Expenditures				
TOTAL GRF General Revenue Fund	\$	3,161,261	\$ 3,161,261	65383

General Services Fund Group				65384
4S8 050-610 Board of Voting	\$	7,200	\$ 7,200	65385
Machine Examiners				
412 050-609 Notary Commission	\$	178,124	\$ 185,249	65386
413 050-601 Information Systems	\$	163,418	\$ 169,955	65387
414 050-602 Citizen Education Fund	\$	72,800	\$ 75,712	65388
TOTAL General Services Fund Group	\$	421,542	\$ 438,116	65389
Federal Special Revenue Fund Group				65390
3X4 050-612 Ohio Cntr/Law Related	\$	41,000	\$ 41,000	65391
Educ Grant				
TOTAL FED Federal Special Revenue				65392
Fund Group	\$	41,000	\$ 41,000	65393
State Special Revenue Fund Group				65394
5N9 050-607 Technology	\$	124,582	\$ 129,565	65395
Improvements				
599 050-603 Business Services	\$	13,889,462	\$ 14,241,966	65396
Operating Expenses				
TOTAL SSR State Special Revenue				65397
Fund Group	\$	14,014,044	\$ 14,371,531	65398
Holding Account Redistribution Fund Group				65399
R01 050-605 Uniform Commercial	\$	65,000	\$ 65,000	65400
Code Refunds				
R02 050-606 Corporate/Business	\$	100,000	\$ 100,000	65401
Filing Refunds				
TOTAL 090 Holding Account				65402
Redistribution Fund Group	\$	165,000	\$ 165,000	65403
TOTAL ALL BUDGET FUND GROUPS	\$	17,802,847	\$ 18,176,908	65404
BOARD OF VOTING MACHINE EXAMINERS				65405
The foregoing appropriation item 050-610, Board of Voting				65406
Machine Examiners, shall be used to pay for the services and				65407
expenses of the members of the Board of Voting Machine Examiners,				65408

and for other expenses that are authorized to be paid from the 65409
Board of Voting Machine Examiners Fund, which is created in 65410
section 3506.05 of the Revised Code. Moneys not used shall be 65411
returned to the person or entity submitting the equipment for 65412
examination. If it is determined that additional appropriations 65413
are necessary, such amounts are appropriated. 65414

HOLDING ACCOUNT REDISTRIBUTION GROUP 65415

The foregoing appropriation items 050-605 and 050-606, 65416
Holding Account Redistribution Fund Group, shall be used to hold 65417
revenues until they are directed to the appropriate accounts or 65418
until they are refunded. If it is determined that additional 65419
appropriations are necessary, such amounts are appropriated. 65420

Section 99. SEN THE OHIO SENATE 65421

General Revenue Fund 65422

GRF 020-321 Operating Expenses \$ 10,887,655 \$ 11,432,037 65423

TOTAL GRF General Revenue Fund \$ 10,887,655 \$ 11,432,037 65424

General Services Fund Group 65425

102 020-602 Senate Reimbursement \$ 422,881 \$ 444,025 65426

409 020-601 Miscellaneous Sales \$ 32,529 \$ 34,155 65427

TOTAL GSF General Services 65428

Fund Group \$ 455,410 \$ 478,180 65429

TOTAL ALL BUDGET FUND GROUPS \$ 11,343,065 \$ 11,910,217 65430

Section 100. CSF COMMISSIONERS OF THE SINKING FUND 65432

Debt Service Fund Group 65433

071 155-901 Highway Obligations \$ 35,536,300 \$ 10,450,000 65434

Bond Retirement Fund

072 155-902 Highway Capital \$ 153,559,600 \$ 173,238,200 65435

Improvements Bond

Retirement Fund

073 155-903 Natural Resources Bond \$ 23,808,300 \$ 26,914,300 65436

		Retirement				
074	155-904	Conservation Projects	\$	9,743,500	\$	11,235,700 65437
		Bond Service Fund				
076	155-906	Coal Research and	\$	7,231,200	\$	9,185,100 65438
		Development Bond				
		Retirement Fund				
077	155-907	State Capital	\$	156,974,400	\$	152,069,700 65439
		Improvements Bond				
		Retirement Fund				
078	155-908	Common Schools Bond	\$	106,322,300	\$	145,989,300 65440
		Retirement Fund				
079	155-909	Higher Education Bond	\$	97,668,000	\$	130,967,600 65441
		Retirement Fund				
TOTAL	DSF	Debt Service Fund Group	\$	590,843,600	\$	660,049,900 65442
TOTAL	ALL BUDGET	FUND GROUPS	\$	590,843,600	\$	660,049,900 65443

ADDITIONAL APPROPRIATIONS 65444

Appropriation items in this section are for the purpose of 65445
 paying debt service and financing costs on bonds or notes of the 65446
 state issued pursuant to the Ohio Constitution and acts of the 65447
 General Assembly. If it is determined that additional 65448
 appropriations are necessary, such amounts are appropriated. 65449

Section 101. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 65450
AUDIOLOGY 65451

		General Services Fund Group				65452
4K9	886-609	Operating Expenses	\$	390,966	\$	403,554 65453
TOTAL	GSF	General Services				65454
		Fund Group	\$	390,966	\$	403,554 65455
TOTAL	ALL BUDGET	FUND GROUPS	\$	390,966	\$	403,554 65456

Section 102. BTA BOARD OF TAX APPEALS 65458

General Revenue Fund 65459

GRF 116-321 Operating Expenses	\$	2,373,690	\$	2,373,690	65460
TOTAL GRF General Revenue Fund	\$	2,373,690	\$	2,373,690	65461
TOTAL ALL BUDGET FUND GROUPS	\$	2,373,690	\$	2,373,690	65462

Section 103. TAX DEPARTMENT OF TAXATION 65464

General Revenue Fund 65465

GRF 110-321 Operating Expenses	\$	92,501,007	\$	94,267,788	65466
GRF 110-412 Child Support Administration	\$	74,215	\$	74,215	65467
GRF 110-901 Property Tax Allocation - Taxation	\$	434,650,000	\$	462,640,000	65468
GRF 110-906 Tangible Tax Exemption - Taxation	\$	29,190,000	\$	30,490,000	65469

TOTAL GRF General Revenue Fund \$ 556,415,222 \$ 587,472,003 65470

Agency Fund Group 65471

095 110-901 Municipal Income Tax	\$	12,000,000	\$	12,000,000	65472
425 110-635 Tax Refunds	\$	1,296,756,200	\$	1,337,119,600	65473
TOTAL AGY Agency Fund Group	\$	1,308,756,200	\$	1,349,119,600	65474

General Services Fund Group 65475

433 110-602 Tape File Account	\$	96,165	\$	96,165	65476
TOTAL GSF General Services Fund Group	\$	96,165	\$	96,165	65478

State Special Revenue Fund Group 65479

4C6 110-616 International Registration Plan	\$	706,855	\$	706,855	65480
4R6 110-610 Tire Tax Administration	\$	65,000	\$	65,000	65481
435 110-607 Local Tax Administration	\$	13,600,000	\$	13,700,000	65482
436 110-608 Motor Vehicle Audit	\$	1,350,000	\$	1,350,000	65483
437 110-606 Litter Tax and Natural Resource Tax	\$	625,232	\$	625,232	65484

		Administration				
438	110-609	School District Income	\$	2,599,999	\$	2,599,999 65485
		Tax				
5N5	110-605	Municipal Income Tax	\$	650,000	\$	650,000 65486
		Administration				
5N6	110-618	Kilowatt Hour Tax	\$	85,000	\$	85,000 65487
		Administration				
5V7	110-622	Motor Fuel Tax	\$	3,734,036	\$	3,833,091 65488
		Administration				
5V8	110-623	Property Tax	\$	11,569,719	\$	11,938,362 65489
		Administration				
5W4	110-625	Centralized Tax Filing	\$	3,000,000	\$	3,000,000 65490
		and Payment				
639	110-614	Cigarette Tax	\$	168,925	\$	168,925 65491
		Enforcement				
642	110-613	Ohio Political Party	\$	600,000	\$	600,000 65492
		Distributions				
688	110-615	Local Excise Tax	\$	300,000	\$	300,000 65493
		Administration				
		TOTAL SSR State Special Revenue				65494
		Fund Group	\$	39,054,766	\$	39,622,464 65495
		Federal Special Revenue Fund Group				65496
3J6	110-601	Motor Fuel Compliance	\$	33,300	\$	25,000 65497
		TOTAL FED Federal Special Revenue				65498
		Fund Group	\$	33,300	\$	25,000 65499
		Holding Account Redistribution Fund Group				65500
R10	110-611	Tax Distributions	\$	50,000	\$	50,000 65501
R11	110-612	Miscellaneous Income	\$	50,000	\$	50,000 65502
		Tax Receipts				
		TOTAL 090 Holding Account				65503
		Redistribution Fund Group	\$	100,000	\$	100,000 65504
		TOTAL ALL BUDGET FUND GROUPS	\$	1,904,455,653	\$	1,976,435,232 65505

LITTER CONTROL TAX ADMINISTRATION FUND 65506

Notwithstanding section 5733.12 of the Revised Code, during 65507
the period from July 1, 2003, to June 30, 2004, the amount of 65508
\$625,232, and during the period from July 1, 2004, to June 30, 65509
2005, the amount of \$625,232, received by the Tax Commissioner 65510
under Chapter 5733. of the Revised Code, shall be credited to the 65511
Litter Control Tax Administration Fund (Fund 437). 65512

CENTRALIZED TAX FILING AND PAYMENT FUND 65513

The Director of Budget and Management pursuant to a plan 65514
submitted by the Tax Commissioner, or as otherwise determined by 65515
the Director of Budget and Management, shall set a schedule to 65516
transfer cash from the General Revenue Fund to the credit of the 65517
Centralized Tax Filing and Payment Fund. Such transfers of cash 65518
shall not exceed \$3,000,000 in any fiscal year. 65519

INTERNATIONAL REGISTRATION PLAN AUDIT 65520

The foregoing appropriation item 110-616, International 65521
Registration Plan, shall be used pursuant to section 5703.12 of 65522
the Revised Code for audits of persons with vehicles registered 65523
under the International Registration Plan. 65524

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 65525
EXEMPTION 65526

The foregoing appropriation item 110-901, Property Tax 65527
Allocation - Taxation, is appropriated to pay for the state's 65528
costs incurred due to the Homestead Exemption, the Manufactured 65529
Home Property Tax Rollback, and the Property Tax Rollback. The Tax 65530
Commissioner shall distribute these funds directly to the 65531
appropriate local taxing districts of the state, except for school 65532
districts, notwithstanding the provisions in sections 321.24 and 65533
323.156 of the Revised Code, which provide for payment of the 65534
Homestead Exemption, the Manufactured Home Property Tax Rollback, 65535

and Property Tax Rollback by the Tax Commissioner to the 65536
appropriate county treasurer and the subsequent redistribution of 65537
these funds to the appropriate local taxing districts by the 65538
county auditor. 65539

The foregoing appropriation item 110-906, Tangible Tax 65540
Exemption - Taxation, is appropriated to pay for the state's costs 65541
incurred due to the tangible personal property tax exemption 65542
required by division (C)(3) of section 5709.01 of the Revised 65543
Code. The Tax Commissioner shall distribute to each county 65544
treasurer the total amount certified by the county treasurer 65545
pursuant to section 319.311 of the Revised Code for all local 65546
taxing districts located in the county except for school 65547
districts, notwithstanding the provision in section 319.311 of the 65548
Revised Code which provides for payment of the \$10,000 tangible 65549
personal property tax exemption by the Tax Commissioner to the 65550
appropriate county treasurer for all local taxing districts 65551
located in the county including school districts. Pursuant to 65552
division (G) of section 321.24 of the Revised Code, the county 65553
auditor shall distribute the amount paid by the Tax Commissioner 65554
among the appropriate local taxing districts except for school 65555
districts. 65556

Upon receipt of these amounts, each local taxing district 65557
shall distribute the amount among the proper funds as if it had 65558
been paid as real or tangible personal property taxes. Payments 65559
for the costs of administration shall continue to be paid to the 65560
county treasurer and county auditor as provided for in sections 65561
319.54, 321.26, and 323.156 of the Revised Code. 65562

Any sums, in addition to the amounts specifically 65563
appropriated in appropriation items 110-901, Property Tax 65564
Allocation - Taxation, for the Homestead Exemption, the 65565
Manufactured Home Property Tax Rollback, and the Property Tax 65566
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 65567

for the \$10,000 tangible personal property tax exemption payments, 65568
 which are determined to be necessary for these purposes, are 65569
 hereby appropriated. 65570

MUNICIPAL INCOME TAX 65571

The foregoing appropriation item 110-901, Municipal Income 65572
 Tax, shall be used to make payments to municipal corporations as 65573
 provided in section 5745.05 of the Revised Code. If it is 65574
 determined that additional appropriations are necessary to make 65575
 such payments, such amounts are hereby appropriated. 65576

TAX REFUNDS 65577

The foregoing appropriation item 110-635, Tax Refunds, shall 65578
 be used to pay refunds as provided in section 5703.052 of the 65579
 Revised Code. If it is determined that additional appropriations 65580
 are necessary, such amounts are appropriated. 65581

Section 104. DOT DEPARTMENT OF TRANSPORTATION 65582

Transportation Modes 65583

General Revenue Fund 65584

GRF 775-451 Public Transportation \$ 15,525,595 \$ 15,525,595 65585

- State

GRF 776-465 Ohio Rail Development \$ 3,116,889 \$ 2,936,056 65586

Commission

GRF 777-471 Airport Improvements - \$ 1,338,495 \$ 1,338,495 65587

State

GRF 777-473 Rickenbacker Lease \$ 591,600 \$ 591,500 65588

Payments - State

TOTAL GRF General Revenue Fund \$ 20,572,579 \$ 20,391,646 65589

Federal Special Revenue Fund Group 65590

3B9 776-662 Rail Transportation - \$ 50,000 \$ 50,000 65591

Federal

TOTAL FSR Federal Special Revenue 65592

Fund Group	\$	50,000	\$	50,000	65593
State Special Revenue Fund Group					65594
4N4 776-663 Panhandle Lease	\$	770,000	\$	770,000	65595
Reserve Payments					
4N4 776-664 Rail Transportation -	\$	1,919,500	\$	2,111,500	65596
Other					
5W7 771-413 Public Transportation	\$	3,100,000	\$	3,100,000	65597
Grant Programs					
5W8 773-432 Roadside Rest Area	\$	250,000	\$	250,000	65598
Improvement					
5W9 777-476 County Airport	\$	570,000	\$	570,000	65599
Maintenance Assistance					
TOTAL SSR State Special Revenue					65600
Fund Group	\$	6,609,500	\$	6,801,500	65601
TOTAL ALL BUDGET FUND GROUPS	\$	27,232,079	\$	27,243,146	65602

ELDERLY AND DISABLED FARE ASSISTANCE 65603

Of the foregoing appropriation item 775-451, Public 65604
Transportation - State, up to \$4,012,780 in fiscal year 2004 and 65605
\$5,015,975 in fiscal year 2005 may be used to make grants to 65606
county transit boards, regional transit authorities, regional 65607
transit commissions, counties, municipal corporations, and private 65608
nonprofit organizations that operate or will operate public 65609
transportation systems, for the purpose of reducing the transit 65610
fares of elderly or disabled persons. Pursuant to division (B) of 65611
section 5501.07 of the Revised Code, the Director of 65612
Transportation shall establish criteria for the distribution of 65613
these grants. 65614

AVIATION LEASE PAYMENTS 65615

The foregoing appropriation item 777-473, Rickenbacker Lease 65616
Payments - State, shall be used to meet scheduled payments for the 65617
Rickenbacker Port Authority. The Director of Transportation shall 65618

certify to the Director of Budget and Management any 65619
 appropriations in appropriation item 777-473, Rickenbacker Lease 65620
 Payments - State, that are not needed to make lease payments for 65621
 the Rickenbacker Port Authority. Notwithstanding section 127.14 of 65622
 the Revised Code, the amount certified may be transferred by the 65623
 Director of Budget and Management to appropriation item 777-471, 65624
 Airport Improvements - State. 65625

Section 105. TOS TREASURER OF STATE 65626

General Revenue Fund 65627

GRF 090-321 Operating Expenses \$ 9,122,622 \$ 9,122,622 65628

GRF 090-401 Office of the Sinking \$ 554,868 \$ 554,868 65629

Fund 65630

GRF 090-402 Continuing Education \$ 463,585 \$ 463,585 65631

GRF 090-524 Police and Fire \$ 35,000 \$ 30,000 65632

Disability Pension 65633

Fund

GRF 090-534 Police & Fire Ad Hoc \$ 225,000 \$ 230,000 65634

Cost

of Living 65635

GRF 090-544 Police and Fire State \$ 1,200,000 \$ 1,200,000 65636

Contribution 65637

GRF 090-554 Police and Fire \$ 1,320,000 \$ 1,260,000 65638

Survivor

Benefits 65639

GRF 090-575 Police and Fire Death \$ 24,000,000 \$ 25,000,000 65640

Benefits 65641

TOTAL GRF General Revenue Fund \$ 36,921,075 \$ 37,861,075 65642

Agency Fund Group 65643

425 090-635 Tax Refunds \$ 31,000,000 \$ 31,000,000 65644

TOTAL Agency Fund Group \$ 31,000,000 \$ 31,000,000 65645

General Services Fund Group 65646

4E9	090-603	Securities Lending	\$	2,400,000	\$	2,100,000	65647
		Income					
577	090-605	Investment Pool	\$	600,000	\$	550,000	65648
		Reimbursement					65649
605	090-609	Treasurer of State	\$	600,000	\$	700,000	65650
		Administrative Fund					65651
TOTAL GSF General Services							65652
Fund Group			\$	3,600,000	\$	3,350,000	65653
State Special Revenue Fund Group							65654
5C5	090-602	County Treasurer	\$	175,000	\$	135,000	65655
		Education					
TOTAL SSR State Special Revenue							65656
Fund Group			\$	175,000	\$	135,000	65657
TOTAL ALL BUDGET FUND GROUPS			\$	71,696,075	\$	72,346,075	65658

Section 105.01. OFFICE OF THE SINKING FUND 65660

The foregoing appropriation item 090-401, Office of the 65661
Sinking Fund, shall be used for financing and other costs incurred 65662
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 65663
Public Facilities Commission or its secretary, or the Treasurer of 65664
State, with respect to State of Ohio general obligation bonds or 65665
notes, including, but not limited to, printing, advertising, 65666
delivery, rating fees and the procurement of ratings, professional 65667
publications, membership in professional organizations, and 65668
services referred to in division (D) of section 151.01 of the 65669
Revised Code. The General Revenue Fund shall be reimbursed for 65670
such costs by intrastate transfer voucher pursuant to a 65671
certification by the Office of the Sinking Fund of the actual 65672
amounts used. The amounts necessary to make such reimbursements 65673
are appropriated from the general obligation bond retirement funds 65674
created by the Constitution and laws to the extent such costs are 65675
incurred. 65676

POLICE AND FIRE DEATH BENEFIT FUND 65677

The foregoing appropriation item 090-575, Police and Fire 65678
 Death Benefits, shall be disbursed annually by the Treasurer of 65679
 State at the beginning of each fiscal year to the Board of 65680
 Trustees of the Ohio Police and Fire Pension Fund. By the 65681
 twentieth day of June of each year, the Board of Trustees of the 65682
 Ohio Police and Fire Pension Fund shall certify to the Treasurer 65683
 of State the amount disbursed in the current fiscal year to make 65684
 the payments required by section 742.63 of the Revised Code and 65685
 shall return to the Treasurer of State moneys received from this 65686
 item but not disbursed. 65687

The foregoing appropriation item 090-635, Tax Refunds, shall 65688
 be used to pay refunds as provided in section 5703.052 of the 65689
 Revised Code. If it is determined by the Director of Budget and 65690
 Management that additional amounts are necessary, such amounts are 65691
 appropriated. 65692

Section 106. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE 65693
 COMPENSATION BOARD 65694

State Special Revenue Fund Group 65695

691 810-632 PUSTRCB Staff	\$	1,075,158	\$	1,075,158	65696
TOTAL SSR State Special Revenue					65697
Fund Group	\$	1,075,158	\$	1,075,158	65698
TOTAL ALL BUDGET FUND GROUPS	\$	1,075,158	\$	1,075,158	65699

Section 107. TTA OHIO TUITION TRUST AUTHORITY 65701

State Special Revenue Fund Group 65702

5P3 095-602 Variable Savings Plan	\$	1,639,747	\$	1,690,213	65703
645 095-601 Operating Expenses	\$	3,570,614	\$	3,689,101	65704
TOTAL SSR State Special Revenue					65705
Fund Group	\$	5,210,361	\$	5,379,314	65706
TOTAL ALL BUDGET FUND GROUPS	\$	5,210,361	\$	5,379,314	65707

Section 108. OVH OHIO VETERANS' HOME				65709
General Revenue Fund				65710
GRF 430-100 Personal Services	\$	20,664,311	\$ 18,247,112	65711
GRF 430-200 Maintenance	\$	6,112,553	\$ 6,546,928	65712
TOTAL GRF General Revenue Fund	\$	26,776,864	\$ 24,794,040	65713
General Services Fund Group				65714
484 430-603 Rental and Service Revenue	\$	709,737	\$ 709,737	65715
TOTAL GSF General Services Fund Group	\$	709,737	\$ 709,737	65716
Federal Special Revenue Fund Group				65717
3L2 430-601 Federal Grants	\$	12,220,340	\$ 14,696,578	65718
TOTAL FED Federal Special Revenue Fund Group	\$	12,220,340	\$ 14,696,578	65719
State Special Revenue Fund Group				65721
4E2 430-602 Veterans Home Operating	\$	6,719,938	\$ 7,769,277	65722
604 430-604 Veterans Home Improvement	\$	770,096	\$ 770,096	65723
TOTAL SSR State Special Revenue Fund Group	\$	7,490,034	\$ 8,539,373	65724
TOTAL ALL BUDGET FUND GROUPS	\$	47,196,975	\$ 48,739,728	65726
Section 109. DVM STATE VETERINARY MEDICAL BOARD				65728
General Services Fund Group				65729
4K9 888-609 Operating Expenses	\$	444,208	\$ 453,043	65730
TOTAL GSF General Services Fund Group	\$	444,208	\$ 453,043	65731
TOTAL ALL BUDGET FUND GROUPS	\$	444,208	\$ 453,043	65733
Section 110a. OVB OHIO VISION BOARD				65735

General Services Fund Group				65736
4K9 057-601 Operating Expenses	\$	550,000	\$ 550,000	65737
TOTAL GSF General Services Fund Group	\$	550,000	\$ 550,000	65738
TOTAL ALL BUDGET FUND GROUPS	\$	550,000	\$ 550,000	65739

Section 110b. BWC BUREAU OF WORKERS' COMPENSATION 65741

Workers' Compensation Fund Group				65742
023 855-409 Administrative Services	\$	46,800	\$ 46,800	65743
TOTAL WCF Workers' Compensation Fund Group	\$	46,800	\$ 46,800	65744
TOTAL ALL BUDGET FUND GROUPS	\$	46,800	\$ 46,800	65745

ADMINISTRATIVE SERVICES 65746

Expenditures from appropriations contained in this section shall be accounted for as though made in H.B. 91 of the 125th General Assembly. The appropriations made in this section are subject to all provisions of H.B. 91 of the 125th General Assembly that are generally applicable to such appropriations. The appropriations made in this section are in addition to any other appropriations made for the 2003-2005 biennium.

Section 111. DYS DEPARTMENT OF YOUTH SERVICES 65754

General Revenue Fund				65755
GRF 470-401 RECLAIM Ohio	\$	162,955,770	\$ 162,955,770	65756
GRF 470-412 Lease Rental Payments	\$	21,110,100	\$ 21,110,000	65757
GRF 470-510 Youth Services	\$	18,558,587	\$ 18,558,587	65758
GRF 472-321 Parole Operations	\$	15,347,154	\$ 14,841,872	65759
GRF 477-321 Administrative Operations	\$	14,427,323	\$ 14,166,008	65760
TOTAL GRF General Revenue Fund	\$	232,398,934	\$ 231,632,237	65761

General Services Fund Group				65762
175	470-613	Education	\$ 8,817,598 \$	8,817,598 65763
Reimbursement				
4A2	470-602	Child Support	\$ 311,302 \$	320,641 65764
4G6	470-605	General Operational	\$ 10,000 \$	10,000 65765
Funds				
479	470-609	Employee Food Service	\$ 118,454 \$	122,008 65766
523	470-621	Wellness Program	\$ 197,778 \$	197,778 65767
TOTAL GSF General Services				65768
Fund Group				\$ 9,455,132 \$ 9,468,025 65769
Federal Special Revenue Fund Group				65770
3V5	470-604	Juvenile	\$ 4,091,100 \$	4,254,744 65771
Justice/Delinquency				
Prevention				
3W0	470-611	Federal Juvenile	\$ 4,500,000 \$	0 65772
Programs FFY 02				
3Z8	470-625	Federal Juvenile	\$ 7,828,899 \$	4,500,000 65773
Programs FFY 04				
3Z9	470-626	Federal Juvenile	\$ 0 \$	7,828,899 65774
Programs FFY 05				
321	470-601	Education	\$ 1,491,587 \$	1,555,147 65775
321	470-603	Juvenile Justice	\$ 1,558,138 \$	1,558,138 65776
Prevention				
321	470-606	Nutrition	\$ 2,389,587 \$	2,485,170 65777
321	470-610	Rehabilitation	\$ 585,000 \$	585,000 65778
Programs				
321	470-614	Title IV-E	\$ 4,776,002 \$	4,919,282 65779
Reimbursements				
321	470-617	Americorps Programs	\$ 460,000 \$	460,000 65780
TOTAL FED Federal Special Revenue				65781
Fund Group				\$ 27,680,313 \$ 28,146,380 65782
State Special Revenue Fund Group				65783

147	470-612	Vocational Education	\$	2,523,653	\$	2,630,612	65784
4W3	470-618	Help Me Grow	\$	11,587	\$	11,587	65785
5J7	470-623	Residential Treatment	\$	500,000	\$	500,000	65786

Services

TOTAL SSR State Special Revenue							65787
Fund Group			\$	3,035,240	\$	3,142,199	65788
TOTAL ALL BUDGET FUND GROUPS			\$	272,569,619	\$	272,388,841	65789

ZERO-BASED BUDGETING 65790

The Director of Budget and Management shall prepare a full 65791
zero-based budget for the biennium beginning July 1, 2005, for the 65792
Department of Youth Services. The Director shall offer the 65793
Department substantial technical assistance throughout the process 65794
of preparing their zero-based budget. The Department shall prepare 65795
a full zero-based budget in such manner and according to such 65796
schedule as the Director of Budget and Management requires. The 65797
zero-based budget shall, as the Director of Budget and Management 65798
determines, be in addition to or in place of the estimates of 65799
revenue and proposed expenditures that the Department otherwise 65800
would be required to prepare under section 126.02 of the Revised 65801
Code. 65802

OHIO BUILDING AUTHORITY LEASE PAYMENTS 65803

The foregoing appropriation item 470-412, Lease Rental 65804
Payments, in the Department of Youth Services, shall be used for 65805
payments to the Ohio Building Authority for the period from July 65806
1, 2003, to June 30, 2005, pursuant to the primary leases and 65807
agreements for facilities made under Chapter 152. of the Revised 65808
Code, but limited to the aggregate amount of \$42,220,100. This 65809
appropriation is the source of funds pledged for bond service 65810
charges on related obligations issued pursuant to Chapter 152. of 65811
the Revised Code. 65812

EMPLOYEE FOOD SERVICE AND EQUIPMENT 65813

Notwithstanding section 125.14 of the Revised Code, the 65814
foregoing appropriation item 470-609, Employee Food Service, may 65815
be used to purchase any food operational items with funds received 65816
into the fund from reimbursement for state surplus property. 65817

EDUCATION REIMBURSEMENT 65818

The foregoing appropriation item 470-613, Education 65819
Reimbursement, shall be used to fund the operating expenses of 65820
providing educational services to youth supervised by the 65821
Department of Youth Services. Operating expenses include, but are 65822
not limited to, teachers' salaries, maintenance costs, and 65823
educational equipment. This appropriation item shall not be used 65824
for capital expenses. 65825

FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF 65826
CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES 65827

Any business relating to the funds associated with the Office 65828
of Criminal Justice Services' appropriation item 196-602, Criminal 65829
Justice Federal Programs, commenced but not completed by the 65830
Office of Criminal Justice Services or its director shall be 65831
completed by the Department of Youth Services or its director in 65832
the same manner, and with the same effect, as if completed by the 65833
Office of Criminal Justice Services or its director. No 65834
validation, cure, right, privilege, remedy, obligation, or 65835
liability is lost or impaired by reason of the transfer and shall 65836
be administered by the Department of Youth Services. 65837

Any action or proceeding against the Office of Criminal 65838
Justice Services pending on the effective date of this section 65839
shall not be affected by the transfer of responsibility to the 65840
Department of Youth Services, and shall be prosecuted or defended 65841
in the name of the Department of Youth Services or its director. 65842
In all such actions and proceedings, the Department of Youth 65843
Services or its director upon application of the court shall be 65844

substituted as party. 65845

Section 112. EXPENDITURES AND APPROPRIATION INCREASES 65846

APPROVED BY THE CONTROLLING BOARD 65847

Any money that the Controlling Board approves for expenditure 65848
or any increase in appropriation authority that the Controlling 65849
Board approves pursuant to the provisions of sections 127.14, 65850
131.35, and 131.39 of the Revised Code or any other provision of 65851
law is appropriated for the period ending June 30, 2005. 65852

Section 113. PERSONAL SERVICE EXPENSES 65853

Unless otherwise prohibited by law, any appropriation from 65854
which personal service expenses are paid shall bear the employer's 65855
share of public employees' retirement, workers' compensation, 65856
disabled workers' relief, and all group insurance programs; the 65857
costs of centralized accounting, centralized payroll processing, 65858
and related personnel reports and services; the cost of the Office 65859
of Collective Bargaining; the cost of the Personnel Board of 65860
Review; the cost of the Employee Assistance Program; the cost of 65861
the affirmative action and equal employment opportunity programs 65862
administered by the Department of Administrative Services; the 65863
costs of interagency information management infrastructure; and 65864
the cost of administering the state employee merit system as 65865
required by section 124.07 of the Revised Code. These costs shall 65866
be determined in conformity with appropriate sections of law and 65867
paid in accordance with procedures specified by the Office of 65868
Budget and Management. Expenditures from appropriation item 65869
070-601, Public Audit Expense - Local Government, in Fund 422 may 65870
be exempted from the requirements of this section. 65871

Section 114. REISSUANCE OF VOIDED WARRANTS 65872

In order to provide funds for the reissuance of voided 65873

warrants pursuant to section 117.47 of the Revised Code, there is 65874
appropriated, out of moneys in the state treasury from the fund 65875
credited as provided in section 117.47 of the Revised Code, that 65876
amount sufficient to pay such warrants when approved by the Office 65877
of Budget and Management. 65878

Section 115. * CAPITAL PROJECT SETTLEMENTS 65879

This section specifies an additional and supplemental 65880
procedure to provide for payments of judgments and settlements if 65881
the Director of Budget and Management determines, pursuant to 65882
division (C)(4) of section 2743.19 of the Revised Code, that 65883
sufficient unencumbered moneys do not exist in the particular 65884
appropriation to pay the amount of a final judgment rendered 65885
against the state or a state agency, including the settlement of a 65886
claim approved by a court, in an action upon and arising out of a 65887
contractual obligation for the construction or improvement of a 65888
capital facility if the costs under the contract were payable in 65889
whole or in part from a state capital projects appropriation. In 65890
such a case, the director may either proceed pursuant to division 65891
(C)(4) of section 2743.19 of the Revised Code, or apply to the 65892
Controlling Board to increase an appropriation or create an 65893
appropriation out of any unencumbered moneys in the state treasury 65894
to the credit of the capital projects fund from which the initial 65895
state appropriation was made. The Controlling Board may approve or 65896
disapprove the application as submitted or modified. The amount of 65897
an increase in appropriation or new appropriation specified in an 65898
application approved by the Controlling Board is hereby 65899
appropriated from the applicable capital projects fund and made 65900
available for the payment of the judgment or settlement. 65901

If the director does not make the application authorized by 65902
this section or the Controlling Board disapproves the application, 65903
and the director does not make application pursuant to division 65904

(C)(4) of section 2743.19 of the Revised Code, the director shall 65905
for the purpose of making that payment make a request to the 65906
General Assembly as provided for in division (C)(5) of that 65907
section. 65908

Section 116. INCOME TAX DISTRIBUTION TO COUNTIES 65909

There are hereby appropriated out of any moneys in the state 65910
treasury to the credit of the General Revenue Fund, which are not 65911
otherwise appropriated, funds sufficient to make any payment 65912
required by division (B)(2) of section 5747.03 of the Revised 65913
Code. 65914

Section 117. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 65915
AGAINST THE STATE 65916

Any appropriation may be used for the purpose of satisfying 65917
judgments or settlements in connection with civil actions against 65918
the state in federal court not barred by sovereign immunity or the 65919
Eleventh Amendment to the Constitution of the United States, or 65920
for the purpose of satisfying judgments, settlements, or 65921
administrative awards ordered or approved by the Court of Claims 65922
in connection with civil actions against the state, pursuant to 65923
section 2743.15, 2743.19, or 2743.191 of the Revised Code. This 65924
authorization does not apply to appropriations to be applied to or 65925
used for payment of guarantees by or on behalf of the state, for 65926
or relating to lease payments or debt service on bonds, notes, or 65927
similar obligations and those from the Sports Facilities Building 65928
Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the 65929
Administrative Building Fund (Fund 026), the Adult Correctional 65930
Building Fund (Fund 027), the Juvenile Correctional Building Fund 65931
(Fund 028), the Transportation Building Fund (Fund 029), the Arts 65932
Facilities Building Fund (Fund 030), the Natural Resources 65933
Projects Fund (Fund 031), the School Building Program Assistance 65934

Fund (Fund 032), the Mental Health Facilities Improvement Fund 65935
(Fund 033), the Higher Education Improvement Fund (Fund 034), the 65936
Parks and Recreation Improvement Fund (Fund 035), the State 65937
Capital Improvements Fund (Fund 038), the Highway Obligation Fund 65938
(Fund 041), the Coal Research/Development Fund (Fund 046), and any 65939
other fund into which proceeds of obligations are deposited. 65940
Nothing contained in this section is intended to subject the state 65941
to suit in any forum in which it is not otherwise subject to suit, 65942
nor is it intended to waive or compromise any defense or right 65943
available to the state in any suit against it. 65944

Section 118. * UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 65945

The maximum amounts that may be assessed against nuclear 65946
electric utilities in accordance with division (B)(2) of section 65947
4937.05 of the Revised Code are as follows: 65948

	FY 2004	FY 2005	
Department of Agriculture			65950
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	65951
Department of Health			65952
Fund 610 Radiation Emergency Response	\$923,315	\$923,315	65953
Environmental Protection Agency			65954
Fund 644 ER Radiological Safety	\$281,424	\$286,114	65955
Emergency Management Agency			65956
Fund 657 Utility Radiological Safety	\$1,200,000	\$1,260,000	65957

Section 119. UNCLAIMED FUNDS TRANSFER 65958

Notwithstanding division (A) of section 169.05 of the Revised 65959
Code, prior to June 30, 2004, upon the request of the Director of 65960
Budget and Management, the Director of Commerce shall transfer to 65961
the General Revenue Fund up to \$25,000,000 of the unclaimed funds 65962
that have been reported by the holder of unclaimed funds as 65963
provided by section 169.05 of the Revised Code, irrespective of 65964

the allocation of the unclaimed funds under that section. 65965

Section 120. GRF TRANSFER TO FUND 5N4, OAKS PROJECT 65966
IMPLEMENTATION 65967

On July 1, 2003, or as soon thereafter as possible, the 65968
Director of Budget and Management shall transfer \$1,250,000 in 65969
cash from the General Revenue Fund to Fund 5N4, OAKS Project 65970
Implementation. On July 1, 2004, or as soon thereafter as 65971
possible, the Director of Budget and Management shall transfer 65972
\$1,250,000 in cash from the General Revenue Fund to Fund 5N4, OAKS 65973
Project Implementation. 65974

Section 120a. FUND 4K9 TRANSFER TO GRF 65975

On July 31, 2003, or as soon thereafter as possible, the 65976
Director of Budget and Management shall transfer \$2,000,000 in 65977
cash from Fund 4K9, Occupational Licensing and Regulatory Fund, to 65978
the General Revenue Fund. 65979

Section 121. CORPORATE AND UCC FILING FUND TRANSFER TO GRF 65980

Not later than the first day of June in each year of the 65981
biennium, the Director of Budget and Management shall transfer 65982
\$1,000,000 from the Corporate and Uniform Commercial Code Filing 65983
Fund to the General Revenue Fund. 65984

Section 122. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 65985

Certain appropriations are in this act for the purpose of 65986
paying debt service and financing costs on general obligation 65987
bonds or notes of the state issued pursuant to the Ohio 65988
Constitution and acts of the General Assembly. If it is determined 65989
that additional appropriations are necessary for this purpose, 65990
such amounts are appropriated. 65991

Section 123. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF STATE 65992
65993

Certain appropriations are in this act for the purpose of 65994
making lease payments pursuant to leases and agreements relating 65995
to bonds or notes issued by the Ohio Building Authority or the 65996
Treasurer of State or, previously, by the Ohio Public Facilities 65997
Commission, pursuant to the Ohio Constitution and acts of the 65998
General Assembly. If it is determined that additional 65999
appropriations are necessary for this purpose, such amounts are 66000
appropriated. 66001

Section 124. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO 66002
EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 66003

The Office of Budget and Management shall initiate and 66004
process disbursements from general obligation and lease rental 66005
payment appropriation items during the period from July 1, 2003, 66006
to June 30, 2005, relating to bonds or notes issued under Sections 66007
2i, 2k, 2l, 2m, 2n, 2o, and 15 of Article VIII, Ohio Constitution, 66008
and Chapters 151., 154., and 3318. of the Revised Code. 66009
Disbursements shall be made upon certification by the Treasurer of 66010
State of the dates and amounts due on those dates. 66011

Section 125. STATE AND LOCAL REBATE AUTHORIZATION 66012

There is hereby appropriated, from those funds designated by 66013
or pursuant to the applicable proceedings authorizing the issuance 66014
of state obligations, amounts computed at the time to represent 66015
the portion of investment income to be rebated or amounts in lieu 66016
of or in addition to any rebate amount to be paid to the federal 66017
government in order to maintain the exclusion from gross income 66018
for federal income tax purposes of interest on those state 66019
obligations pursuant to section 148(f) of the Internal Revenue 66020

Code.	66021
Rebate payments shall be approved and vouchered by the Office of Budget and Management.	66022 66023
Section 126. APPROPRIATIONS RELATED TO CASH TRANSFERS AND REESTABLISHMENT OF ENCUMBRANCES	66024 66025
Any cash transferred by the Director of Budget and Management as provided by section 126.15 of the Revised Code is appropriated.	66026 66027
Any amounts necessary to reestablish appropriations or encumbrances as provided in section 126.15 of the Revised Code are appropriated.	66028 66029 66030
Section 127. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT	66031
Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management is authorized to cancel and reestablish all or parts of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to reestablish all or parts of encumbrances are appropriated.	66032 66033 66034 66035 66036 66037 66038
Section 128. STATEWIDE INDIRECT COST RECOVERY	66039
Whenever the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to provide for the recovery of statewide indirect costs pursuant to section 126.12 of the Revised Code, the amount required for such purpose is appropriated from the available receipts of such fund.	66040 66041 66042 66043 66044 66045
Section 129. GRF TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT COST ALLOCATION PLAN	66046 66047
The total transfers made from the General Revenue Fund by the	66048

Director of Budget and Management pursuant to this section shall 66049
not exceed the amounts transferred into the General Revenue Fund 66050
pursuant to division (B) of section 126.12 of the Revised Code. 66051

A director of an agency may certify to the Director of Budget 66052
and Management the amount of expenses not allowed to be included 66053
in the Statewide Indirect Cost Allocation plan pursuant to federal 66054
regulations, from any fund included in the Statewide Indirect Cost 66055
Allocation plan, prepared as required by section 126.12 of the 66056
Revised Code. 66057

Upon determining that no alternative source of funding is 66058
available to pay for such expenses, the Director of Budget and 66059
Management may transfer from the General Revenue Fund into the 66060
fund for which the certification is made, up to the amount of the 66061
certification. The director of the agency receiving such funds 66062
shall include, as part of the next budget submission prepared 66063
pursuant to section 126.02 of the Revised Code, a request for 66064
funding for such activities from an alternative source such that 66065
further federal disallowances would not be required. 66066

Section 130. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 66067
BALANCES OF OPERATING APPROPRIATIONS 66068

An unexpended balance of an operating appropriation or 66069
reappropriation that a state agency lawfully encumbered prior to 66070
the close of a fiscal year is reappropriated on the first day of 66071
July of the following fiscal year from the fund from which it was 66072
originally appropriated or reappropriated for the following period 66073
and shall remain available only for the purpose of discharging the 66074
encumbrance: 66075

(A) For an encumbrance for personal services, maintenance, 66076
equipment, or items for resale, other than an encumbrance for an 66077
item of special order manufacture not available on term contract 66078
or in the open market or for reclamation of land or oil and gas 66079

wells for a period of not more than five months from the end of 66080
the fiscal year; 66081

(B) For an encumbrance for an item of special order 66082
manufacture not available on term contract or in the open market, 66083
for a period of not more than five months from the end of the 66084
fiscal year or, with the written approval of the Director of 66085
Budget and Management, for a period of not more than twelve months 66086
from the end of the fiscal year; 66087

(C) For an encumbrance for reclamation of land or oil and gas 66088
wells, for a period ending when the encumbered appropriation is 66089
expended or for a period of two years, whichever is less; 66090

(D) For an encumbrance for any other expense, for such period 66091
as the director approves, provided such period does not exceed two 66092
years. 66093

Any operating appropriations for which unexpended balances 66094
are reappropriated beyond a five-month period from the end of the 66095
fiscal year, pursuant to division (B) of this section, shall be 66096
reported to the Controlling Board by the Director of Budget and 66097
Management by the thirty-first day of December of each year. The 66098
report on each such item shall include the item, the cost of the 66099
item, and the name of the vendor. This report to the board shall 66100
be updated on a quarterly basis for encumbrances remaining open. 66101

Upon the expiration of the reappropriation period set out in 66102
divisions (A), (B), (C), or (D) of this section, a reappropriation 66103
made pursuant to this section lapses, and the Director of Budget 66104
and Management shall cancel the encumbrance of the unexpended 66105
reappropriation not later than the end of the weekend following 66106
the expiration of the reappropriation period. 66107

Notwithstanding the preceding paragraph, with the approval of 66108
the Director of Budget and Management, an unexpended balance of an 66109
encumbrance that was reappropriated on the first day of July 66110

pursuant to this section for a period specified in division (C) or 66111
(D) of this section and that remains encumbered at the close of 66112
the fiscal biennium is hereby reappropriated pursuant to this 66113
section on the first day of July of the following fiscal biennium 66114
from the fund from which it was originally appropriated or 66115
reappropriated for the applicable period specified in division (C) 66116
or (D) of this section and shall remain available only for the 66117
purpose of discharging the encumbrance. 66118

If the Controlling Board approved a purchase, that approval 66119
remains in effect as long as the appropriation used to make that 66120
purchase remains encumbered. 66121

Section 131. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 66122

Notwithstanding any provision of law to the contrary, on or 66123
before the first day of September of each fiscal year, the 66124
Director of Budget and Management, in order to reduce the payment 66125
of adjustments to the federal government, as determined by the 66126
plan prepared pursuant to division (A) of section 126.12 of the 66127
Revised Code, may designate such funds as the director considers 66128
necessary to retain their own interest earnings. 66129

Section 131X. That Section 63.37 of Am. Sub. H.B. 94 of the 66130
124th General Assembly, as most recently amended by Am. Sub. S.B. 66131
261 of the 124th General Assembly, be amended to read as follows: 66132

Sec. 63.37. NURSING FACILITY STABILIZATION FUND 66133

(A) As used in this section: 66134

(1) "Inpatient days" and "nursing facility" have the same 66135
meanings as in section 5111.20 of the Revised Code. 66136

(2) "Medicaid day" means all days during which a resident who 66137
is a Medicaid recipient occupies a bed in a nursing facility that 66138
is included in the facility's certified capacity under Title XIX 66139

of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 66140
1396, as amended. Therapeutic or hospital leave days for which 66141
payment is made under section 5111.33 of the Revised Code are 66142
considered Medicaid days proportionate to the percentage of the 66143
nursing facility's per resident per day rate paid for those days. 66144

(B) The Department of Job and Family Services shall use money 66145
in the Nursing Facility Stabilization Fund created under section 66146
3721.56 of the Revised Code to do all of the following: 66147

(1) Make payments to nursing facilities under sections 66148
5111.20 to 5111.32 of the Revised Code; 66149

(2) Beginning with payments made to nursing facilities in 66150
August 2001, make payments to each nursing facility for each 66151
Medicaid day in fiscal year 2002 in an amount equal to sixty-nine 66152
and seven-tenths per cent of the franchise permit fee the nursing 66153
facility pays under section 3721.53 of the Revised Code for the 66154
fiscal year the department makes the payment divided by the 66155
nursing facility's inpatient days for the calendar year preceding 66156
the calendar year in which that fiscal year begins; 66157

(3) Beginning with payments made to nursing facilities in 66158
August 2002, make payments to each nursing facility for each 66159
Medicaid day in fiscal years 2003, 2004, and 2005 in an amount 66160
equal to seventy-six and seventy-four-hundredths per cent of the 66161
franchise permit fee the nursing facility pays under section 66162
3721.53 of the Revised Code for the fiscal year the department 66163
makes the payment divided by the nursing facility's inpatient days 66164
for the calendar year preceding the calendar year in which that 66165
fiscal year begins; 66166

(4) Beginning with payments made to nursing facilities in 66167
August 2001, make payments to each nursing facility for fiscal 66168
year 2002 in an amount equal to one dollar and fifty cents per 66169
Medicaid day for the purpose of enhancing quality of care; 66170

(5) Beginning with payments made to nursing facilities in August 2002, make payments to each nursing facility for fiscal ~~years year~~ 2003, ~~2004,~~ and ~~2005~~ in an amount equal to two dollars and twenty-five cents per Medicaid day for the purpose of enhancing quality of care;

(6) Beginning with payments made to nursing facilities in August 2003, make payments to each nursing facility for fiscal years 2004 and 2005 in an amount equal to one dollar and twenty-five cents per Medicaid day for the purpose of enhancing quality of care.

(C) Any money remaining in the Nursing Facility Stabilization Fund after payments specified in division (B) of this section are made for fiscal years 2002, 2003, 2004, and 2005 shall be retained in the fund. Any interest or other investment proceeds earned on money in the fund shall be credited to the fund and used to make payments in accordance with division (B) of this section.

(D) Notwithstanding division (N) of section 5111.20 of the Revised Code, the Department of Job and Family Services, in making Medicaid payments to a nursing facility under sections 5111.20 to 5111.32 of the Revised Code, shall do both of the following:

(1) Exclude from a nursing facility's other protected costs the cost of sixty-nine and seven-tenths per cent of the franchise permit fee that the nursing facility pays under section 3721.53 of the Revised Code for fiscal year 2002 if the nursing facility receives payments under division (B)(2) of this section for sixty-nine and seven-tenths per cent of those franchise permit fees;

(2) Exclude from a nursing facility's other protected costs the cost of seventy-six and seventy-four-hundredths per cent of the franchise permit fee that the nursing facility pays under section 3721.53 of the Revised Code for fiscal years 2003, 2004,

and 2005 if the nursing facility receives payments under division 66202
(B)(2) of this section for seventy-six and seventy-four-hundredths 66203
per cent of those franchise permit fees. 66204

(E) The limitation of Section 230 of Am. Sub. H.B. 94 of the 66205
124th General Assembly is not applicable to the amendments made by 66206
this act to this section. 66207

Section 131Y. That existing Section 63.37 of Am. Sub. H.B. 94 66208
of the 124th General Assembly, as most recently amended by Am. 66209
Sub. S.B. 261 of the 124th General Assembly, is hereby repealed. 66210

Section 131A. That Section 7 of Sub. H.B. 196 of the 124th 66211
General Assembly be amended to read as follows: 66212

Sec. 7. No one-year conditional teaching permit in the area 66213
of intervention specialist shall be issued under this section 66214
later than three years after the effective date of ~~this act~~ Sub. 66215
H.B. 196 of the 124th General Assembly. 66216

Unless the provisions of division (B) or (C) of section 66217
3319.31 of the Revised Code apply to an applicant, the State Board 66218
of Education shall issue a one-year conditional teaching permit in 66219
the area of intervention specialist, as defined by rule of the 66220
state board, to any applicant who meets the following conditions: 66221

(A) Holds a bachelor's degree; 66222

(B) Has successfully completed a basic skills test as 66223
prescribed by the State Board; 66224

(C) Has completed either as part of the applicant's degree 66225
program or separate from it the equivalent of at least fifteen 66226
semester hours of coursework in the principles and practices of 66227
teaching exceptional children, including such topics as child and 66228
adolescent development, diagnosis and assessment of children with 66229
disabilities, curriculum design and instruction, applied 66230

behavioral analysis, and how to best teach students from 66231
culturally diverse backgrounds with different learning styles; 66232

(D) The applicant has entered into a written agreement with 66233
the Department of Education and the school district, community 66234
school, or nonprofit or for profit entity operating an alternative 66235
school under section 3313.533 of the Revised Code that will employ 66236
the applicant under which the district, school, or entity will 66237
provide for the applicant a structured mentoring program in the 66238
teaching of exceptional children that is aligned with the 66239
performance expectations prescribed by State Board rule for 66240
entry-year teachers. 66241

(E) The applicant agrees to complete while employed under the 66242
one-year teaching permit the equivalent of an additional three 66243
semester hours of coursework in the content and methods of 66244
teaching reading. The coursework may be completed through classes 66245
offered by regional professional development providers, such as 66246
special education regional resource centers, ~~regional professional~~ 66247
~~development centers~~, educational service centers, local 66248
educational agencies, professional organizations, and institutions 66249
of higher education, if the coursework is taken for credit in 66250
collaboration with a college or university that has a teacher 66251
education program approved by the State Board. 66252

(F) The applicant agrees to seek at the conclusion of the 66253
year in which the individual is employed under the one-year 66254
teaching permit issued under this section an alternative educator 66255
license issued under section 3319.26 of the Revised Code in the 66256
area of intervention specialist. The applicant shall not be 66257
reemployed by the school district, community school, or nonprofit 66258
or for profit entity operating an alternative school under section 66259
3313.533 of the Revised Code or be employed by another such 66260
district, school, or entity unless that alternative educator 66261
license is issued to the applicant prior to the beginning of the 66262

next school year. 66263

(G) The applicant pays the fee established under section 66264
 3319.51 of the Revised Code applicable to one-year conditional 66265
 teaching permits issued under section 3319.302 of the Revised 66266
 Code. Such fee shall be deposited in the State Board of Education 66267
 Licensure Fund in accordance with division (B) of section 3319.51 66268
 of the Revised Code. 66269

Section 131B. That existing Section 7 of Sub. H.B. 196 of the 66270
 124th General Assembly is hereby repealed. 66271

Section 131C. That Section 5 of Am. Sub. H.B. 524 of the 66272
 124th General Assembly be amended to read as follows: 66273

Sec. 5. The items set forth in this section are hereby 66274
 appropriated out of any moneys in the state treasury to the credit 66275
 of the Public School Building Fund (Fund 021) that are not 66276
 otherwise appropriated. 66277

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 66278

CAP-622	Public School Buildings	\$	5,000,000	66279
			<u>24,000,000</u>	66280
CAP-777	Disability Access Projects	\$	6,000,000	66281
			<u>2,000,000</u>	66282
CAP-778	Exceptional Needs	\$	24,000,000	66283
CAP-781	Big Eight Renovation Program	\$	6,770,781	66284
CAP-783	Emergency School Building Assistance	\$	15,000,000	66285
	Total School Facilities Commission	\$	56,770,781	66286
	TOTAL Public School Building Fund	\$	56,770,781	66287

DISABILITY ACCESS PROJECTS 66288

The amount reappropriated for appropriation item CAP-777, 66289
 Disability Access Projects, shall be limited to \$2,000,000 and 66290

used to fund capital projects pursuant to this section that make 66291
buildings more accessible to students with disabilities. 66292

(A) As used in this section: 66293

(1) "Percentile" means the percentile in which a school 66294
district is ranked according to the fiscal year 1998 ranking of 66295
school districts with regard to income and property wealth under 66296
division (B) of section 3318.011 of the Revised Code. 66297

(2) "School district" means a city, local, or exempted 66298
village school district, but excludes a school district that is 66299
one of the state's twenty-one urban school districts as defined in 66300
division (O) of section 3317.02 of the Revised Code as that 66301
section existed prior to July 1, 1998. 66302

(3) "Valuation per pupil" means a district's total taxable 66303
value as defined in section 3317.02 of the Revised Code divided by 66304
the district's ADM as defined in division (A) of section 3317.02 66305
of the Revised Code as that section existed prior to July 1, 1998. 66306

(B) The School Facilities Commission shall adopt rules for 66307
awarding grants to school districts with a valuation per pupil 66308
less than \$200,000, to be used for construction, reconstruction, 66309
or renovation projects in classroom facilities, the purpose of 66310
which is to improve access to such facilities by physically 66311
handicapped persons. The rules shall include application 66312
procedures. No school district shall be awarded a grant under this 66313
section in excess of \$100,000. In addition, any school district 66314
shall be required to pay a percentage of the cost of the project 66315
for which the grant is being awarded equal to the percentile in 66316
which the district is so ranked. 66317

Section 131D. That existing Section 5 of Am. Sub. H.B. 524 of 66318
the 124 General Assembly is hereby repealed. 66319

Section 131E. That Sections 18.03 and 18.04 of H.B. 675 of 66320

the 124th General Assembly be amended to read as follows: 66321

Appropriations

Sec. 18.03. DMH DEPARTMENT OF MENTAL HEALTH		66322
CAP-479 Community Assistance Projects	\$ 3,912,500	66323
	<u>3,662,500</u>	
CAP-906 Campus Consolidation/Automation	\$ 12,040,000	66324
CAP-978 Infrastructure Improvements	\$ 3,460,000	66325
Total Department of Mental Health	\$ 19,412,500	66326
	<u>19,162,500</u>	

COMMUNITY ASSISTANCE PROJECTS 66327

Of the foregoing appropriation item CAP-479, Community Assistance Projects, ~~\$500,000 shall be used for the Achievement Centers for Children in Cuyahoga County~~ \$250,000 shall be used for the Berea Children's Home. 66328
66329
66330
66331

Sec. 18.04. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 66332
66333

Appropriations

STATEWIDE AND CENTRAL OFFICE PROJECTS		66334
CAP-480 Community Assistance Projects	\$ 9,441,000	66335
	<u>9,691,000</u>	
CAP-955 Statewide Development Centers	\$ 3,959,000	66336
Total Statewide and Central Office Projects	\$ 13,400,000	66337
	<u>13,650,000</u>	
TOTAL Department of Mental Retardation and Developmental Disabilities	\$ 13,400,000	66338 66339
	<u>13,650,000</u>	
TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND	\$ 33,079,012	66340

COMMUNITY ASSISTANCE PROJECTS 66341

The foregoing appropriation item CAP-480, Community Assistance Projects, may be used to provide community assistance 66342
66343

funds for the development, purchase, construction, or renovation 66344
of facilities for day programs or residential programs that 66345
provide services to persons eligible for services from the 66346
Department of Mental Retardation and Developmental Disabilities or 66347
county boards of mental retardation and developmental 66348
disabilities. Any funds provided to nonprofit agencies for the 66349
construction or renovation of facilities for persons eligible for 66350
services from the Department of Mental Retardation and 66351
Developmental Disabilities and county boards of mental retardation 66352
and developmental disabilities shall be governed by the prevailing 66353
wage provisions in section 176.05 of the Revised Code. 66354

Of the foregoing appropriation item CAP-480, Community 66355
Assistance Projects, \$150,000 shall be used for the Fostoria Area 66356
Community Childhood and Family Center; ~~\$250,000 shall be used for~~ 66357
~~the Berea Children's Home; and~~ \$1,000,000 shall be used for the 66358
Bellefaire Jewish Children's Bureau; and \$500,000 shall be used 66359
for the Achievement Centers for Children in Cuyahoga County. 66360

Section 131F. That existing Sections 18.03 and 18.04 of H.B. 66361
675 of the 124th General Assembly are hereby repealed." 66362

Section 132.01. That Sections 10 and 14 of Am. Sub. S.B. 242 66363
of the 124th General Assembly be amended to read as follows: 66364

Sec. 10. NET SCHOOLNET COMMISSION 66365

Tobacco Master Settlement Agreement Fund Group				66366	
S87 228-602 Education Technology	\$	16,500,000	\$	16,500,000	66367
Trust Fund					
TOTAL TSF Tobacco Master				66368	
Settlement Agreement Fund				66369	
Group	\$	16,500,000	\$	16,500,000	66370
TOTAL ALL BUDGET FUND GROUPS	\$	16,500,000	\$	16,500,000	66371

EDUCATION TECHNOLOGY TRUST FUND 66372

The foregoing appropriation item 228-602, Education 66373
Technology Trust Fund, shall be used by the SchoolNet Commission 66374
for grants to school districts and other entities and for the 66375
costs of administering these grants. Of the total amount for 66376
grants, \$1,917,293 in fiscal year 2003 shall be used for the Ohio 66377
ONEnet project, \$909,247 in fiscal year 2003 shall be used for the 66378
INFOhio Network, \$298,750 in fiscal year 2003 shall be used for 66379
the JASON Project, \$1,000,000 in fiscal year 2003 shall be used 66380
for RISE Learning Solutions, and \$200,000 in fiscal year 2003 66381
shall be used for the Stark County School Teacher Technical 66382
Training Center. The remaining amount for grants shall be made to 66383
school districts. 66384

The JASON Project shall provide funding for statewide access 66385
and a seventy-five per cent subsidy for statewide licensing of 66386
JASON content for 90,000 middle school students statewide, and 66387
professional development for teachers participating in the JASON 66388
Project. 66389

It is the intent of the General Assembly that the SchoolNet 66390
Commission, in conjunction with RISE Learning Solutions, shall 66391
develop a program that may be conducted in conjunction with 66392
state-supported technology programs, including, but not limited 66393
to, SchoolNet Commission appropriation item 228-406, Technical and 66394
Instructional Professional Development, and appropriation item 66395
228-539, Education Technology, and that shall be designed to 66396
educate preschool staff members and providers on developmentally 66397
appropriate teaching methods, behavior guidance, and literacy and 66398
to involve parents more closely in the education and development 66399
of their children. The program shall include an interactive 66400
instructional component, delivered using satellite television, 66401
Internet, and with facilitation, and shall be distributed to 66402
program participants using the established satellite receiver 66403

dishes on public schools, Head Start centers, and childcare 66404
centers at up to 100 locations throughout the state. The 66405
interactive instructional component of the program shall be 66406
developed to enhance the professional development, training, and 66407
performance of preschool staff members, the education and 66408
care-giving skills of the parents of preschool children, and the 66409
preparation of preschool-age children for learning. 66410

The program shall utilize the grant to continue a 66411
direct-service component that shall include at least three 66412
teleconferences that may be distributed by Ohio-based public 66413
television utilizing satellite or microwave technology in a manner 66414
designed to promote interactive communications between the program 66415
participants located at subsites within the Ohio Educational 66416
Broadcast Network or as determined by the commission. Program 66417
participants shall communicate with trainers and participants at 66418
other program sites through telecommunications and facsimile and 66419
on-line computer technology. As much as possible, the 66420
direct-service component shall utilize systems currently available 66421
in state-supported technology programs and conduct the component 66422
in a manner that promotes innovative, interactive communications 66423
between program participants at all the sites. Parent support 66424
groups and teacher training sessions shall supplement the 66425
teleconferences and shall occur on a local basis. 66426

RISE Learning Solutions may subcontract components of the 66427
program. 66428

Individuals eligible to participate in the program include 66429
those children, their parents, custodians, or guardians, and 66430
preschool staff members who are eligible to participate in a 66431
preschool program as defined in division (A) of section 3301.52 66432
and section 5104.02 of the Revised Code. 66433

The components of the program, including two that shall be 66434
developed in support of teacher proficiency in teaching reading to 66435

prekindergarten and kindergarten to third grade students, at the 66436
direction of the Department of Education, may include: two 66437
three-hour broadcast seminars from a central up-link station, 66438
distributed in up to 88 counties; high production-value video 66439
sought in various locations; and direct interactive adult learning 66440
activities. These two components shall include development of 66441
workbooks and involve at least three small, group-facilitated 66442
follow-up discussion workshops and development and distribution of 66443
at least two home videos. The program shall also provide Internet 66444
access, interactive lines, bulletin board, and CD-ROM. 66445

Upon completion of each of the school years for which the 66446
grant was made, RISE Learning Solutions shall issue a report to 66447
the commission and members of the General Assembly explaining the 66448
goals and objectives determined, the activities implemented, the 66449
progress made toward the achievement of the goals and objectives, 66450
and the outcome of the program. 66451

The commission shall use the remaining appropriation 66452
authority in fiscal year 2003 and appropriation authority granted 66453
in fiscal year 2004 to establish and equip, through the SchoolNet 66454
Plus Program, at least one interactive computer station for each 66455
five children enrolled in the sixth grade as determined by a 66456
three-year average adjusted per pupil property valuation pursuant 66457
to division (A) of section 3317.03 of the Revised Code. Districts 66458
in the first two quartiles of wealth shall receive up to \$380 per 66459
pupil for students in grade six to purchase classroom computers 66460
for the sixth grade. Districts in the third and fourth quartile 66461
shall receive ~~approximately~~ up to \$188 per sixth grade pupil. If a 66462
district has met the state's goal of one computer to every five 66463
students, the district may use funds provided through the 66464
SchoolNet Plus Program to purchase computers for grade seven or to 66465
fulfill educational technology needs on other grades as specified 66466
in the district's technology plan. When there is at least one 66467

computer for each five children enrolled in the sixth grade, 66468
SchoolNet shall use any remaining funds appropriated to establish 66469
and equip at least one interactive computer workstation for each 66470
five children enrolled in the seventh grade as determined by the 66471
previously defined formula. 66472

Sec. 14. All items set forth in this section are hereby 66473
appropriated out of any moneys in the state treasury to the credit 66474
of the Education Facilities Trust Fund (Fund N87) that are not 66475
otherwise appropriated. 66476

	Appropriations	
SFC SCHOOL FACILITIES COMMISSION		66477
CAP-780 Classroom Facilities Assistance Program	\$ 148,400,000	66478
	<u>25,600,000</u>	
Total School Facilities Commission	\$ 148,400,000	66479
	<u>25,600,000</u>	
TOTAL Education Facilities Trust Fund	\$ 148,400,000	66480
	<u>25,600,000</u>	

Section 132.02. That existing Sections 10 and 14 of Am. Sub. 66482
S.B. 242 of the 124th General Assembly is hereby repealed. 66483

Section 132.03. That Section 3 of Am. Sub. H.B. 215 of the 66484
122nd General Assembly, as most recently amended by Am. Sub. H.B. 66485
94 of the 124th General Assembly, be amended to read as follows: 66486

Sec. 3. Section 1751.68 of the Revised Code is hereby 66487
repealed, effective October 16, ~~2003~~ 2005. 66488

Section 132.04. That existing Section 3 of Am. Sub. H.B. 215 66489
of the 122nd General Assembly, as most recently amended by Am. 66490
Sub. H.B. 94 of the 124th General Assembly, is hereby repealed. 66491

Section 132.05. * That Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly, as most recently amended by Am. Sub. H.B. 94 of the 124th General Assembly, be amended to read as follows:

Sec. 3. That sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the Revised Code are hereby repealed, effective ~~July 17, 2003~~ October 15, 2005.

Section 132.06. * That existing Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly, as most recently amended by Am. Sub. H.B. 94 of the 124th General Assembly, is hereby repealed.

Section 132.07. That Section 153 of Am. Sub. H.B. 117 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. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 5112.19, 5112.21, and 5112.99 of the Revised Code are hereby repealed, effective October 16, ~~2003~~ 2005.

(B) Any money remaining in the Legislative Budget Services Fund on October 16, ~~2003~~ 2005, the date that section 5112.19 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5112.19 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5112.19 of the Revised Code is repealed under division (A) of this section, the fund shall cease to exist.

Section 132.08. That existing Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 94 of the 124th General Assembly, is hereby repealed.

Section 132.09. That Section 27 of Sub. H.B. 670 of the 121st General Assembly, as amended by Sub. H.B. 548 of the 123rd General Assembly, be amended to read as follows:

Sec. 27. The following agencies shall be retained pursuant to division (D) of section 101.83 of the Revised Code and shall expire on December 31, 2004:

REVISED CODE 66525

OR

~~UNCODIFIED~~ 66526

UNCODIFIED

AGENCY NAME	SECTION	
Advisory Council on Amusement Ride Safety	1711.51	66528
Advisory Board of Directors for Prison Labor	5145.162	66529
Appalachian Public Facilities Council	Sec. 3, H.B. 280, 121st GA	66530
Apprenticeship Council	4111.26	66531
Armory Board of Control	5911.09	66532
Banking Commission	1123.01	66533
Board of Voting Machine Examiners	3506.05(B)	66534
Board of Governors, Medical Malpractice Joint Underwriting Association	3929.77	66535
Board of Tax Appeals	5703.02	66536
Brain Injury Advisory Committee Committee	3304.231 3304.231	66537
Capitol Square Review and Advisory Board	105.41	66538
Child Support Guideline Advisory Council	3113.215(G)	66539
Children's Trust Fund Board	3109.15	66540
Citizen's Advisory Council (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	66541
Citizen's Advisory Council (Dept. of Mental Health)	5119.81	66542

Civilian Conservation Advisory Committee	1553.10	66543
Coastal Resources Advisory Council	1506.12	66544
Commission on African American Males	4112.12	66545
Commission on Hispanic-Latino Affairs	121.31	66546
Commodity Advisory Commission	926.32	66547
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	66548
Continuing Education Committee (for sheriffs)	109.80	66549
Controlling Board	127.12	66550
Council on Alcohol and Drug Addiction Services	3793.09	66551
Council on Unreclaimed Strip Mine Lands	1513.29	66552
County Sheriffs' Standard Car Marking and Uniform Commission	311.25	66553
Criminal Sentencing Advisory Committee	181.22	66554
Day-Care Advisory Council	5104.08	66555
Development Financing Advisory Council	122.40	66556
Electrical Safety Inspector Advisory Committee	3783.08	66557
Engineering Experiment Station Advisory Committee	3335.27	66558
Environmental Review Appeals Commission	3745.02	66559
Environmental Education Council	3745.21	66560
Forestry Advisory Council	1503.40	66561
Governor's Community Service Council	121.40	66562
Governor's Council on People with Disabilities	3303.41	66563
Hazardous Waste Facility Board	3734.05	66564
Health Care Quality Advisory Council	4121.442	66565
Health Data Advisory Committee	3729.61	66566
Hemophilia Advisory Council	3701.145	66567
Historic Site Preservation Advisory Board	149.301	66568
Home Health Agency Advisory Council	3701.88	66569
Hospital Advisory Committee and the Medical Advisory Committee of the Joint Underwriting Association Board of Governors	3929.76	66570
Industrial Commission	4121.02	66571

Industrial Commission Nominating Council	4121.04	66572
Industrial Technology and Enterprise Advisory Council	122.29	66573
Insurance Agent Education Advisory Council	3905.483	66574
Interagency Recycling Market Development Workgroup	1502.10	66575
Joint Select Committee on Volume Cap	133.021	66576
Labor-Management Government Advisory Council	4121.70	66577
Legal Rights Service Commission	5123.60	66578
Martha Kinney Cooper Ohioana Library Association Board of Trustees	3375.62	66579
Maternal and Child Health Council	3701.025	66580
Medicaid Long-Term Care Reimbursement Study Council	5111.34	66581
Medically Handicapped Children's Medical Advisory Council	3701.025	66582
Milk Sanitation Board	917.03	66583
Mine Subsidence Insurance Governing Board	3929.51	66584
Multi-Agency Radio Communication Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	66585
Multidisciplinary Council	3746.03	66586
National Museum of Afro-American History and Culture Planning Committee	149.303	66587
Ohio Advisory Council for the Aging	173.03	66588
Ohio Arts Council	3379.02	66589
Ohio Arts and Sports Facilities Commission	3383.02	66590
Ohio Benefit Systems Data Linkage Committee	125.24	66591
Ohio Bicentennial Commission	149.32	66592
Ohio Cemetery Dispute Resolution Commission	4767.05	66593
Ohio Commission on Dispute Resolution and Conflict Management	179.02	66594
Ohio Educational Telecommunications Network Commission	3353.02	66595
Ohio Ethics Commission	102.05	66596

Ohio Expositions Commission	991.02	66597
Ohio Family and Children First Cabinet Council	121.37	66598
Ohio Geology Advisory Council	1505.11	66599
Ohio Grape Industries Committee	924.51	66600
Ohio Historical Society Board of Trustees	149.30	66601
Ohio Lake Erie Commission	1506.21	66602
Ohio Medical Quality Foundation	3701.89	66603
Ohio Natural Areas Council	1517.03	66604
Ohio Parks and Recreation Council	1541.40	66605
Ohio Peace Officer Training Commission	109.71	66606
Ohio Public Defender Commission	120.01	66607
Ohio Quarter Horse Development Commission	3769.086	66608
Ohio Scenic Rivers Advisory Councils	1517.18	66609
Ohio Small Government Capital Improvements Commission	164.02	66610
Ohio Soil and Water Conservation Commission	1515.02	66611
Ohio Standardbred Development Commission	3769.085	66612
Ohio Steel Industry Advisory Council	122.97	66613
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	66614
Ohio Thoroughbred Racing Advisory Committee	3769.084	66615
Ohio Tuition Trust Authority	3334.03	66616
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	66617
Ohio Vendors Representative Committee	3304.34	66618
Ohio Veterans' Home Board of Trustees	5907.02	66619
Ohio War Orphans Scholarship Board	5910.02	66620
Ohio Water Advisory Council	1521.031	66621
Oil and Gas Commission	1509.35	66622
Organized Crime Investigations Commission	177.01	66623
Parole Board	5149.10	66624
Pharmacy and Therapeutics Committee of the Dept. of Human Services	5111.81	66625

Physical Fitness and Sports Advisory Board	3701.77	66626
Power Siting Board	4906.02	66627
Private Water Systems Advisory Council	3701.346	66628
Public Employment Risk Reduction Advisory Commission	4167.02	66629
Public Utilities Commission Nominating Council	4901.021	66630
Reclamation Commission	1513.05	66631
Recreation and Resources Commission	1501.04	66632
Recycling and Litter Prevention Advisory Council	1502.04	66633
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	66634
Select Commission on Pyrotechnics	Sec. 3, H.B. 508, 119th GA	66635
Services Committee of the Workers' Compensation System	4121.06	66636
Set Aside Review Board	123.151(C)(4)	66637
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	66638
Solid Waste Management Advisory Council	3734.51	66639
State Board of Deposit	135.02	66640
State Board of Library Examiners	3375.47	66641
State Council of Uniform State Laws	105.21	66642
State Committee for the Purchase of Products and Services of Persons with Severe Disabilities	4115.32	66643
State Criminal Sentencing Commission	181.21	66644
State Fire Commission	3737.81	66645
State and Local Government Commission of Ohio	105.45	66646
State Victims Assistance Advisory Committee	109.91	66647
Student Tuition Recovery Authority	3332.081	66648
Subcommittee of the State Board of Emergency Medical Services for Firefighter and Fire Safety Inspector Training	4765.55	66649
Submerged Lands Advisory Council	1506.37	66650

Tax Credit Authority	122.17	66651
Technical Advisory Committee to assist the Director of the Ohio Coal Development Office	1551.35	66652
Technical Advisory Council on Oil and Gas	1509.38	66653
Technology Advisory Committee (for Education)	Sec. 45.01, H.B. 117, 121st GA	66654
Unemployment Compensation Review Commission	4141.06	66655
Unemployment Compensation Advisory Council	4141.08	66656
Utility Radiological Safety Board	4937.02	66657
Veterans Advisory Committee	5902.02(K)	66658
Water and Sewer Commission	1525.11(C)	66659
Waterways Safety Council	1547.73	66660
Welfare Oversight Council	5101.93	66661
Wildlife Council	1531.03	66662
Workers' Compensation System Oversight Committee	Sec. 10, H.B. 222, 118th GA	66663
Wright-Dunbar State Heritage Commission	149.321	66664

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. 66665
66666
66667

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: 66668
66669
66670

Sec. 5. Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st General Assembly shall take effect July 1, ~~2003~~ 2005. 66671
66672

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. 66673
66674
66675

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.

Section 132.16. That Section 11 of Am. Sub. S.B. 50 of the 121st General Assembly, as amended by Am. Sub. H.B. 405 of the 124th General Assembly, is hereby repealed.

Section 133. TRANSFERS FROM THE TOBACCO MASTER SETTLEMENT AGREEMENT FUND TO THE GENERAL REVENUE FUND

Notwithstanding section 183.02 of the Revised Code, on or before June 30, 2004, the Director of Budget and Management may transfer up to \$242,800,000 to the General Revenue Fund from the Tobacco Master Settlement Agreement Fund (Fund 087), as provided in divisions (A) and (B) of this section:

(A) Up to \$120,000,000 of the revenue that otherwise would be transferred from the Tobacco Master Settlement Agreement Fund to the Tobacco Use Prevention and Cessation Trust Fund (Fund H87) shall instead be transferred to the General Revenue Fund. Of the tobacco revenue that is credited to the Tobacco Master Settlement Agreement Fund in fiscal year 2004, the share that is determined pursuant to section 183.02 of the Revised Code to be the amount to be transferred by the Director of Budget and Management from the Tobacco Master Settlement Agreement Fund to the Tobacco Use

Prevention and Cessation Trust Fund shall be reduced by the amount 66704
that is transferred from the Tobacco Master Settlement Agreement 66705
Fund to the General Revenue Fund in accordance with this division. 66706

(B) Up to \$122,800,000 of the revenue that otherwise would be 66707
transferred from the Tobacco Master Settlement Agreement Fund to 66708
the Education Facilities Trust Fund (Fund N87) shall instead be 66709
transferred to the General Revenue Fund. Of the tobacco revenue 66710
that is credited to the Tobacco Master Settlement Agreement Fund 66711
in fiscal year 2004, the share that is determined pursuant to 66712
section 183.02 of the Revised Code to be the amount to be 66713
transferred by the Director of Budget and Management from the 66714
Tobacco Master Settlement Agreement Fund to the Education 66715
Facilities Trust Fund shall be reduced by the amount that is 66716
transferred from the Tobacco Master Settlement Agreement Fund to 66717
the General Revenue Fund in accordance with this division. 66718

Section 134. TEMPORARY ADJUSTMENT TO LOCAL GOVERNMENT 66719
DISTRIBUTIONS 66720

(A) On or before the seventh day of each month of the period 66721
July 2003 through June 2005, the Tax Commissioner shall determine 66722
and certify to the Director of Budget and Management the amount to 66723
be credited, by tax, during that month to the Local Government 66724
Fund, to the Library and Local Government Support Fund, and to the 66725
Local Government Revenue Assistance Fund, respectively, pursuant 66726
to divisions (B), (C), and (D) of this section. 66727

(B) Notwithstanding section 5727.84 of the Revised Code to 66728
the contrary, for the period July 1, 2003, through June 30, 2005, 66729
no amounts shall be credited to the Local Government Fund or to 66730
the Local Government Revenue Assistance Fund from the kilowatt 66731
hour tax, and such amounts that would have otherwise been required 66732
to be credited to such funds shall instead be credited to the 66733
General Revenue Fund. Notwithstanding sections 5727.45, 5733.12, 66734

5739.21, 5741.03, and 5747.03 of the Revised Code to the contrary, 66735
for each month in the period July 1, 2003, through June 30, 2005, 66736
from the public utility excise, corporate franchise, sales, use, 66737
and personal income taxes collected; 66738

(1) An amount shall first be credited to the Local Government 66739
Fund that equals the amount credited to that fund from that tax 66740
according to the schedule in division (C) of this section. 66741

(2) An amount shall next be credited to the Local Government 66742
Revenue Assistance Fund that equals the amount credited to that 66743
fund from that tax according to the schedule in division (C) of 66744
this section. 66745

(3) An amount shall next be credited to the Library and Local 66746
Government Support Fund that equals the amount credited to that 66747
fund from that tax according to the schedule in division (C) of 66748
this section. For purposes of determining the amount to be 66749
credited to the Library and Local Government Support Fund in each 66750
month of fiscal year 2004 pursuant to division (C) of this 66751
section, the amount credited in fiscal year 2003 shall be before 66752
the transfer made from the Library and Local Government Support 66753
Fund to the OPLIN Technology Fund under Section 70 of Am. Sub. 66754
H.B. 94 of the 124th General Assembly. For purposes of determining 66755
the amount to be credited to the Library and Local Government 66756
Support Fund in each month of fiscal year 2005 pursuant to 66757
division (C) of this section, the amount credited in fiscal year 66758
2004 shall be before any transfer required to be made from the 66759
Library and Local Government Support Fund to the OPLIN Technology 66760
Fund. 66761

(C) The amounts shall be credited from each tax to each 66762
respective fund as follows: 66763

(1) In July 2003, one hundred per cent of the amount credited 66764
in July 2002; in July 2004, one hundred per cent of the amount 66765

credited in July 2003;	66766
(2) In August 2003, one hundred per cent of the amount	66767
credited in August 2002; in August 2004, one hundred per cent of	66768
the amount credited in August 2003;	66769
(3) In September 2003, one hundred per cent of the amount	66770
credited in September 2002; in September 2004, one hundred per	66771
cent of the amount credited in September 2003;	66772
(4) In October 2003, one hundred per cent of the amount	66773
credited in October 2002; in October 2004, one hundred per cent of	66774
the amount credited in October 2003;	66775
(5) In November 2003, one hundred per cent of the amount	66776
credited in November 2002; in November 2004, one hundred per cent	66777
of the amount credited in November 2003;	66778
(6) In December 2003, one hundred per cent of the amount	66779
credited in December 2002; in December 2004, one hundred per cent	66780
of the amount credited in December 2003;	66781
(7) In January 2004, one hundred per cent of the amount	66782
credited in January 2003; in January 2005, one hundred per cent of	66783
the amount credited in January 2004;	66784
(8) In February 2004, one hundred per cent of the amount	66785
credited in February 2003; in February 2005, one hundred per cent	66786
of the amount credited in February 2004;	66787
(9) In March 2004, one hundred per cent of the amount	66788
credited in March 2003; in March 2005, one hundred per cent of the	66789
amount credited in March 2004;	66790
(10) In April 2004, one hundred per cent of the amount	66791
credited in April 2003; in April 2005, one hundred per cent of the	66792
amount credited in April 2004;	66793
(11) In May 2004, one hundred per cent of the amount in	66794
division (C)(11)(a) of this section; in May 2005, one hundred per	66795

cent of the amount in division (C)(11)(b) of this section; 66796

(a) The amount credited in May 2003, less any amount reduced 66797
pursuant to division (D)(4) of Section 140 of Am. Sub. H.B. 94 of 66798
the 124th General Assembly, as amended by Am. Sub. H.B. 405 of the 66799
124th General Assembly and as amended by Am. Sub. H.B. 390 of the 66800
124th General Assembly; 66801

(b) The amount credited in May 2004. 66802

(12) In June 2004, one hundred per cent of the amount in 66803
division (C)(12)(a) of this section, less any reduction required 66804
under division (D)(1) of this section; in June 2005, one hundred 66805
per cent of the amount in division (C)(12)(b) of this section, 66806
less any reduction required under division (D)(2) of this section; 66807

(a) The amount credited in June 2003 before any reduction 66808
made pursuant to division (D)(4) of Section 140 of Am. Sub. H.B. 66809
94 of the 124th General Assembly, as amended by Am. Sub. H.B. 405 66810
of the 124th General Assembly and as amended by Am. Sub. H.B. 390 66811
of the 124th General Assembly; 66812

(b) The amount credited in June 2004. 66813

(D) The Tax Commissioner shall do each of the following: 66814

(1) By June 7, 2004, the commissioner shall subtract the 66815
amount calculated in division (D)(1)(b) of this section from the 66816
amount calculated in division (D)(1)(a) of this section. If the 66817
amount in division (D)(1)(a) of this section is greater than the 66818
amount in division (D)(1)(b) of this section, then such difference 66819
shall be subtracted from the total amount of income tax revenue 66820
credited to the Local Government Fund, the Local Government 66821
Revenue Assistance Fund, and the Library and Local Government 66822
Support Fund in June 2004. An amount shall be subtracted from 66823
income tax revenue credited to the Local Government Fund, the 66824
Local Government Revenue Assistance Fund, or the Library and Local 66825
Government Support Fund only if, and according to the proportion 66826

by which, such fund contributed to the result that the amount in 66827
division (D)(1)(a) of this section exceeds the amount in division 66828
(D)(1)(b) of this section. 66829

(a) The sum of all money credited to the Local Government 66830
Fund, the Local Government Revenue Assistance Fund, and the 66831
Library and Local Government Support Fund from July 2003 through 66832
May 2004; 66833

(b) The sum of all money that would have been credited to the 66834
Local Government Fund, the Local Government Revenue Assistance 66835
Fund, and the Library and Local Government Support Fund from July 66836
2003 through May 2004, if sections 5727.45, 5727.84, 5733.12, 66837
5739.21, 5741.03, and 5747.03 of the Revised Code were in effect 66838
during this period. 66839

(2) By June 7, 2005, the commissioner shall subtract the 66840
amount calculated in division (D)(2)(b) of this section from the 66841
amount calculated in division (D)(2)(a) of this section. If the 66842
amount in division (D)(2)(a) of this section is greater than the 66843
amount in division (D)(2)(b) of this section, then such difference 66844
shall be subtracted from the total amount of income tax revenue 66845
credited to the Local Government Fund, the Local Government 66846
Revenue Assistance Fund, and the Library and Local Government 66847
Support Fund in June 2005. An amount shall be subtracted from 66848
income tax revenue credited to the Local Government Fund, the 66849
Local Government Revenue Assistance Fund, or the Library and Local 66850
Government Support Fund only if, and according to the proportion 66851
by which, such fund contributed to the result that the amount in 66852
division (D)(2)(a) of this section exceeds the amount in division 66853
(D)(2)(b) of this section. 66854

(a) The sum of all money credited to the Local Government 66855
Fund, the Local Government Revenue Assistance Fund, and the 66856
Library and Local Government Support Fund from June 2004 through 66857
May 2005; 66858

(b) The sum of all money that would have been credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund from June 2004 through May 2005, if sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code were in effect during this period.

(3) On the advice of the Tax Commissioner, during any month other than June 2004 or June 2005 of the period July 1, 2003, through July 31, 2005, the Director of Budget and Management may reduce the amounts that are to be otherwise credited to the Local Government Fund, Local Government Revenue Assistance Fund, or Library and Local Government Support Fund in order to accomplish more effectively the purposes of the adjustments in divisions (D)(1) and (2) of this section. If the respective calculations made in June 2004 and June 2005 pursuant to divisions (D)(1) and (2) of this section indicate that excess reductions had been made during the previous months, such excess amounts shall be credited, as appropriate, to the Local Government Fund, Local Government Revenue Assistance Fund, and Library and Local Government Support Fund.

(E) Notwithstanding any other provision of law to the contrary, the total amount credited to each fund in each month during the period July 2003 through June 2005 shall be distributed by the tenth day of the immediately succeeding month in the following manner:

(1) Each county undivided local government fund shall receive a distribution from the Local Government Fund based on its proportionate share of the total amount received from the fund in such respective month for the period July 1, 2002, through June 30, 2003.

(2) Each municipality receiving a direct distribution from

the Local Government Fund shall receive a distribution based on 66890
its proportionate share of the total amount received from the fund 66891
in such respective month for the period July 1, 2002, through June 66892
30, 2003. 66893

(3) Each county undivided local government revenue assistance 66894
fund shall receive a distribution from the Local Government 66895
Revenue Assistance Fund based on its proportionate share of the 66896
total amount received from the fund in such respective month for 66897
the period July 1, 2002, through June 30, 2003. 66898

(4) Each county undivided library and local government 66899
support fund shall receive a distribution from the Library and 66900
Local Government Support Fund based on its proportionate share of 66901
the total amount received from the fund in such respective month 66902
for the period July 1, 2002, through June 30, 2003. 66903

(F) For the 2003, 2004, and 2005 distribution years, the Tax 66904
Commissioner is not required to issue the certifications otherwise 66905
required by sections 5747.47, 5747.501, 5747.51, and 5747.61 of 66906
the Revised Code, but shall provide to each county auditor by the 66907
twentieth day of July 2003, July 2004, and July 2005 an estimate 66908
of the amounts to be received by the county in the ensuing year 66909
from the Local Government Fund, Local Government Revenue 66910
Assistance Fund, and Library and Local Government Support Fund 66911
pursuant to this section and any pertinent section of the Revised 66912
Code. The Tax Commissioner may choose to report to each county 66913
auditor a revised estimate of the 2003, 2004, or 2005 66914
distributions at any time during the period July 1, 2003, through 66915
July 31, 2005. 66916

(G) If provisions of H.B. 40 of the 124th General Assembly 66917
are enacted that authorize reductions in the amounts credited to 66918
the Local Government Fund, Local Government Revenue Assistance 66919
Fund, and Library and Local Government Support Fund during fiscal 66920
year 2003, the fiscal year 2003 amounts used in determining the 66921

amounts credited to such funds during fiscal year 2004 pursuant to 66922
division (C) of this section shall be before any such reductions. 66923

(H) During the period July 1, 2003, through July 31, 2005, 66924
the Director of Budget and Management shall issue those directives 66925
to state agencies that are necessary to ensure that the 66926
appropriate amounts are distributed to the Local Government Fund, 66927
to the Local Government Revenue Assistance Fund, and to the 66928
Library and Local Government Support Fund. 66929

Section 135. TRANSFER TO THE BUDGET STABILIZATION FUND 66930

On or before June 30, 2005, the Director of Budget and 66931
Management shall transfer \$100,000,000 from the General Revenue 66932
Fund to the Budget Stabilization Fund (Fund 013). 66933

Section 136. * BOND MONEY APPROPRIATION TO SFC 66934

All items set forth in this section are hereby appropriated 66935
out of any moneys in the state treasury to the credit of the 66936
School Building Program Assistance Fund (Fund 032), created under 66937
section 3318.25 of the Revised Code, derived from the proceeds of 66938
obligations heretofore and herein authorized to pay the cost of 66939
facilities for a system of common schools throughout the state for 66940
the period beginning July 1, 2002, and ending June 30, 2004. The 66941
appropriation shall be in addition to any other appropriation for 66942
this purpose. 66943

Appropriations

SFC SCHOOL FACILITIES COMMISSION		66944
CAP-770 School Building Program Assistance	\$ 122,800,000	66945
Total School Facilities Commission	\$ 122,800,000	66946
TOTAL School Building Program Assistance Fund	\$ 122,800,000	66947

* SCHOOL BUILDING PROGRAM ASSISTANCE 66948

The foregoing appropriation item CAP-770, School Building 66949
Program Assistance, shall be used by the School Facilities 66950

Commission to provide funding to school districts that receive 66951
conditional approval from the Commission pursuant to Chapter 3318. 66952
of the Revised Code. Expenditures from appropriations contained in 66953
this section may be accounted for as though made for the fiscal 66954
year 2003-2004 biennium in H.B. 675 of the 124th General Assembly. 66955
The School Facilities Commission shall not commit any of the 66956
appropriations made in this section until after April 1, 2004. 66957

* BOND ISSUANCE AUTHORITY 66958

The Ohio Public Facilities Commission is hereby authorized to 66959
issue and sell, in accordance with the provisions of Section 2n of 66960
Article VIII, Ohio Constitution, and Chapter 151. and particularly 66961
sections 151.01 and 151.03 of the Revised Code, original 66962
obligations in an aggregate principal amount not to exceed 66963
\$123,000,000, in addition to the original issuance of obligations 66964
heretofore authorized by prior acts of the General Assembly. The 66965
authorized obligations shall be issued, subject to applicable 66966
constitutional and statutory limitations, to pay the costs to the 66967
state of previously authorized capital facilities and the capital 66968
facilities authorized in this section for the School Building 66969
Program Assistance Fund pursuant to Chapter 3318. of the Revised 66970
Code. 66971

Section 136A. (A) On the effective date of this section, the 66972
following programs administered by the Ohio School Facilities 66973
Commission are terminated: 66974

(1) The Short-Term Loan Program established by Section 10.01 66975
of Am. Sub. H.B. 282 of the 123rd General Assembly; 66976

(2) The Extreme Environmental Contamination Program 66977
established by Section 10.02 of Am. Sub. H.B. 282 of the 123rd 66978
General Assembly, as subsequently amended; 66979

(3) The Emergency School Repair Program codified in section 66980

3318.35 of the Revised Code;	66981
(4) The School Building Emergency Assistance Program codified in section 3318.351 of the Revised Code.	66982 66983
No new school district shall be served under any of these programs. The Commission may continue serving school districts that were receiving assistance under any of these programs before the effective date of this section in accordance with terms and agreements in effect on that date.	66984 66985 66986 66987 66988
(B) On March 31, 2004, the Disability Access Program established by Section 50.15 of Am. Sub. H.B. 215 of the 122nd General Assembly, Section 5 of Am. Sub. S.B. 102 of the 122nd General Assembly, as subsequently amended, Section 10 of Am. Sub. H.B. 282 of the 123rd General Assembly, as subsequently amended, Section 102.01 of Am. Sub. H.B. 94 of the 124th General Assembly, and Section 5 of Am. Sub. H.B. 524 of the 124th General Assembly is terminated.	66989 66990 66991 66992 66993 66994 66995 66996
No new school district shall be served under this program. The Commission may continue serving school districts that were receiving assistance under this program before the effective date of this section in accordance with terms and agreements in effect on that date.	66997 66998 66999 67000 67001
On April 1, 2004, the Director of Budget and Management shall transfer the unencumbered and unallotted balance in appropriation item CAP-777, Disability Access Projects, to appropriation item CAP-662, Public School Buildings. The amount transferred from CAP-777, Disability Access Projects, shall be used to fund classroom facilities projects in accordance with Chapter 3318. of the Revised Code. Any amounts transferred are hereby appropriated.	67002 67003 67004 67005 67006 67007 67008
Section 137A. CREATION OF A JOINT VOCATIONAL-COMMUNITY COLLEGE IN WARREN COUNTY	67009 67010

(A) Notwithstanding section 3333.05 of the Revised Code, the Ohio Board of Regents shall issue a charter for a new community college, as defined by division (C) of section 3354.01 of the Revised Code, to be operated jointly with the Warren County Career Center on a pilot basis in fiscal years 2004 and 2005, provided the following conditions are met:

(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.

(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.

(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.

(B) The joint vocational-community college established under this section shall function as:

(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;

(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;

(3) A provider of arts and sciences and technical

instructional programs for secondary school students participating 67041
in the postsecondary enrollment options program under Chapter 67042
3365. of the Revised Code. 67043

(C) Within ninety days of the establishment of the joint 67044
vocational-community college under this section, the joint 67045
vocational-community college shall be managed and controlled by a 67046
board of education comprised of all members of the joint 67047
vocational school district board of education holding office in 67048
accordance with section 3311.19 of the Revised Code and members 67049
appointed by the Governor in a number that is equivalent to 67050
one-third of the number of members of the joint vocational school 67051
district board of education. 67052

The members appointed by the Governor shall be 67053
representatives of the business community who reside within the 67054
territory of the joint vocational school district. Appointed 67055
members shall serve for terms ending June 30, 2005. Vacancies 67056
shall be filled in the same manner as original appointments. Any 67057
member appointed to fill a vacancy occurring prior to the 67058
expiration of the term for which the member's predecessor was 67059
appointed shall hold office for the remainder of such term. 67060

All members of the joint vocational-community college board 67061
of education are eligible for compensation, expense reimbursement, 67062
and training program expenses as provided by section 3311.19 of 67063
the Revised Code. 67064

Except as provided in this section, upon the formation of the 67065
joint vocational-community college board of education, the board 67066
shall have all the same powers, duties, and authority for the 67067
management and operation of the joint vocational-community college 67068
as is granted by law to both a joint vocational school district 67069
board of education and community college board of trustees under 67070
the Revised Code. 67071

(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.

(F) In calculating the subsidy entitlement of the joint vocational-community college for activities performed in furtherance of its duties under division (B)(2) of this section, the Board of Regents shall assign the institution to categories described in the formulas established in Section 88.04 of this act and use the procedures required by the system of formulas that have been established by the Board of Regents. The joint vocational-community college shall only be eligible to receive eighty per cent of the subsidy entitlement calculated under this division.

(G) The joint vocational-community college established by this section shall be ineligible to receive state financial assistance for capital improvements otherwise available to community colleges under Chapter 3345. or 3354. of the Revised Code.

(H) All funds received by the joint vocational-community college to carry out its duties under division (B)(1) and (3) of this section shall be kept separate from all funds received by the joint vocational-community college to carry out its duties under division (B)(2) of this section. All revenues from taxes levied by the joint vocational school district shall be kept separate from all revenues of any taxes levied by the community college district.

(I) The joint vocational-community college is eligible for classroom facilities assistance under sections 3318.40 to 3318.46

of the Revised Code. 67103

(J) By June 30, 2005, the board of education of the joint 67104
vocational-community college shall submit a report to the Board of 67105
Regents on the status of the joint vocational-community college 67106
pilot program. This report shall include information on the 67107
effectiveness of the pilot program, statistics of students 67108
enrolling in postsecondary courses for college credit, retention 67109
rates of students enrolling in courses for college credit, and any 67110
other information that the board of education or the Board of 67111
Regents determines to be relevant. 67112

Section 137B. (A) As used in this section, "pharmacy 67113
provider" has the same meaning as in rule 5101:3-9-01 of the 67114
Administrative Code. 67115

(B) The Department of Job and Family Services shall establish 67116
the Medication Management Incentive Payment Program for state 67117
fiscal years 2004 and 2005 for pharmacy services provided Medicaid 67118
recipients other than those who reside in a nursing facility or an 67119
intermediate care facility for the mentally retarded. Any pharmacy 67120
provider that serves Medicaid recipients may elect to participate 67121
in the Program in one or both of the state fiscal years that it is 67122
in effect. 67123

(C) The Department of Job and Family Services shall do the 67124
following: 67125

(1) Determine the statewide monthly average cost of providing 67126
pharmacy services to Medicaid recipients other than those who 67127
reside in a nursing home or an intermediate care facility for the 67128
mentally retarded during the last quarter of the biennium ending 67129
June 30, 2003; 67130

(2) Establish a reimbursement rate for pharmacy services 67131
provided under the Medication Management Incentive Payment Program 67132

for the first quarter of the biennium ending June 30, 2005.	67133
(D) Under the Medication Management Incentive Payment Program:	67134 67135
(1) If a participating pharmacy provider's average monthly cost of providing pharmacy services to a number of Medicaid recipients specified by the Department of Job and Family Services in a quarter after the first quarter of the biennium ending June 30, 2005, is greater than or equal to the statewide monthly average cost of providing pharmacy services during the last quarter of the biennium ending June 30, 2003, the pharmacy provider shall be reimbursed at the rate established by the Department for the first quarter of the biennium ending June 30, 2005.	67136 67137 67138 67139 67140 67141 67142 67143 67144 67145
(2) If a participating pharmacy provider's average monthly cost of providing pharmacy services to the number of Medicaid recipients specified by the Department of Job and Family Services in a quarter after the first quarter of the biennium ending June 30, 2005, is less than the statewide monthly average cost of providing pharmacy services during the last quarter of the biennium ending June 30, 2003, the pharmacy provider shall be reimbursed at an enhanced rate established by the Department.	67146 67147 67148 67149 67150 67151 67152 67153
(E) A pharmacy provider that elects to participate in the program may achieve a reduction in its average monthly cost for providing pharmacy services to Medicaid recipients by providing consulting services to the physicians who prescribe drugs to the recipient. These consulting services may include recommendations for eliminating unnecessary and duplicative drug therapies, modifying inefficient drug regimens, and implementing safe and cost-effective drug therapies.	67154 67155 67156 67157 67158 67159 67160 67161
(F) The Department of Job and Family Services shall adopt, in accordance with Chapter 119. of the Revised Code, any rule it	67162 67163

considers necessary to develop and administer the Medication 67164
Management Incentive Payment Program. The rules may provide for 67165
compensation for physicians who consult with pharmacy providers 67166
that participate in the program. 67167

Section 137C. OFFICE OF QUALITY SERVICES FUND TRANSFERS 67168

Notwithstanding any other provision of law to the contrary, 67169
the Director of Budget and Management shall transfer any remaining 67170
amounts of cash from the following specified obsolete fund to the 67171
General Revenue Fund within thirty days after the effective date 67172
of this section: Quality Services (General Services Fund 4C1). The 67173
amount of such transfer to the General Revenue Fund is hereby 67174
appropriated to General Revenue Fund appropriation item 042-409, 67175
Commission Closures. 67176

Section 137D. TRANSFER FROM BOARD OF TAX APPEALS 67177

Notwithstanding any other provision of law to the contrary, 67178
on July 31, 2003, or as soon thereafter as possible, the Director 67179
of Budget and Management shall transfer any remaining amounts of 67180
cash from the following specified obsolete fund to the General 67181
Revenue Fund: Reproduction of Decisions (General Services Fund 67182
439). 67183

Section 138. (A) As used in this section, "nursing facility" 67184
means a facility, or a distinct part of a facility, that is 67185
certified as a nursing facility by the Director of Health for 67186
purposes of the Medicaid Program and is not an intermediate care 67187
facility for the mentally retarded. "Nursing facility" includes a 67188
facility, or a distinct part of a facility, that is certified as a 67189
skilled nursing facility by the Director of Health for purposes of 67190
the Medicare Program. 67191

(B) The Director of Health shall request from the Secretary 67192

of the United States Department of Health and Human Services 67193
approval to develop an alternative regulatory procedure for 67194
nursing facilities subject to federal regulation. If the Secretary 67195
gives approval, the Director shall convene the Nursing Facility 67196
Regulatory Reform Task Force. 67197

(C) The Director of Health shall serve as chair of the Task 67198
Force. The Director of Aging, the Director of Job and Family 67199
Services, the State Long-Term Care Ombudsman, or persons they 67200
designate and a member of the Governor's staff designated by the 67201
Governor shall serve on the Task Force. The Director of Health 67202
shall appoint the following individuals to serve on the Task 67203
Force: 67204

(1) Two representatives of the Ohio Health Care Association; 67205

(2) Two representatives of the Association of Ohio 67206
Philanthropic Homes and Housing for the Aging; 67207

(3) Two representatives of the Ohio Academy of Nursing Homes; 67208

(4) Two representatives of the American Association of 67209
Retired Persons (AARP); 67210

(5) Two representatives of Families for Improved Care; 67211

(6) A representative from the Ohio Association of Regional 67212
Long-Term Care Ombudsman Programs; 67213

(7) A representative of the 1199 League of Registered Nurses; 67214

(8) A representative of the American Federation of State, 67215
County, and Municipal Employees. 67216

(D) Except to the extent that service on the task force is 67217
part of their employment, Task Force members shall serve without 67218
compensation and shall not be reimbursed by the State for expenses 67219
incurred in carrying out their duties on the Task Force. The 67220
Scripps Gerontology Center at Miami University shall provide 67221
technical and support services for the Task Force. 67222

(E) The Task Force shall do all of the following:	67223
(1) Review the effectiveness of current regulatory procedures for nursing facilities regarding the quality of care and quality of life of nursing facility residents;	67224 67225 67226
(2) Develop recommendations for improved regulatory procedures for nursing facilities to improve the quality of care and quality of life of nursing facility residents;	67227 67228 67229
(3) Evaluate potential effects on nursing facility residents of elimination of components of the Certificate of Need program pertaining to long-term care facilities;	67230 67231 67232
(4) Develop possible demonstration projects to present the potential of proposed changes to the regulatory procedure to increase the quality of care and the quality of life of nursing facility residents.	67233 67234 67235 67236
(F) The Task Force shall submit a report of its findings and recommendations to the Speaker and Minority Leader of the House of Representatives and to the President and Minority Leader of the Senate. The report shall explain any changes to the Revised Code required to implement the recommendations. On submission of the recommendations, the Task Force shall cease to exist.	67237 67238 67239 67240 67241 67242
(G) At the request of the General Assembly by adoption of a joint resolution, the Director of Health shall apply to the Secretary of the United States Department of Health and Human Services for a waiver to implement the recommendations of the Task Force.	67243 67244 67245 67246 67247
Section 139.01. In amending sections 121.084, 4104.41, 4104.44, 4104.45, and 4104.46 (4104.48), in enacting new section 4104.46 and section 4104.47, and in repealing and re-enacting sections 4104.42 and 4104.43 of the Revised Code, it is the intent of the General Assembly that the provisions of this act are	67248 67249 67250 67251 67252

general laws created in the exercise of the state's police power, 67253
arising out of matters of statewide concern, and are designed for 67254
the health, safety, and welfare of contractors, their employees, 67255
and the public. 67256

Section 139.02. In amending sections 121.084, 4104.41, 67257
4104.44, 4104.45, and 4104.46 (4104.48), in enacting new section 67258
4104.46 and section 4104.47, and in repealing and re-enacting 67259
sections 4104.42 and 4104.43 of the Revised Code, it is the intent 67260
of the General Assembly that power, refrigerating, hydraulic, 67261
heating and liquefied petroleum gas, oxygen, and other gaseous 67262
piping systems will continue to be inspected as part of the 67263
building permit process, enforcement of plumbing and mechanical 67264
building codes, and occupancy certification. The purpose of this 67265
legislative action is solely to eliminate duplicative inspection 67266
personnel and fees. 67267

Section 140. DISABILITY ASSISTANCE TRANSITION 67268

(A) Subject to the provisions of Chapter 5115. of the Revised 67269
Code, as amended, enacted, and repealed by this act, the 67270
Disability Financial Assistance Program constitutes a continuation 67271
of the financial assistance component of the Disability Assistance 67272
Program established under Chapter 5115. of the Revised Code, as it 67273
existed prior to the effective date of this section, and the 67274
Disability Medical Assistance Program constitutes a continuation 67275
of the medical assistance component of the Disability Assistance 67276
Program. 67277

Any business commenced but not completed on behalf of the 67278
Disability Assistance Program shall be completed in the same 67279
manner, and with the same effect, on behalf of the Disability 67280
Financial Assistance Program and the Disability Medical Assistance 67281
Program. 67282

Except as provided in division (B) and (C) of this section, 67283
all rules, orders, and determinations regarding the Disability 67284
Assistance Program continue in effect as rules, orders, and 67285
determinations regarding the Disability Financial Assistance 67286
Program and the Disability Medical Assistance Program, until 67287
modified or rescinded. 67288

Wherever the Disability Assistance Program is referred to in 67289
any law, contract, or other document, the reference shall be 67290
deemed to refer to the Disability Financial Assistance Program or 67291
the Disability Medical Assistance Program, whichever is 67292
appropriate. 67293

(B) Notwithstanding any determination through administrative 67294
or judicial order or otherwise, a person who was receiving 67295
financial assistance under the Disability Assistance Program prior 67296
to the effective date of this section ceases to be eligible for 67297
continued financial assistance under the Disability Financial 67298
Assistance Program on the effective date of this section, unless 67299
one of the following is the case: 67300

(1) The person was receiving the assistance on the basis of 67301
being age 60 or older or on the basis of being unable to do any 67302
substantial or gainful activity by reason of a medically 67303
determinable physical or mental impairment that can be expected to 67304
result in death or has lasted or can be expected to last for not 67305
less than nine months. 67306

(2) The person was receiving the assistance by meeting other 67307
eligibility requirements but applies for Disability Financial 67308
Assistance pursuant to section 5115.05 of the Revised Code, as 67309
amended by this act, and receives a determination of eligibility 67310
by meeting the requirements specified in section 5115.01 of the 67311
Revised Code, as amended by this act. 67312

(C) Notwithstanding the provisions of section 5115.10 of the 67313

Revised Code, as amended by this act, that limit eligibility for 67314
disability medical assistance to persons determined to be 67315
medication dependent, both of the following apply: 67316

(1) The Director of Job and Family Services may adopt rules 67317
in accordance with section 111.15 of the Revised Code providing 67318
for and governing temporary provision of disability medical 67319
assistance to persons who were recipients of medical assistance 67320
under the Disability Assistance Program prior to the effective 67321
date of this section. 67322

(2) A person's eligibility for disability medical assistance 67323
may continue pursuant to the rules adopted under division (C)(1) 67324
of this section until the state or county department of job and 67325
family services conducts a redetermination of the person's 67326
eligibility in accordance with the requirement that recipients be 67327
medication dependent, unless the person otherwise becomes 67328
ineligible for disability medical assistance. 67329

Section 140.01. * Notwithstanding sections 5101.60 to 5101.70 67330
of the Revised Code, as amended or enacted by this act, cases 67331
referred to a county department of job and family services under 67332
section 5126.31 and investigations by the department of reports 67333
provided for in section 5101.61 of the Revised Code that were 67334
initiated before the effective date of this section shall be 67335
completed in accordance with the law as it existed on the date the 67336
referrals or reports were made. The county department of job and 67337
family services may provide necessary protective services in those 67338
cases if funding is locally available. 67339

Section 142.02A. STATE SERVICES REVIEW 67340

(A) The Office of Budget and Management shall review all 67341
services provided by the state that are of a commercial nature, 67342
including services provided by public universities, to determine 67343

which of those services may be opened to competition with private enterprise. 67344
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(B) Not later than December 31, 2003, the Office of Budget and Management shall issue a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate regarding the review conducted under division (A) of this section. 67346
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The report shall identify which services of a commercial nature provided by the state may be opened to competition with private enterprise and shall contain recommendations on the manner in which those services may be opened to competition. 67350
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(C) By July 1, 2004, the Office of Budget and Management shall implement a program to open to competition with private enterprise at least five per cent of the services identified as capable of being opened to such competition in the report issued under division (B) of this section. 67354
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(D)(1) The Office of Budget and Management shall develop a proposal, subject to approval by the General Assembly, for a program to provide incentives to public employees and state agencies for identifying services provided by this state that may be opened to competition with private enterprise and for implementing programs to open those services to such competition. 67359
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The incentives provided in the proposal may include, but are not limited to, both of the following: 67365
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(a) Cash payments made to employees; 67367

(b) State agencies retaining a percentage of any budgetary savings realized through the implementation of competition with private enterprise. 67368
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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. 67371
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67373

(E) As used in this section: 67374

(1) "Commercial" means performing services or providing goods that normally can be obtained from a private enterprise.

(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.

Section 142.02B. STATE SERVICES REVIEW

(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:

- (1) Fiscal management and oversight;
- (2) Human resources;
- (3) Purchasing;
- (4) Printing;
- (5) Fleet management;
- (6) Contracting.

(B) The purpose of the review conducted under this section shall be to determine the efficiency of the provision of administrative support services within state government. For each category of administrative support services, the review shall include all of the following:

- (1) An accounting of all personnel engaged in the relevant service;
- (2) Consideration of the responsibility and role of each

service;	67403
(3) A determination of the existence of duplicative equipment and systems;	67404 67405
(4) The appropriate level of oversight;	67406
(5) The current role of the Department of Administrative Services and the Office of Budget and Management in providing oversight;	67407 67408 67409
(6) Operational efficiencies;	67410
(7) The cost of providing the services.	67411
(C) Not later than January 31, 2004, the Office of Budget and Management shall issue a report to the General Assembly making recommendations for the consolidation, reformation, and restructuring of the services reviewed under division (A) of this section. The report shall identify any changes required to be made to codified or uncodified statutes to implement its recommendations.	67412 67413 67414 67415 67416 67417 67418
Section 142.02C. STATE SERVICES REVIEW	67419
(A) The Office of Budget and Management shall develop a rating system for evaluating the effectiveness of all state programs. In evaluating the effectiveness of state programs, the rating system may consider all of the following:	67420 67421 67422 67423
(1) The cost of the program;	67424
(2) The accountability of any spending by the program;	67425
(3) The appropriateness of state government providing the services offered through the program;	67426 67427
(4) The impact of the program;	67428
(5) Whether the program is meeting its stated goals, if any.	67429
(B) Not later than May 1, 2004, the Office of Budget and	67430

Management shall submit the rating system developed under division 67431
(A) of this section to the General Assembly. If the General 67432
Assembly fails to prohibit the rating system from taking effect 67433
within sixty days after the rating system is so submitted, the 67434
Office of Budget and Management shall implement the rating system. 67435

(C) If a rating system is implemented under division (B) of 67436
this section, the Governor, in submitting the proposed operating 67437
budget for the 2006-2007 biennium to the General Assembly, shall 67438
include with that proposed budget a catalog indicating the rating 67439
received by each program operated by this state. 67440

Section 142.02D. STATE SERVICES REVIEW 67441

(A) There is hereby created the Asset and Enterprise Review 67442
Committee, the purposes of which are to inventory and appraise all 67443
assets and enterprises of the state, to review those assets and 67444
enterprises to determine which of them may be sold, leased, or 67445
otherwise removed from state ownership or operation, to make 67446
recommendations as to the process and timeframe for the disposal 67447
of such assets and enterprises, and to make recommendations 67448
regarding the manner in which any cost savings realized through 67449
the disposal of such assets and enterprises shall be dispersed. In 67450
determining the manner in which cost savings shall be dispersed, 67451
the Committee shall consider recommending that the agency that 67452
owns or controls the asset or enterprise being disposed of be 67453
allowed to retain a portion of the savings realized through that 67454
disposal. 67455

(B)(1) The Committee shall consist of thirteen members to be 67456
appointed as follows: 67457

(a) The Director of Administrative Services or the Director's 67458
designee; 67459

(b) The Director of Budget and Management, or the Director's 67460

designee;	67461
(c) Two members of the Governor's administration, to be appointed by the Governor;	67462 67463
(d) Three members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;	67464 67465
(e) Three members of the Senate, to be appointed by the President of the Senate;	67466 67467
(f) One member of the private sector, to be appointed by the Governor;	67468 67469
(g) One member of the private sector, to be appointed by the Speaker of the House of Representatives;	67470 67471
(h) One member of the private sector, to be appointed by the President of the Senate.	67472 67473
(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.	67474 67475 67476
(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.	67477 67478 67479 67480 67481 67482
(C) Members of the Committee shall receive no compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties.	67483 67484 67485
(D) For the sole purpose of permitting membership on the Committee and the holding of any other public office or employment, membership on the Committee does not constitute the holding of any other public office or employment. No member of the Committee is disqualified from holding any public office or	67486 67487 67488 67489 67490

employment, nor does any member of the Committee forfeit any 67491
public office or employment, by reason of the member's position as 67492
a member of the Committee. 67493

(E) Not later than December 31, 2003, the Committee shall 67494
prepare its inventory, appraisal, and all required recommendations 67495
and file a written copy of them with the Governor, the Speaker of 67496
the House of Representatives, and the President of the Senate. 67497
When the Committee has filed its inventory, appraisal, and 67498
recommendations as required by this division, it shall cease to 67499
exist. 67500

Section 142.02E. By not later than September 1, 2004, the 67501
Department of Administrative Services shall issue a report to the 67502
General Assembly that indicates how it has implemented the 67503
recommendations from the 2002 report entitled "Administrative 67504
Analysis of the Ohio Fleet Management Program" or explain why the 67505
Department has not implemented the recommendations. 67506

Section 145.01. * The Hemophilia Advisory Council established 67507
under section 3701.145 of the Revised Code, renumbered as section 67508
3701.0210 of the Revised Code by this act, is hereby abolished. 67509

Section 145.03. * Upon the taking effect of this section, the 67510
Hazardous Waste Facility Board is abolished. 67511

All of the rules adopted by the Hazardous Waste Facility 67512
Board are abolished on that date. The Director of the Legislative 67513
Service Commission shall remove the rules from the Administrative 67514
Code as if they had been rescinded. 67515

On and after the effective date of this section and until the 67516
Director of Environmental Protection adopts rules that eliminate 67517
references to the Hazardous Waste Facility Board, whenever the 67518
Hazardous Waste Facility Board or Board, when "Board" refers to 67519

the Hazardous Waste Facility Board, is referred to in a rule, the 67520
reference shall be deemed to refer to the Environmental Protection 67521
Agency or the Director of Environmental Protection, whichever is 67522
appropriate. As expeditiously as possible after the effective date 67523
of this section, the Director of Environmental Protection shall 67524
adopt rules eliminating references to the Hazardous Waste Facility 67525
Board. 67526

Permits or modifications issued by the Hazardous Waste 67527
Facility Board under section 3734.05 of the Revised Code as that 67528
section existed prior to its amendment by this act shall continue 67529
in effect as if the Director had issued the permits or 67530
modifications under section 3734.05 of the Revised Code after the 67531
effective date of its amendment by this act. Any application 67532
pending before the Hazardous Waste Facility Board on the effective 67533
date of this section shall be transferred to the Environmental 67534
Protection Agency for approval or disapproval by the Director. All 67535
records, files, and other documents of the Hazardous Waste 67536
Facility Board shall be transferred to the Environmental 67537
Protection Agency. 67538

Section 145.03A. (A) There is hereby created the Ohio Autism 67539
Task Force consisting of the following members: 67540

(1) All of the following persons to be appointed by the 67541
Governor: 67542

(a) A person diagnosed with autism; 67543

(b) Four persons who are parents of children diagnosed with 67544
autism; 67545

(c) A special education administrator of an Ohio school 67546
district; 67547

(d) A representative of the Ohio Association of County Boards 67548
of Mental Retardation and Developmental Disabilities; 67549

(e) A representative of the Ohio Developmental Disabilities Council;	67550 67551
(f) A representative of the Autism Society of Ohio;	67552
(g) A developmental pediatrician who is a member of the Ohio Association of Pediatricians;	67553 67554
(h) Two representatives from private schools in Ohio that provide special education services to children diagnosed with autism;	67555 67556 67557
(i) Two representatives from Ohio hospitals that provide services to children diagnosed with autism.	67558 67559
(2) Two members of the House of Representatives, one from the majority party and one from the minority party, appointed by the Speaker of the House of Representatives;	67560 67561 67562
(3) Two members of the Senate, one from the majority party and one from the minority party, appointed by the President of the Senate;	67563 67564 67565
(4) The Director of Mental Retardation and Developmental Disabilities or the Director's designee;	67566 67567
(5) The Director of Job and Family Services or the Director's designee;	67568 67569
(6) The Superintendent of Public Instruction or the Superintendent's designee.	67570 67571
(B) All appointments and designations to the Task Force shall be made not later than thirty days after the effective date of this section. Any vacancy that occurs on the Task Force shall be filled in the same manner as the original appointment. The members of the Task Force shall serve without compensation.	67572 67573 67574 67575 67576
(C) The initial meeting of the Task Force shall be held not later than sixty days after the effective date of this section. At	67577 67578

its initial meeting, the Task Force shall elect from its 67579
membership a chairperson and other officers it considers 67580
necessary. Thereafter, the Task Force shall meet on the call of 67581
the chairperson. 67582

(D) The Department of Mental Retardation and Developmental 67583
Disabilities shall provide meeting facilities and other support as 67584
necessary for the Task Force. 67585

(E) The Task Force shall study and make recommendations 67586
regarding both of the following: 67587

(1)The growing incidence of autism in Ohio; 67588

(2)Ways to improve the delivery in this state of autism 67589
services. 67590

(F) Not later than one year after the effective date of this 67591
section, the Task Force shall submit a written report of its 67592
recommendations to the Governor, the Speaker of the House of 67593
Representatives, and the President of the Senate. 67594

(G) On submission of its report, the Task Force shall cease 67595
to exist. 67596

Section 145.03B. (A) There is hereby created the Task Force 67597
to Eliminate Health Services Duplication. The Director of 67598
Administrative Services shall serve as chairperson. The Directors 67599
of Aging, Alcohol and Drug Addiction Services, Health, Mental 67600
Health, Mental Retardation and Developmental Disabilities, and 67601
Budget and Management, and the Executive Director of the 67602
Commission on Minority Health, or persons they designate, shall 67603
serve on the Task Force. The Commission on Dispute Resolution and 67604
Conflict Management shall provide technical and support services 67605
for the Task Force. 67606

(B) Except to the extent that service on the Task Force is 67607
part of their employment, Task Force members shall serve without 67608

compensation and shall not be reimbursed by the state for expenses 67609
incurred in carrying out their duties on the Task Force. 67610

(C) The Task Force shall do all of the following: 67611

(1) Evaluate the feasibility of combining all or parts of the 67612
Department of Aging, the Department of Alcohol and Drug Addiction 67613
Services, the Commission on Minority Health, the Department of 67614
Health, the Department of Mental Health, and the Department of 67615
Mental Retardation and Developmental Disabilities to eliminate 67616
duplication of services; 67617

(2) Evaluate the feasibility of establishing a central 67618
procurement point for basic operational services associated with 67619
each department, including human resources, training, research, 67620
legislative information, fiscal management, and public 67621
information. 67622

(D) Not later than March 31, 2004, the Task Force shall 67623
submit a report of its findings and recommendations to the Speaker 67624
and Minority Leaders of the House of Representatives and to the 67625
President and Minority Leader of the Senate. On submission of its 67626
report, the Task Force shall cease to exist. 67627

Section 145.03C. Upon the taking effect of this section, the 67628
State Board of Orthotics, Prosthetics, and Pedorthics is abolished 67629
and all of its functions, and assets and liabilities, are 67630
transferred to the State Medical Board. The State Medical Board is 67631
thereupon and thereafter successor to, assumes the obligations of, 67632
and otherwise constitutes the continuation of State Board of 67633
Orthotics, Prosthetics, and Pedorthics. 67634

Any business commenced but not completed by the State Board 67635
of Orthotics, Prosthetics, and Pedorthics or the Secretary of the 67636
Board on the effective date of this section shall be completed by 67637
the State Medical Board or the President of the State Medical 67638

Board in the same manner, and with the same effect, as if 67639
completed by the State Board of Orthotics, Prosthetics, and 67640
Pedorthics or the Secretary of the State Board of Orthotics, 67641
Prosthetics, and Pedorthics. No validation, cure, right, 67642
privilege, remedy, obligation, or liability is lost or impaired by 67643
reason of the transfer required by this section and shall be 67644
administered by the State Medical Board. All of the State Board of 67645
Orthotics, Prosthetics, and Pedorthics's rules, orders, and 67646
determinations continue in effect as rules, orders, and 67647
determinations of the State Medical Board, until modified or 67648
rescinded by the State Medical Board. If necessary to ensure the 67649
integrity of the numbering of the Administrative Code, the 67650
Director of the Legislative Service Commission shall renumber the 67651
State Board of Orthotics, Prosthetics, and Pedorthics's rules to 67652
reflect their transfer to the State Medical Board. 67653

Subject to the lay-off provisions of sections 124.321 to 67654
124.328 of the Revised Code, all of the State Board of Orthotics, 67655
Prosthetics, and Pedorthics's employees are transferred to the 67656
State Medical Board and retain their positions and all of the 67657
benefits accruing thereto. 67658

The Director of Budget and Management shall determine the 67659
amount of the unexpended balances in the appropriate accounts that 67660
pertain to the State Board of Orthotics, Prosthetics, and 67661
Pedorthics and shall recommend to the Controlling Board their 67662
transfer to the appropriation accounts that pertain to the State 67663
Medical Board. The Secretary of the State Board of Orthotics, 67664
Prosthetics, and Pedorthics shall provide full and timely 67665
information to the Controlling Board to facilitate this transfer. 67666

Wherever the State Board of Orthotics, Prosthetics, and 67667
Pedorthics or the Secretary of the State Board of Orthotics, 67668
Prosthetics, and Pedorthics is referred to in any law, contract, 67669
or other document, the reference shall be deemed to refer to the 67670

State Medical Board or President of the State Medical Board, 67671
whichever is appropriate. 67672

No action or proceeding pending on the effective date of this 67673
section is affected by the transfer, and shall be prosecuted or 67674
defended in the name of the State Medical Board or the President 67675
of the State Medical Board. In all such actions and proceedings, 67676
the State Medical Board or President of the State Medical Board 67677
upon application to the court shall be substituted as a party. 67678

Section 145.03E. On July 1, 2003, the Ohio Coal Development 67679
Office of the Department of Development is abolished and all of 67680
its functions, and assets and liabilities, are transferred to the 67681
Ohio Coal Development Office of the Ohio Air Quality Development 67682
Authority. The Ohio Coal Development Office of the Ohio Air 67683
Quality Development Authority is thereupon and thereafter 67684
successor to, assumes the obligations of, and otherwise 67685
constitutes the continuation of the Ohio Coal Development Office 67686
of the Department of Development. 67687

Any business commenced but not completed by the Ohio Coal 67688
Development Office of the Department of Development or the 67689
Director of that office on the effective date of this section 67690
shall be completed by the Ohio Coal Development Office of the Ohio 67691
Air Quality Development Authority or the Director of that office 67692
in the same manner, and with the same effect, as if completed by 67693
the Ohio Coal Development Office of the Department of Development 67694
or the Director of that office. Any validation, cure, right, 67695
privilege, remedy, obligation, or liability is not lost or 67696
impaired by reason of the transfer required by this section and 67697
shall be administered by the Ohio Coal Development Office of the 67698
Ohio air Quality Development Authority. All of the rules, orders, 67699
and determinations of the Ohio Coal Development Office of the 67700
Department of Development or of the Director of Development in 67701

relation to that office continues in effect as rules, orders, and 67702
determinations of the Ohio Coal Development Office of the Ohio Air 67703
Quality Development Authority, until modified or rescinded by that 67704
office or by the Ohio Air Quality Development Authority in 67705
relation to that office. If necessary to ensure the integrity of 67706
the numbering of the Administrative Code, the Director of the 67707
Legislative Service Commission shall renumber rules of the 67708
Director of Development in relation to the Ohio Coal Development 67709
Office of the Department of Development to reflect their transfer 67710
to the Ohio Air Quality Development Authority. 67711

Subject to the lay-off provisions of sections 124.321 to 67712
124.328 of the Revised Code, all of the employees of the Ohio Coal 67713
Development Office of the Department of Development are 67714
transferred to the Ohio Coal Development Office of the Ohio Air 67715
Quality Development Authority and retain their positions and all 67716
the benefits accruing thereto, except they shall be in the 67717
unclassified service and shall serve at the pleasure of the 67718
Authority. 67719

Whenever the Ohio Coal Development Office in the Department 67720
of Development or the Director of Development in relation to that 67721
office is referred to in any law, contract, or other document, the 67722
reference shall be deemed to refer to the Ohio Coal Development 67723
Office of the Ohio Air Quality Development Authority or the 67724
Authority in relation to that office, whichever is appropriate. 67725

Any action or proceeding pending on the effective date of 67726
this section is not affected by the transfer and shall be 67727
prosecuted or defended in the name of the Ohio Air Quality 67728
Development Authority or its Ohio Coal Development Office. In all 67729
such actions and proceedings, the Ohio Air Quality Development 67730
Authority or its Ohio Coal Development Office upon application to 67731
the court shall be substituted as a party. 67732

Section 145.03F. The Parole Board shall review the sentences 67733
of prisoners who are confined in state correctional institutions 67734
and who were sentenced under the Felony Sentencing Law that was in 67735
effect prior to July 1, 1996, to determine the appropriateness of 67736
those sentences and to determine whether the length of any of 67737
those sentences should be adjusted. The Parole Board shall conduct 67738
this review in cooperation with the Department of Rehabilitation 67739
and Correction. The Parole Board shall prepare a report that 67740
contains its findings and makes recommendations regarding further 67741
action. Not later than one year after the effective date of this 67742
section, the Parole Board shall submit the report to the Speaker 67743
and Minority Leader of the House of Representatives, the President 67744
and Minority Leader of the Senate, the chair of the House Criminal 67745
Justice Committee, and the chair of the Senate Judiciary Committee 67746
on Criminal Justice. 67747

As used in this section, "state correctional institution" has 67748
the same meaning as in section 2967.01 of the Revised Code. 67749

Section 145.03G. On September 1, 2003, and subject to the 67750
lay-off provisions of sections 124.321 to 124.328 of the Revised 67751
Code, all employees of state agencies, as defined by section 67752
125.831 of the Revised Code as repealed and re-enacted by this 67753
act, who are responsible for the purchase, lease, repair, 67754
maintenance, registration, and insuring, and for all other 67755
responsibilities related to the possession and operation of, motor 67756
vehicles used by a state agency are transferred to the Department 67757
of Administrative Services and shall retain their positions and 67758
all of the benefits accruing thereto. 67759

Section 145.03H. On September 1, 2003, motor vehicles used by 67760
state agencies, as each term is defined by section 125.831 of the 67761
Revised Code as repealed and re-enacted by this act, that have 67762

been driven 1,200 business miles or less per month for the 67763
previous twelve months shall be considered excess and shall be 67764
returned by the state agency to the Department of Administrative 67765
Services for reassignment or sale. Proceeds from the sale of motor 67766
vehicles used by the Bureau of Workers' Compensation or the 67767
Industrial Commission shall be paid to the credit of the State 67768
Insurance Fund. Proceeds from the sale of all other motor vehicles 67769
shall be paid to the credit of the Budget Stabilization Fund. 67770

Section 143.05I. As used in this section, "qualified 67771
property" means property that satisfies the qualifications for tax 67772
exemption under the terms of section 5709.14 of the Revised Code. 67773

Notwithstanding section 5713.081 of the Revised Code, when 67774
qualified property has not received tax exemption due to a failure 67775
to comply with Chapter 5713. or section 5715.27 of the Revised 67776
Code, the owner of the property, at any time on or before six 67777
months after the effective date of this section, may file with the 67778
Tax Commissioner an application requesting that the property be 67779
placed on the tax exempt list and that all unpaid taxes, 67780
penalties, and interest on the property be abated. 67781

The application shall be made on the form prescribed by the 67782
Tax Commissioner under section 5715.27 of the Revised Code and 67783
shall list the name of the county in which the property is 67784
located; the property's legal description; its taxable value; the 67785
amount in dollars of the unpaid taxes, penalties, and interest; 67786
the date of acquisition of title to the property; the use of the 67787
property during any time that the unpaid taxes accrued; and any 67788
other information required by the Tax Commissioner. The county 67789
auditor shall supply the required information upon request of the 67790
applicant. 67791

Upon request of the applicant, the county treasurer shall 67792
determine if all taxes, penalties, and interest that became a lien 67793

on the property before it first was used for an exempt purpose and 67794
all special assessments charged against the property have been 67795
paid in full. If so, the county treasurer shall issue a 67796
certificate to the applicant stating that all such taxes, 67797
penalties, interest, and assessments have been paid in full. Prior 67798
to filing the application with the Tax Commissioner, the applicant 67799
shall attach the county treasurer's certificate to it. The Tax 67800
Commissioner shall not consider an application filed under this 67801
section unless such a certificate is attached to it. 67802

Upon receipt of the application and after consideration of 67803
it, the Tax Commissioner shall determine if the applicant meets 67804
the qualifications set forth in this section, and if so shall 67805
issue an order directing that the property be placed on the tax 67806
exempt list of the county and that all unpaid taxes, penalties, 67807
and interest for every year the property met the qualifications 67808
for exemption described in section 5709.14 of the Revised Code be 67809
abated. If the Tax Commissioner finds that the property is not now 67810
being so used or is being used for a purpose that would foreclose 67811
its right to tax exemption, the Tax Commissioner shall issue an 67812
order denying the application. 67813

If the Tax Commissioner finds that the property is not 67814
entitled to tax exemption and to the abatement of unpaid taxes, 67815
penalties, and interest for any of the years for which the owner 67816
claims an exemption or abatement, the Tax Commissioner shall order 67817
the county treasurer of the county in which the property is 67818
located to collect all taxes, penalties, and interest due on the 67819
property for those years in accordance with law. 67820

The Tax Commissioner may apply this section to any qualified 67821
property that is the subject of an application for exemption 67822
pending before the Tax Commissioner on the effective date of this 67823
section, without requiring the property owner to file an 67824
additional application. The Tax Commissioner also may apply this 67825

section to any qualified property that is the subject of an 67826
application for exemption filed on or after the effective date of 67827
this section and on or before six months after that effective 67828
date, even though the application does not expressly request 67829
abatement of unpaid taxes. 67830

Section 143.05J. (A) The amendment, repeal and reenactment, 67831
or enactment by this act of sections 718.01, 718.02, 718.021, 67832
718.03, 718.031, 718.05, 718.051, and 718.121 of the Revised Code 67833
apply to taxable years beginning on or after January 1, 2004. 67834

(B) The amendment by this act of sections 718.11, 5717.011, 67835
and 5717.03 of the Revised Code apply to matters relating to 67836
taxable years beginning on or after January 1, 2004. 67837

Section 143.05K. * Not later than thirty days after the 67838
effective date of this section, one or more individuals 67839
representing municipal government interests shall be appointed to 67840
the steering committee that directs the continuing development of 67841
the Ohio Business Gateway. These individuals shall assist in the 67842
development of the enhancements to the Ohio Business Gateway that 67843
affect municipal tax administration and issues related to such 67844
administration, including, but not limited to, banking issues, 67845
technological issues, and administrative convenience issues for 67846
municipalities and taxpayers. 67847

Section 143.05L. Within thirty days after the effective date 67848
of section 4121.12 of the Revised Code as amended by this act, the 67849
Workers' Compensation Oversight Commission Nominating Committee 67850
shall submit a list of names to the Governor to fill the two 67851
additional memberships of the Workers' Compensation Oversight 67852
Commission as provided in that section. Within fourteen days after 67853
receiving the list from the Nominating Committee, the Governor 67854
shall appoint the two additional members of the Oversight 67855

Commission for initial terms of four and five years respectively. 67856
Thereafter, appointments of members to fill the two additional 67857
member positions shall be for five years in accordance with the 67858
requirements of section 4121.12 of the Revised Code as amended by 67859
this act. 67860

Section 143.05M. The local registrar of vital statistics 67861
shall commence numbering still birth certificates pursuant to 67862
section 3705.07 of the Revised Code with the first still birth 67863
certificate issued on or after the effective date of this act. 67864

Section 143.05N. Sections 5739.01, 5739.011, 5739.02, 67865
5739.12, and 5741.02 of the Revised Code, as amended by this act, 67866
apply on and after July 1, 2003. 67867

Section 143.05O. Sections 107.32 and 107.33 of the Revised 67868
Code shall apply to all state institutional facilities, as defined 67869
in section 107.32 of the Revised Code, that were in operation on 67870
or after January 1, 2003. 67871

Section 143.05P. The Director of Administrative Services 67872
shall inquire into entering into multistate purchasing contracts 67873
in carrying out the department's duties pursuant to Chapter 125. 67874
of the Revised Code. Not later than December 31, 2003, the 67875
director shall file a report with the general assembly detailing 67876
the director's findings. The report shall include recommendations 67877
on any legislation necessary to authorize multistate purchasing 67878
contracts. 67879

Section 143.05Q. EMPLOYMENT CAP ON STATE EMPLOYEES 67880
During the biennium beginning July 1, 2003, and ending June 67881
30, 2005, no state employee shall be hired if the hiring would 67882
cause the overall number of state employees to exceed the number 67883

as of December 31, 2002. "State employee" includes, but is not 67884
limited to, a person employed by a state agency, board, or 67885
commission, a state institution of higher education as defined in 67886
section 3345.011 of the Revised Code, or a state retirement 67887
system. The Director of Budget and Management shall adopt 67888
procedures to ensure compliance with this section. 67889

Section 143.05R. The Legislative Office of Education 67890
Oversight shall conduct a review of partnership agreements between 67891
a Head Start provider and a provider of child care or day care 67892
services. In conducting this review, the Office shall analyze the 67893
following: 67894

(A) The impact on literacy-readiness for children receiving 67895
services as a result of such agreements; 67896

(B) The costs and benefits of such agreements to both 67897
participant children and the providers who are parties to the 67898
agreements. In analyzing the costs and benefits of such 67899
agreements, the Office shall examine the financial costs and 67900
benefits to providers who are parties to the agreements and to 67901
families of participant children. Additionally, the Office shall 67902
examine intangible costs and benefits to participant children, 67903
such as intellectual, emotional, and physical benefits or 67904
detriments caused by service under such agreements. 67905

(C) The operation of the agreements. In analyzing the 67906
operation of the agreements, the Office shall review how the 67907
agreements work, how well the agreements work, what components are 67908
included in the agreements, and whether the agreements are unique 67909
to the providers who are parties to the agreements or standardized 67910
across the state or within a local region. 67911

(D) Whether there is an administrative entity, such as a 67912
county department of job and family services, that oversees the 67913
implementation of a particular agreement. If there is such an 67914

entity that oversees an agreement, the Office shall examine the 67915
degree to which oversight is performed and what overhead costs the 67916
administrative entity incurs in overseeing such agreements. 67917

The Office shall submit the final results of this study to 67918
the General Assembly not later than December 31, 2004. 67919

Section 146.01. Except as otherwise specifically provided in 67920
this act, the codified sections of law amended or enacted in this 67921
act, and the items of law of which the codified sections of law 67922
amended or enacted in this act are composed, are subject to the 67923
referendum. Therefore, under Ohio Constitution, Article II, 67924
Section 1c and section 1.471 of the Revised Code, the codified 67925
sections of law amended or enacted by this act, and the items of 67926
law of which the codified sections of law as amended or enacted by 67927
this act are composed, take effect on the ninety-first day after 67928
this act is filed with the Secretary of State. If, however, a 67929
referendum petition is filed against any such codified section of 67930
law as amended or enacted by this act, or against any item of law 67931
of which any such codified section of law as amended or enacted by 67932
this act is composed, the codified section of law as amended or 67933
enacted, or item of law, unless rejected at the referendum, takes 67934
effect at the earliest time permitted by law. 67935

Section 146.02. Except as otherwise specifically provided in 67936
this act, the repeal by this act of a codified section of law is 67937
subject to the referendum. Therefore, under Ohio Constitution, 67938
Article II, Section 1c and section 1.471 of the Revised Code, the 67939
repeal by this act of a codified section of law takes effect on 67940
the ninety-first day after this act is filed with the Secretary of 67941
State. If, however, a referendum petition is filed against any 67942
such repeal, the repeal, unless rejected at the referendum, takes 67943
effect at the earliest time permitted by law. 67944

Section 146.03. The repeal by this act of sections 122.12, 67945
173.45, 173.46, 173.47, 173.48, 173.49, 173.50, 173.51, 173.52, 67946
173.53, 173.54, 173.55, 173.56, 173.57, 173.58, 173.59, 1553.01, 67947
1553.02, 1553.03, 1553.04, 1553.05, 1553.06, 1553.07, 1553.08, 67948
1553.09, 1553.10, 1553.99, 3301.581, 3302.041, 3313.481, 3313.482, 67949
3317.11, 3318.35, 3318.351, 3701.142, 3701.144, 4141.044, 67950
5115.011, 5115.012, 5115.06, and 5115.061 of the Revised Code is 67951
not subject to the referendum. Therefore, under Ohio Constitution, 67952
Article II, Section 1d and section 1.471 of the Revised Code, the 67953
repeals go into immediate effect when this act becomes law. 67954

Section 146.04. The repeal by this act of sections 4725.40, 67955
4725.41, 4725.42, 4725.43, 4725.44, 4725.45, 4725.46, 4725.47, 67956
4725.48, 4725.49, 4725.50, 4725.51, 4725.52, 4725.53, 4725.531, 67957
4725.54, 4725.55, 4725.56, 4725.57, 4725.58, and 4725.59 of the 67958
Revised Code is not subject to the referendum under Ohio 67959
Constitution, Article II, Section 1d and section 1.471 of the 67960
Revised Code and goes into effect on July 31, 2003. 67961

Section 146.05. (A) Sections 117.45, 121.04, 122.658, 124.03, 67962
126.11, 127.16, 131.23, 163.06, 173.08, 307.202, 323.01, 329.03, 67963
329.04, 329.051, 340.021, 340.03, 505.69, 717.01, 901.21, 1501.04, 67964
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3323.16, 3332.04, 3365.04, 3517.092, 3701.021, 3701.022, 3701.029, 67974

3701.141, 3701.145 (3701.0210), 3702.31, 3702.63, 3702.68, 67975
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(5507.361), 5101.11, 5101.14, 5101.141, 5101.142, 5101.144, 67995
5101.145, 5101.146, 5101.1410, 5101.16, 5101.18, 5101.181, 67996
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5107.40, 5107.60, 5111.0113, 5111.02, 5111.025, 5111.03, 5111.06, 67999
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5111.171, 5111.172, 5111.174, 5111.175, 5111.20, 5111.206, 68001
5111.21, 5111.22, 5111.222, 5111.25, 5111.252 (5123.199), 5111.28, 68002
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5115.10, 5115.11, 5115.12, new 5115.13, 5115.13 (5115.07), 68010
5115.14, 5115.15 (5115.23), 5115.20, 5115.22, 5119.61, 5123.01, 68011
5123.19, 5123.196, 5123.197, 5123.198, 5123.1910, 5123.38, 68012
5126.01, 5126.042, 5126.12, 5153.78, 5501.03, 5502.13, 5519.01, 68013
5705.19, 5709.64, 5735.05, 5735.053, 5735.23, 5735.26, 5735.291, 68014
5735.30, and 6109.21 of the Revised Code as amended or enacted by 68015
this act, and the items of law of which such sections as amended 68016
or enacted by this act are composed, are not subject to the 68017
referendum. Therefore, under Ohio Constitution, Article II, 68018
Section 1d and section 1.471 of the Revised Code, such sections as 68019
amended or enacted by this act, and the items of law of which such 68020
sections as amended or enacted by this act are composed, go into 68021
immediate effect when this act becomes law. 68022

(B) The amendment of sections 4725.01, 4725.02, 4725.03, 68023
4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 4725.09, 4725.10, 68024
4725.11, 4725.12, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 68025
4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 68026
4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 68027
4725.99, 4734.99, and 5903.12 of the Revised Code is not subject 68028
to the referendum under Ohio Constitution, Article II, Section 1d 68029
and section 1.471 of the Revised Code and goes into effect on July 68030
31, 2003. 68031

(C) Sections 3301.31, 5111.173, 5111.221, 5111.24, 5111.241, 68032
5111.251, 5111.255, 5111.257, 5111.261, 5111.262, and 5111.264 of 68033
the Revised Code as repealed and reenacted by this act, and the 68034
items of law of which they are composed, are not subject to the 68035
referendum. Therefore, under Ohio Constitution, Article II, 68036
Section 1d and section 1.471 of the Revised Code, such sections as 68037
repealed and reenacted by this act go into immediate effect when 68038
this act becomes law. 68039

Section 146.06. The amendment, enactment, or repeal and 68040
reenactment by this act of sections 715.013, 718.01, 718.02, 68041
718.021, 718.03, 718.031, 718.05, 718.051, 718.11, 718.121, 68042
5717.011, 5717.03, 5727.111, 5727.30, 5733.04, 5733.05, 5733.056, 68043
5733.09, 5733.55, 5733.56, 5733.57, 5733.98, 5745.01, 5745.02, 68044
5745.04, 5745.042, 5745.044, and 5747.026 of the Revised Code 68045
provides for or is essential to implementation of a tax levy. 68046
Therefore, under Ohio Constitution, Article II, Section 1d, the 68047
amendments, enactments, or repeals and reenactments and the items 68048
of which they are composed, are not subject to the referendum and 68049
go into immediate effect when this act becomes law. 68050

Section 146.07. (A) The amendment by this act of sections 68051
4905.79, 4931.45, 4931.47, 4931.48, 5727.32, and 5727.33 of the 68052
Revised Code provides for or is essential to implementation of a 68053
tax levy. Therefore, under Ohio Constitution, Article II, Section 68054
1d, the amendments, and the items of which they are composed, are 68055
not subject to the referendum and go into effect December 31, 68056
2004. 68057

(B) The repeal by this act of sections 5727.39 and 5727.44 of 68058
the Revised Code provide for or is essential to implementation of 68059
a tax levy. Therefore, under Ohio Constitution, Article II, 68060
Section 1d, the repeals, and the items of which they are composed, 68061
are not subject to the referendum and go into effect December 31, 68062
2004. 68063

Section 146.08. The amendment by this act of sections 68064
5739.01, 5739.011, 5739.02, 5739.12, and 5741.02 of the Revised 68065
Code provides for or is essential to implementation of a tax levy. 68066
Therefore, under Ohio Constitution, Article II, Section 1d, the 68067
amendments, and the items of which they are composed, are not 68068
subject to the referendum and go into immediate effect when this 68069

act becomes law. 68070

Section 146.09. (A) Except as otherwise provided by this act, 68071
the amendments to section 125.22 of the Revised Code are not 68072
subject to the referendum under Ohio Constitution, Article II, 68073
Section 1d and section 1.471 of the Revised Code and go into 68074
effect on July 31, 2003. 68075

(B) The amendment by this act to section 125.22 of the 68076
Revised Code that removes the Ohio Commission on African-American 68077
Males from the list of boards and commissions for which the 68078
Central Service Agency of the Department of Administrative 68079
Services performs routine support is subject to the referendum. 68080
Therefore, under Ohio Constitution, Article II, Section 1c and 68081
section 1.471 of the Revised Code, the amendment takes effect on 68082
the ninety-first day after this act is filed with the Secretary of 68083
State. If, however, a referendum petition is filed against the 68084
amendment, or against any item of law it contains, the amendment 68085
or item, unless rejected at the referendum, takes effect at the 68086
earliest time permitted by law. 68087

Section 146.10. Section 3313.981 of the Revised Code, as 68088
amended by this act, and the items of law of which that section as 68089
amended by this act is composed, are not subject to the 68090
referendum. Therefore, under Ohio Constitution, Article II, 68091
Section 1d and section 1.471 of the Revised Code, that section as 68092
amended by this act, and the items of law of which that section as 68093
amended by this act is composed, are entitled to go into immediate 68094
effect when this act becomes law. However, that section as amended 68095
by this act, and the items of law of which that section as amended 68096
by this act is composed, take effect on July 1, 2004, or the day 68097
this act becomes law, whichever is later. 68098

Section 146.11. (A) The amendments by this act of section 68099

3317.01 of the Revised Code are not subject to the referendum. 68100
Therefore, under Ohio Constitution, Article II, Section 1d and 68101
section 1.471 of the Revised Code, the section as amended, and the 68102
items of law of which that section as amended is composed, go into 68103
immediate effect when this act becomes law, except as provided in 68104
division (B) of this section. 68105

(B) The amendments by this act to division (B) of section 68106
3317.01 of the Revised Code take effect July 1, 2004. 68107

Section 146.12. The version of section 3332.04 of the Revised 68108
Code that is scheduled to take effect July 1, 2003, as amended by 68109
this act, and the items of law of which that section as amended is 68110
composed, are not subject to the referendum. Therefore, under Ohio 68111
Constitution, Article II, Section 1d and section 1.471 of the 68112
Revised Code, the section as amended by this act, and the items of 68113
law of which that section as amended is composed, go into 68114
immediate effect on July 1, 2003. 68115

Section 146.13. (A) Except as otherwise provided in division 68116
(B) of this section, the amendments by this act to section 3745.11 68117
of the Revised Code are not subject to the referendum. Therefore, 68118
under Ohio Constitution, Article II, Section 1d and section 1.471 68119
of the Revised Code, the amendments, and the items of law they 68120
contain, go into immediate effect when this act becomes law. 68121

(B) The seventh and last paragraph added to division (S)(1) 68122
of section 3745.11 of the Revised Code by this act is subject to 68123
the referendum. Therefore, under Ohio Constitution, Article II, 68124
Section 1c and section 1.471 of the Revised Code, the paragraph 68125
takes effect on the ninety-first day after this act is filed with 68126
the Secretary of State. If, however, a referendum petition is 68127
filed against the paragraph, or against any item of law it 68128
contains, the paragraph or item, unless rejected at the 68129

referendum, takes effect at the earliest time permitted by law. 68130

Section 146.14. The version of section 4511.75 of the Revised 68131
Code that is scheduled to take effect January 1, 2004, as amended 68132
by this act, and the items of law of which that section as amended 68133
is composed, are not subject to the referendum. Therefore, under 68134
Ohio Constitution, Article II, Section 1d and section 1.471 of the 68135
Revised Code, the section as amended by this act, and the items of 68136
law of which that section as amended is composed, go into 68137
immediate effect on January 1, 2004. 68138

Section 146.15. (A) Except as otherwise provided in division 68139
(B) of this section, the amendments by this act to section 4743.05 68140
of the Revised Code are subject to the referendum. Therefore, 68141
under Ohio Constitution, Article II, Section 1c and section 1.471 68142
of the Revised Code, the amendments take effect on the 68143
ninety-first day after this act is filed with the Secretary of 68144
State. If, however, a referendum petition is filed against the 68145
amendments, or against any item of law they contain, the 68146
amendments or item, unless rejected at the referendum, takes 68147
effect at the earliest time permitted by law. 68148

(B) The amendment by this act adding a reference to "4771." 68149
to section 4743.05 of the Revised Code is not subject to the 68150
referendum. Therefore, under Ohio Constitution, Article II, 68151
Section 1d and section 1.471 of the Revised Code, the amendment 68152
goes into immediate effect when this act becomes law. 68153

Section 146.16. (A) Except as otherwise provided in division 68154
(B) of this section, the amendments by this act to section 68155
5111.022 of the Revised Code are not subject to the referendum. 68156
Therefore, under Ohio Constitution, Article II, Section 1d and 68157
section 1.471 of the Revised Code, the amendments, and the items 68158
of law they contain, go into immediate effect when this act 68159

becomes law. 68160

(B) The amendments by this act adding divisions (B)(4), (E), 68161
and (F) to section 5111.022 of the Revised Code are subject to the 68162
referendum. Therefore, under Ohio Constitution, Article II, 68163
Section 1c and section 1.471 of the Revised Code, the amendments 68164
take effect on the ninety-first day after this act is filed with 68165
the Secretary of State. If, however, a referendum petition is 68166
filed against the amendments, or against any item of law they 68167
contain, the amendments or item, unless rejected at the 68168
referendum, takes effect at the earliest time permitted by law. 68169

Section 146.17. Section 5112.31 of the Revised Code, as 68170
amended by this act, and the items of law of which that section as 68171
amended is composed, are not subject to the referendum. Therefore, 68172
under Ohio Constitution, Article II, Section 1d and section 1.471 68173
of the Revised Code, that section as amended by this act, and the 68174
items of law of which that section as amended is composed, are 68175
entitled to go into immediate effect when this act becomes law. 68176
However, that section as amended by this act, and the items of law 68177
which that section as amended by this act are composed, take 68178
effect on July 1, 2003, or the day this act becomes law, whichever 68179
is later. 68180

Section 146.18. (A) Except as otherwise provided in division 68181
(B) of this section, the amendments by this act to section 4981.20 68182
(5507.20) of the Revised Code are not subject to the referendum. 68183
Therefore, under Ohio Constitution, Article II, Section 1d and 68184
section 1.471 of the Revised Code, the amendments, and the items 68185
of law they contain, go into immediate effect when this act 68186
becomes law. 68187

(B) The amendment by this act to the second and last sentence 68188
of the second paragraph of division (A) of section 4981.20 68189

(5507.20) of the Revised Code provides for or is essential to 68190
implementation of a tax levy. Therefore, under Ohio Constitution, 68191
Article II, Section 1d, the amendment is not subject to the 68192
referendum and goes into immediate effect when this act becomes 68193
law. 68194

Section 146.19. * Sections 125.831, 125.832, 125.833, and 68195
125.834 of the Revised Code, as enacted or repealed and re-enacted 68196
by this act, shall take effect September 1, 2003. 68197

Section 146.20. * Section 102.02 of the Revised Code, as 68198
amended by this act, shall take effect January 1, 2004. 68199

Section 146.21. * Section 4759.08 of the Revised Code, as 68200
amended by this act, shall take effect July 1, 2004. 68201

Section 146.22. * Sections 5103.031, 5103.033, 5103.034, 68202
5103.036, 5103.037, 5103.038, 5103.0312, 5103.0313, 5103.0314, 68203
5103.0315, 5103.0316, 5153.60, 5153.69, and 5153.72 of the Revised 68204
Code, as amended by this act, shall take effect on January 1, 68205
2004. 68206

Section 146.23. * Sections 5103.154 and 5153.163 of the 68207
Revised Code as amended by this act take effect July 1, 2004. 68208

Section 146.24. * Section 5112.31 of the Revised Code, as 68209
amended by this act, shall take effect July 1, 2003. 68210

Section 146.25. Except as otherwise specifically provided in 68211
this act, the uncodified sections of law amended or enacted in 68212
this act, and the items of law of which the uncodified sections of 68213
law amended or enacted in this act are composed, are not subject 68214
to the referendum. Therefore, under Ohio Constitution, Article II, 68215
Section 1d and section 1.471 of the Revised Code, the uncodified 68216

sections of law amended or enacted in this act, and the items of 68217
law of which the uncodified sections of law amended or enacted in 68218
this act are composed, go into immediate effect when this act 68219
becomes law. 68220

Section 146.26. Uncodified sections of law amended or enacted 68221
in this act, and items of law contained within the uncodified 68222
sections of law amended or enacted in this act, that are marked 68223
with an asterisk are subject to the referendum. Therefore, under 68224
Ohio Constitution, Article II, Section 1c and section 1.471 of the 68225
Revised Code, the uncodified sections and items of law marked with 68226
an asterisk take effect on the ninety-first day after this act is 68227
filed with the Secretary of State. If, however, a referendum 68228
petition is filed against an uncodified section or item of law 68229
marked with an asterisk, the uncodified section or item of law 68230
marked with an asterisk, unless rejected at the referendum, takes 68231
effect at the earliest time permitted by law. 68232

If the amending and existing repeal clauses commanding the 68233
amendment of an uncodified section of law are both marked with 68234
asterisks, the uncodified section as amended is deemed also to 68235
have been marked with an asterisk. 68236

An asterisk marking an uncodified section or item of law has 68237
the form *. 68238

This section defines the meaning and form of, but is not 68239
itself to be considered marked with, an asterisk. 68240

Section 146.27. (A) Except as otherwise provided in division 68241
(B) of this section, the amendments by this act to Section 27 of 68242
Sub. H.B. 670 of the 121st General Assembly are not subject to the 68243
referendum. Therefore, under Ohio Constitution, Article II, 68244
Section 1d and section 1.471 of the Revised Code, the amendments 68245
go into immediate effect when this act becomes law. 68246

(B) The amendments by this act removing references to the Hazardous Waste Facility Board and to the Reclamation Commission from Section 27 of Sub. H.B. 670 of the 121st General Assembly are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the amendments take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against the amendments, or against any item of law they contain, the amendments or item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

Section 146.28. The repeal by this act of the following uncodified sections of law is not subject to the referendum and therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, goes into immediate effect when this act becomes law:

(A) Section 11 of Am. Sub. S.B. 50 of the 121st General Assembly;

(B) Section 129 of Am. Sub. H.B. 283 of the 123rd General Assembly.

Section 146.29. 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 146.30. * The amendment of Section 3 of Am. Sub. S.B. 68277
272 of the 123rd General Assembly, as amended by Am. Sub. H.B. 768 68278
of the 123rd General Assembly, and its renumbering as section 68279
3318.364 of the Revised Code by this act are subject to the 68280
referendum. Therefore, under Ohio Constitution, Article II, 68281
Section 1c and section 1.471 of the Revised Code, the section as 68282
amended and renumbered, and the items of law of which the section 68283
as amended and renumbered are composed, take effect on the 68284
ninety-first day after this act is filed with the Secretary of 68285
State. If, however, a referendum petition is filed against the 68286
section as amended and renumbered, or against any item of law of 68287
which the section as amended and renumbered is composed, the 68288
section as amended and renumbered, or item of law, unless rejected 68289
at the referendum, takes effect at the earliest time permitted by 68290
law. 68291

Section 147.01. * The amendment of section 122.25 of the 68292
Revised Code by this act is not intended to supersede the earlier 68293
repeal, with delayed effective date, of that section. 68294

Section 147.02. * Section 921.151 was amended and renumbered 68295
as section 921.22 of the Revised Code by Am. Sub. S.B. 217 of the 68296
124th General Assembly, passed November 21, 2002, and effective 68297
July 1, 2004. The amendment of section 921.151 of the Revised Code 68298
in Section 1 of this act does not supersede that earlier amendment 68299
and renumbering. This act therefore amends both sections to ensure 68300
that its amendments continue on and after July 1, 2004. 68301

Section 147.03. The amendment by this act of sections 5112.03 68302
and 5112.08 of the Revised Code is not intended to supersede the 68303
earlier repeal, with delayed effective date, of those sections. 68304
68305

Section 147.04. The amendment by this act of section 5112.99 68306
of the Revised Code is not intended to supersede the earlier 68307
repeal, with delayed effective date, of that section. 68308

Section 148.01. * Section 109.572 of the Revised Code is 68309
presented in this act as a composite of the section as amended by 68310
both Sub. H.B. 448 and Sub. H.B. 538 of the 123rd General 68311
Assembly. The General Assembly, applying the principle stated in 68312
division (B) of section 1.52 of the Revised Code that amendments 68313
are to be harmonized if reasonably capable of simultaneous 68314
operation, finds that the composite is the resulting version of 68315
the section in effect prior to the effective date of the section 68316
as presented in this act. 68317

Section 148.02. Section 121.04 of the Revised Code is 68318
presented in this act as a composite of the section as amended by 68319
both Sub. H.B. 601 and Am. Sub. H.B. 640 of the 123rd General 68320
Assembly. The General Assembly, applying the principle stated in 68321
division (B) of section 1.52 of the Revised Code that amendments 68322
are to be harmonized if reasonably capable of simultaneous 68323
operation, finds that the composite is the resulting version of 68324
the section in effect prior to the effective date of the section 68325
as presented in this act. 68326

Section 148.03. * The version of section 2305.234 of the 68327
Revised Code that is scheduled to take effect January 1, 2004, is 68328
presented in this act as a composite of the section as amended by 68329
both Am. Sub. H.B. 490 and Am. Sub. S.B. 281 of the 124th General 68330
Assembly. The General Assembly, applying the principle stated in 68331
division (B) of section 1.52 of the Revised Code that amendments 68332
are to be harmonized if reasonably capable of simultaneous 68333
operation, finds that the composite is the resulting version of 68334

the section in effect prior to the effective date of the section 68335
as presented in this act. 68336

Section 148.04. Section 2743.02 of the Revised Code is 68337
presented in this act as a composite of the section as amended by 68338
both Am. Sub. S.B. 115 and Am. Sub. S.B. 281 of the 124th General 68339
Assembly. The General Assembly, applying the principle stated in 68340
division (B) of section 1.52 of the Revised Code that amendments 68341
are to be harmonized if reasonably capable of simultaneous 68342
operation, finds that the composite is the resulting version of 68343
the section in effect prior to the effective date of the section 68344
as presented in this act. 68345

Section 148.05. Section 3314.03 of the Revised Code is 68346
presented in this act as a composite of the section as amended by 68347
both Sub. H.B. 248 and Sub. H.B. 364 of the 124th General 68348
Assembly. The General Assembly, applying the principle stated in 68349
division (B) of section 1.52 of the Revised Code that amendments 68350
are to be harmonized if reasonably capable of simultaneous 68351
operation, finds that the composite is the resulting version of 68352
the section in effect prior to the effective date of the section 68353
as presented in this act. 68354

Section 148.06. Section 3317.012 of the Revised Code is 68355
presented in this act as a composite of the section as amended by 68356
both Am. Sub. H.B. 94 and Am. Sub. S.B. 1 of the 124th General 68357
Assembly. The General Assembly, applying the principle stated in 68358
division (B) of section 1.52 of the Revised Code that amendments 68359
are to be harmonized if reasonably capable of simultaneous 68360
operation, finds that the composite is the resulting version of 68361
the section in effect prior to the effective date of the section 68362
as presented in this act. 68363

Section 148.07. Section 3319.07 of the Revised Code is 68364
presented in this act as a composite of the section as amended by 68365
both Am. Sub. H.B. 117 and Am. Sub. H.B. 223 of the 121st General 68366
Assembly. The General Assembly, applying the principle stated in 68367
division (B) of section 1.52 of the Revised Code that amendments 68368
are to be harmonized if reasonably capable of simultaneous 68369
operation, finds that the composite is the resulting version of 68370
the section in effect prior to the effective date of the section 68371
as presented in this act. 68372

Section 148.08. Section 3319.36 of the Revised Code is 68373
presented in this act as a composite of the section as amended by 68374
both Sub. H.B. 81 and Am. Sub. S.B. 230 of the 121st General 68375
Assembly. The General Assembly, applying the principle stated in 68376
division (B) of section 1.52 of the Revised Code that amendments 68377
are to be harmonized if reasonably capable of simultaneous 68378
operation, finds that the composite is the resulting version of 68379
the section in effect prior to the effective date of the section 68380
as presented in this act. 68381

Section 148.09. Section 4725.114 (4725.33) of the Revised 68382
Code is presented in this act as a composite of the section as 68383
amended by both Am. Sub. H.B. 553 and Sub. H.B. 698 of the 122nd 68384
General Assembly. The General Assembly, applying the principle 68385
stated in division (B) of section 1.52 of the Revised Code that 68386
amendments are to be harmonized if reasonably capable of 68387
simultaneous operation, finds that the composite is the resulting 68388
version of the section in effect prior to the effective date of 68389
the section as presented in this act. 68390

Section 148.10. * Section 4503.234 of the Revised Code is 68391
presented in Section 1 of this act as a composite of the section 68392

as amended by both Am. Sub. H.B. 353 and Am. Sub. H.B. 676 of the 68393
121st General Assembly. The General Assembly, applying the 68394
principle stated in division (B) of section 1.52 of the Revised 68395
Code that amendments are to be harmonized if reasonably capable of 68396
simultaneous operation, finds that the composite is the resulting 68397
version of the section in effect prior to the effective date of 68398
the section as presented in this act. 68399

Section 148.11. * Section 4973.17 of the Revised Code is 68400
presented in this act as a composite of the section as amended by 68401
both Am. Sub. H.B. 566 and Sub. H.B. 670 of the 121st General 68402
Assembly. The General Assembly, applying the principle stated in 68403
division (B) of section 1.52 of the Revised Code that amendments 68404
are to be harmonized if reasonably capable of simultaneous 68405
operation, finds that the composite is the resulting version of 68406
the section in effect prior to the effective date of the section 68407
as presented in this act. 68408

Section 148.12. Section 5111.20 of the Revised Code is 68409
presented in this act as a composite of the section as amended by 68410
both Sub. H.B. 403 and Sub. H.B. 448 of the 123rd General 68411
Assembly. The General Assembly, applying the principle stated in 68412
division (B) of section 1.52 of the Revised Code that amendments 68413
are to be harmonized if reasonably capable of simultaneous 68414
operation, finds that the composite is the resulting version of 68415
the section in effect prior to the effective date of the section 68416
as presented in this act. 68417

Section 148.13. Section 5115.01 of the Revised Code is 68418
presented in this act as a composite of the section as amended by 68419
both Am. Sub. H.B. 283 and H.B. 471 of the 123rd General Assembly. 68420
The General Assembly, applying the principle stated in division 68421
(B) of section 1.52 of the Revised Code that amendments are to be 68422

harmonized if reasonably capable of simultaneous operation, finds 68423
that the composite is the resulting version of the section in 68424
effect prior to the effective date of the section as presented in 68425
this act. 68426

Section 148.14. * Section 5709.62 of the Revised Code is 68427
presented in this act as a composite of the section as amended by 68428
both Am. Sub. H.B. 283 and Sub. H.B. 27 of the 123rd General 68429
Assembly. The General Assembly, applying the principle stated in 68430
division (B) of section 1.52 of the Revised Code that amendments 68431
are to be harmonized if reasonably capable of simultaneous 68432
operation, finds that the composite is the resulting version of 68433
the section in effect prior to the effective date of the section 68434
as presented in this act. 68435

Section 148.15. * Section 5709.63 of the Revised Code is 68436
presented in this act as a composite of the section as amended by 68437
both Am. Sub. H.B. 283 and Sub. H.B. 27 of the 123rd General 68438
Assembly. The General Assembly, applying the principle stated in 68439
division (B) of section 1.52 of the Revised Code that amendments 68440
are to be harmonized if reasonably capable of simultaneous 68441
operation, finds that the composite is the resulting version of 68442
the section in effect prior to the effective date of the section 68443
as presented in this act. 68444

Section 148.16. Section 5733.04 of the Revised Code is 68445
presented in this act as a composite of the section as amended by 68446
both Sub. S.B. 200 and Am. Sub. S.B. 261 of the 124th General 68447
Assembly. The General Assembly, applying the principle stated in 68448
division (B) of section 1.52 of the Revised Code that amendments 68449
are to be harmonized if reasonably capable of simultaneous 68450
operation, finds that the composite is the resulting version of 68451
the section in effect prior to the effective date of the section 68452

as presented in this act. 68453

Section 148.17. Section 5735.05 of the Revised Code is 68454
presented in this act as a composite of the section as amended by 68455
both H.B. 612 and Am. Sub. H.B. 640 of the 123rd General Assembly. 68456
The General Assembly, applying the principle stated in division 68457
(B) of section 1.52 of the Revised Code that amendments are to be 68458
harmonized if reasonably capable of simultaneous operation, finds 68459
that the composite is the resulting version of the section in 68460
effect prior to the effective date of the section as presented in 68461
this act. 68462

Section 148.18. Section 5735.23 of the Revised Code is 68463
presented in this act as a composite of the section as amended by 68464
both H.B. 612 and Am. Sub. H.B. 640 of the 123rd General Assembly. 68465
The General Assembly, applying the principle stated in division 68466
(B) of section 1.52 of the Revised Code that amendments are to be 68467
harmonized if reasonably capable of simultaneous operation, finds 68468
that the composite is the resulting version of the section in 68469
effect prior to the effective date of the section as presented in 68470
this act. 68471

Section 148.19. Section 5739.01 of the Revised Code was 68472
amended by Am. Sub. H.B. 524, Am. Sub. S.B. 143, and Sub. S.B. 68473
200, all of the 124th General Assembly. Comparison of these 68474
amendments in pursuance of section 1.52 of the Revised Code 68475
discloses that while certain of the amendments of these acts are 68476
reconcilable, certain other of the amendments are substantively 68477
irreconcilable. Am. Sub. H.B. 524 was passed on March 21, 2002; 68478
Am. Sub. S.B. 143 was passed on January 30, 2002; Sub. S.B. 200 68479
was passed on March 13, 2002. Section 5739.01 of the Revised Code 68480
is therefore presented in this act as it results from Am. Sub. 68481
H.B. 524 and Sub. S.B. 200 and such of the amendments of Am. Sub. 68482

S.B. 143 as are not in conflict with the amendments of Sub. S.B. 68483
200. The General Assembly, applying the principle stated in 68484
division (B) of section 1.52 of the Revised Code that amendments 68485
are to be harmonized if reasonably capable of simultaneous 68486
operation, finds that the composite is the resulting version of 68487
the section in effect prior to the effective date of the section 68488
as presented in this act. 68489

Section 149. If any item of law that constitutes the whole or 68490
part of a codified or uncodified section of law contained in this 68491
act, or if any application of any item of law that constitutes the 68492
whole or part of a codified or uncodified section of law contained 68493
in this act, is held invalid, the invalidity does not affect other 68494
items of law or applications of items of law that can be given 68495
effect without the invalid item of law or application. To this 68496
end, the items of law of which the codified and uncodified 68497
sections contained in this act are composed, and their 68498
applications, are independent and severable. 68499