

**As Passed by the Senate**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Sub. S. B. No. 189**

**Senators Harris, Amstutz, Carey, Armbruster, Austria, Coughlin, DiDonato,  
Mallory, Spada, Wachtmann, Zurz, Padgett, Miller, Robert Gardner, Mumper**

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**A B I L L**

To amend sections 9.24, 102.02, 123.01, 123.10, 1  
124.15, 124.152, 124.181, 124.183, 124.382, 2  
126.32, 152.09, 175.21, 3311.059, 3327.01, 3  
3334.01, 3383.09, 3701.881, 3712.09, 3734.02, 4  
3734.18, 3734.57, 3769.021, 3769.087, 3781.19, 5  
4701.03, 4707.05, 4758.20, 4758.40, 4758.41, 6  
4758.42, 4758.55, 4758.56, 4758.57, 4758.58, 7  
4758.59, 4758.61, 5101.27, 5111.022, 5119.18, 8  
5123.352, 5731.47, 5731.48, and 6301.03 and to 9  
repeal sections 152.101 and 901.85 of the Revised 10  
Code and to amend Section 11.04 of Am. Sub. H.B. 11  
87 of the 125th General Assembly, as subsequently 12  
amended, and to amend Sections 8.04, 12, 41.06, 13  
41.13, 55, 59, 59.29, 66, 89, 89.04, 89.05, 89.08, 14  
89.11, and 145 of Am. Sub. H.B. 95 of the 125th 15  
General Assembly to make capital reappropriations 16  
for the biennium ending June 30, 2006, to make 17  
certain supplemental and capital appropriations, 18  
and to provide authorization and conditions for 19  
the operation of state programs. 20

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

Section 1. That sections 9.24, 102.02, 123.01, 123.10, 21  
124.15, 124.152, 124.181, 124.183, 124.382, 126.32, 152.09, 22  
175.21, 3311.059, 3327.01, 3334.01, 3383.09, 3701.881, 3712.09, 23  
3734.02, 3734.18, 3734.57, 3769.021, 3769.087, 3781.19, 4701.03, 24  
4707.05, 4758.20, 4758.40, 4758.41, 4758.42, 4758.55, 4758.56, 25  
4758.57, 4758.58, 4758.59, 4758.61, 5101.27, 5111.022, 5119.18, 26  
5123.352, 5731.47, 5731.48, and 6301.03 of the Revised Code be 27  
amended to read as follows: 28

Sec. 9.24. (A) ~~No~~ Except as may be allowed under division (F) 29  
this section, no state agency and no political subdivision shall 30  
award a contract as described in division (G)(1) of this section 31  
for goods, services, or construction, paid for in whole or in part 32  
with state ~~funds~~ money, to a person against whom a finding for 33  
recovery has been issued by the auditor of state on and after 34  
January 1, 2001, if the finding for recovery is unresolved. 35

A contract is considered to be awarded when it is entered 36  
into or executed, irrespective of whether the parties to the 37  
contract have exchanged any money. 38

(B) For purposes of this section, a finding for recovery is 39  
unresolved unless one of the following criteria applies: 40

(1) The money identified in the finding for recovery is paid 41  
in full to the state agency or political subdivision to whom the 42  
money was owed; 43

(2) The debtor has entered into a repayment plan that is 44  
approved by the attorney general and the state agency or political 45  
subdivision to whom the money identified in the finding for 46  
recovery is owed. A repayment plan may include a provision 47  
permitting a state agency or political subdivision to withhold 48  
payment to a debtor for goods, services, or construction provided 49  
to or for the state agency or political subdivision pursuant to a 50

contract that is entered into with the debtor after the date the finding for recovery was issued.

(3) The attorney general waives a repayment plan described in division (B)(2) of this section for good cause;

(4) The debtor and state agency or political subdivision to whom the money identified in the finding for recovery is owed have agreed to a payment plan established through an enforceable settlement agreement.

(5) The state agency or political subdivision desiring to enter into a contract with a debtor certifies, and the attorney general concurs, that all of the following are true:

(a) Essential services the state agency or political subdivision is seeking to obtain from the debtor cannot be provided by any other person besides the debtor;

(b) Awarding a contract to the debtor for the essential services described in division (B)(5)(a) of this section is in the best interest of the state;

(c) Good faith efforts have been made to collect the money identified in the finding of recovery.

(6) The debtor has commenced an action to contest the finding for recovery and a final determination on the action has not yet been reached.

(C) The attorney general shall submit an initial report to the auditor of state, not later than December 1, 2003, indicating the status of collection for all findings for recovery issued by the auditor of state for calendar years 2001, 2002, and 2003. Beginning on January 1, 2004, the attorney general shall submit to the auditor of state, on the first day of every January, April, July, and October, a list of all findings for recovery that have been resolved in accordance with division (B) of this section

during the calendar quarter preceding the submission of the list 81  
and a description of the means of resolution. 82

(D) The auditor of state shall maintain a database, 83  
accessible to the public, listing persons against whom an 84  
unresolved finding for recovery has been issued, and the amount of 85  
the money identified in the unresolved finding for recovery. The 86  
auditor of state shall have this database operational on or before 87  
January 1, 2004. The initial database shall contain the 88  
information required under this division for calendar years 2001, 89  
2002, and 2003. 90

Beginning January 15, 2004, the auditor of state shall update 91  
the database by the fifteenth day of every January, April, July, 92  
and October to reflect resolved findings for recovery that are 93  
reported to the auditor of state by the attorney general on the 94  
first day of the same month pursuant to division (C) of this 95  
section. 96

(E) Before awarding a contract as described in division 97  
(G)(1) of this section for goods, services, or construction, paid 98  
for in whole or in part with state ~~funds~~ money, a state agency or 99  
political subdivision shall verify that the person to whom the 100  
state agency or political subdivision plans to award the contract 101  
does not appear in the database described in division (D) of this 102  
section. 103

(F) The prohibition of division (A) of this section does not 104  
apply to the companies or agreements described in divisions (F)(1) 105  
and (2) of this section, or in the circumstance described in 106  
division (F)(3) of this section. 107

(1) A bonding company or a company authorized to transact the 108  
business of insurance in this state unless a court has entered a 109  
final judgment against the company and the company has not yet 110  
satisfied the final judgment. 111

(2) To medicaid provider agreements under Chapter 5111. of 112  
the Revised Code or payments or provider agreements under 113  
disability assistance medical assistance established under Chapter 114  
5115. of the Revised Code. 115

(3) When federal law dictates that a specified entity provide 116  
the goods, services, or construction for which a contract is being 117  
awarded, regardless of whether that entity would otherwise be 118  
prohibited from entering into the contract pursuant to this 119  
section. 120

(G)(1) This section applies only to contracts for goods, 121  
services, or construction that satisfy the criteria in either 122  
division (G)(1)(a) or (b) of this division. This section may apply 123  
to contracts for goods, services, or construction that satisfy the 124  
criteria in division (G)(1)(c) or (d), provided that the contracts 125  
also satisfy the criteria in either division (G)(1)(a) or (b) of 126  
this division. 127

(a) The cost for the goods, services, or construction 128  
provided under the contract is estimated to exceed twenty-five 129  
thousand dollars. 130

(b) The aggregate cost for the goods, services, or 131  
construction provided under multiple contracts entered into within 132  
the fiscal year preceding the fiscal year within which the 133  
multiple contracts are being entered into by either a state agency 134  
and a single person or a political subdivision and a single 135  
person, is estimated to exceed fifty thousand dollars. 136

(c) The contract is a renewal of a contract previously 137  
entered into and renewed pursuant to that preceding contract. 138

(d) The contract is an employment contract between a state 139  
agency or political subdivision and an independent contractor. 140

(2) This section does not apply to employment contracts, 141

except for the type of employment contracts described in division 142  
(G)(1)(d) of this section. 143

(H) As used in this section: 144

(1) "State agency" has the same meaning as in section 9.66 of 145  
the Revised Code. 146

(2) "Political subdivision" means a political subdivision as 147  
defined in section 9.82 of the Revised Code that has received more 148  
than fifty thousand dollars of state money in the current fiscal 149  
year or the preceding fiscal year. 150

(3) "Finding for recovery" means a determination issued by 151  
the auditor of state, contained in a report the auditor of state 152  
gives to the attorney general pursuant to section 117.28 of the 153  
Revised Code, that public money has been illegally expended, 154  
public money has been collected but not been accounted for, public 155  
money is due but has not been collected, or public property has 156  
been converted or misappropriated. 157

~~(3)~~(4) "Debtor" means a person against whom a finding for 158  
recovery has been issued. 159

(5) "Person" means the person named in the finding for 160  
recovery, and includes the named person doing business under any 161  
name other than the person's legal name. 162

(6) "State money" does not include money the state receives 163  
from another source and passes through to a political subdivision. 164

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 165  
of this section, every person who is elected to or is a candidate 166  
for a state, county, or city office, ~~or the office of member of~~ 167  
~~the United States congress,~~ and every person who is appointed to 168  
fill a vacancy for an unexpired term in such an elective office; 169  
all members of the state board of education; the director, 170  
assistant directors, deputy directors, division chiefs, or persons 171

of equivalent rank of any administrative department of the state; 172  
the president or other chief administrative officer of every state 173  
institution of higher education as defined in section 3345.011 of 174  
the Revised Code; the chief executive officer of each state 175  
retirement system; all members of the board of commissioners on 176  
grievances and discipline of the supreme court and the ethics 177  
commission created under section 102.05 of the Revised Code; every 178  
business manager, treasurer, or superintendent of a city, local, 179  
exempted village, joint vocational, or cooperative education 180  
school district or an educational service center; every person who 181  
is elected to or is a candidate for the office of member of a 182  
board of education of a city, local, exempted village, joint 183  
vocational, or cooperative education school district or of a 184  
governing board of an educational service center that has a total 185  
student count of twelve thousand or more as most recently 186  
determined by the department of education pursuant to section 187  
3317.03 of the Revised Code; every person who is appointed to the 188  
board of education of a municipal school district pursuant to 189  
division (B) or (F) of section 3311.71 of the Revised Code; all 190  
members of the board of directors of a sanitary district that is 191  
established under Chapter 6115. of the Revised Code and organized 192  
wholly for the purpose of providing a water supply for domestic, 193  
municipal, and public use, and that includes two municipal 194  
corporations in two counties; every public official or employee 195  
who is paid a salary or wage in accordance with schedule C of 196  
section 124.15 or schedule E-2 of section 124.152 of the Revised 197  
Code; members of the board of trustees and the executive director 198  
of the tobacco use prevention and control foundation; members of 199  
the board of trustees and the executive director of the southern 200  
Ohio agricultural and community development foundation; and every 201  
other public official or employee who is designated by the 202  
appropriate ethics commission pursuant to division (B) of this 203  
section shall file with the appropriate ethics commission on a 204

form prescribed by the commission, a statement disclosing all of 205  
the following: 206

(1) The name of the person filing the statement and each 207  
member of the person's immediate family and all names under which 208  
the person or members of the person's immediate family do 209  
business; 210

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 211  
and except as otherwise provided in section 102.022 of the Revised 212  
Code, identification of every source of income, other than income 213  
from a legislative agent identified in division (A)(2)(b) of this 214  
section, received during the preceding calendar year, in the 215  
person's own name or by any other person for the person's use or 216  
benefit, by the person filing the statement, and a brief 217  
description of the nature of the services for which the income was 218  
received. If the person filing the statement is a member of the 219  
general assembly, the statement shall identify the amount of every 220  
source of income received in accordance with the following ranges 221  
of amounts: zero or more, but less than one thousand dollars; one 222  
thousand dollars or more, but less than ten thousand dollars; ten 223  
thousand dollars or more, but less than twenty-five thousand 224  
dollars; twenty-five thousand dollars or more, but less than fifty 225  
thousand dollars; fifty thousand dollars or more, but less than 226  
one hundred thousand dollars; and one hundred thousand dollars or 227  
more. Division (A)(2)(a) of this section shall not be construed to 228  
require a person filing the statement who derives income from a 229  
business or profession to disclose the individual items of income 230  
that constitute the gross income of that business or profession, 231  
except for those individual items of income that are attributable 232  
to the person's or, if the income is shared with the person, the 233  
partner's, solicitation of services or goods or performance, 234  
arrangement, or facilitation of services or provision of goods on 235  
behalf of the business or profession of clients, including 236



corporate clients, who are legislative agents as defined in 237  
section 101.70 of the Revised Code. A person who files the 238  
statement under this section shall disclose the identity of and 239  
the amount of income received from a person who the public 240  
official or employee knows or has reason to know is doing or 241  
seeking to do business of any kind with the public official's or 242  
employee's agency. 243

(b) If the person filing the statement is a member of the 244  
general assembly, the statement shall identify every source of 245  
income and the amount of that income that was received from a 246  
legislative agent, as defined in section 101.70 of the Revised 247  
Code, during the preceding calendar year, in the person's own name 248  
or by any other person for the person's use or benefit, by the 249  
person filing the statement, and a brief description of the nature 250  
of the services for which the income was received. Division 251  
(A)(2)(b) of this section requires the disclosure of clients of 252  
attorneys or persons licensed under section 4732.12 of the Revised 253  
Code, or patients of persons certified under section 4731.14 of 254  
the Revised Code, if those clients or patients are legislative 255  
agents. Division (A)(2)(b) of this section requires a person 256  
filing the statement who derives income from a business or 257  
profession to disclose those individual items of income that 258  
constitute the gross income of that business or profession that 259  
are received from legislative agents. 260

(c) Except as otherwise provided in division (A)(2)(c) of 261  
this section, division (A)(2)(a) of this section applies to 262  
attorneys, physicians, and other persons who engage in the 263  
practice of a profession and who, pursuant to a section of the 264  
Revised Code, the common law of this state, a code of ethics 265  
applicable to the profession, or otherwise, generally are required 266  
not to reveal, disclose, or use confidences of clients, patients, 267  
or other recipients of professional services except under 268

specified circumstances or generally are required to maintain 269  
those types of confidences as privileged communications except 270  
under specified circumstances. Division (A)(2)(a) of this section 271  
does not require an attorney, physician, or other professional 272  
subject to a confidentiality requirement as described in division 273  
(A)(2)(c) of this section to disclose the name, other identity, or 274  
address of a client, patient, or other recipient of professional 275  
services if the disclosure would threaten the client, patient, or 276  
other recipient of professional services, would reveal details of 277  
the subject matter for which legal, medical, or professional 278  
advice or other services were sought, or would reveal an otherwise 279  
privileged communication involving the client, patient, or other 280  
recipient of professional services. Division (A)(2)(a) of this 281  
section does not require an attorney, physician, or other 282  
professional subject to a confidentiality requirement as described 283  
in division (A)(2)(c) of this section to disclose in the brief 284  
description of the nature of services required by division 285  
(A)(2)(a) of this section any information pertaining to specific 286  
professional services rendered for a client, patient, or other 287  
recipient of professional services that would reveal details of 288  
the subject matter for which legal, medical, or professional 289  
advice was sought or would reveal an otherwise privileged 290  
communication involving the client, patient, or other recipient of 291  
professional services. 292

(3) The name of every corporation on file with the secretary 293  
of state that is incorporated in this state or holds a certificate 294  
of compliance authorizing it to do business in this state, trust, 295  
business trust, partnership, or association that transacts 296  
business in this state in which the person filing the statement or 297  
any other person for the person's use and benefit had during the 298  
preceding calendar year an investment of over one thousand dollars 299  
at fair market value as of the thirty-first day of December of the 300  
preceding calendar year, or the date of disposition, whichever is 301

earlier, or in which the person holds any office or has a 302  
fiduciary relationship, and a description of the nature of the 303  
investment, office, or relationship. Division (A)(3) of this 304  
section does not require disclosure of the name of any bank, 305  
savings and loan association, credit union, or building and loan 306  
association with which the person filing the statement has a 307  
deposit or a withdrawable share account. 308

(4) All fee simple and leasehold interests to which the 309  
person filing the statement holds legal title to or a beneficial 310  
interest in real property located within the state, excluding the 311  
person's residence and property used primarily for personal 312  
recreation; 313

(5) The names of all persons residing or transacting business 314  
in the state to whom the person filing the statement owes, in the 315  
person's own name or in the name of any other person, more than 316  
one thousand dollars. Division (A)(5) of this section shall not be 317  
construed to require the disclosure of debts owed by the person 318  
resulting from the ordinary conduct of a business or profession or 319  
debts on the person's residence or real property used primarily 320  
for personal recreation, except that the superintendent of 321  
financial institutions shall disclose the names of all 322  
state-chartered savings and loan associations and of all service 323  
corporations subject to regulation under division (E)(2) of 324  
section 1151.34 of the Revised Code to whom the superintendent in 325  
the superintendent's own name or in the name of any other person 326  
owes any money, and that the superintendent and any deputy 327  
superintendent of banks shall disclose the names of all 328  
state-chartered banks and all bank subsidiary corporations subject 329  
to regulation under section 1109.44 of the Revised Code to whom 330  
the superintendent or deputy superintendent owes any money. 331

(6) The names of all persons residing or transacting business 332  
in the state, other than a depository excluded under division 333

(A)(3) of this section, who owe more than one thousand dollars to 334  
the person filing the statement, either in the person's own name 335  
or to any person for the person's use or benefit. Division (A)(6) 336  
of this section shall not be construed to require the disclosure 337  
of clients of attorneys or persons licensed under section 4732.12 338  
or 4732.15 of the Revised Code, or patients of persons certified 339  
under section 4731.14 of the Revised Code, nor the disclosure of 340  
debts owed to the person resulting from the ordinary conduct of a 341  
business or profession. 342

(7) Except as otherwise provided in section 102.022 of the 343  
Revised Code, the source of each gift of over seventy-five 344  
dollars, or of each gift of over twenty-five dollars received by a 345  
member of the general assembly from a legislative agent, received 346  
by the person in the person's own name or by any other person for 347  
the person's use or benefit during the preceding calendar year, 348  
except gifts received by will or by virtue of section 2105.06 of 349  
the Revised Code, or received from spouses, parents, grandparents, 350  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 351  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 352  
fathers-in-law, mothers-in-law, or any person to whom the person 353  
filing the statement stands in loco parentis, or received by way 354  
of distribution from any inter vivos or testamentary trust 355  
established by a spouse or by an ancestor; 356

(8) Except as otherwise provided in section 102.022 of the 357  
Revised Code, identification of the source and amount of every 358  
payment of expenses incurred for travel to destinations inside or 359  
outside this state that is received by the person in the person's 360  
own name or by any other person for the person's use or benefit 361  
and that is incurred in connection with the person's official 362  
duties, except for expenses for travel to meetings or conventions 363  
of a national or state organization to which any state agency, 364  
including, but not limited to, any legislative agency or state 365

institution of higher education as defined in section 3345.011 of 366  
the Revised Code, pays membership dues, or any political 367  
subdivision or any office or agency of a political subdivision 368  
pays membership dues; 369

(9) Except as otherwise provided in section 102.022 of the 370  
Revised Code, identification of the source of payment of expenses 371  
for meals and other food and beverages, other than for meals and 372  
other food and beverages provided at a meeting at which the person 373  
participated in a panel, seminar, or speaking engagement or at a 374  
meeting or convention of a national or state organization to which 375  
any state agency, including, but not limited to, any legislative 376  
agency or state institution of higher education as defined in 377  
section 3345.011 of the Revised Code, pays membership dues, or any 378  
political subdivision or any office or agency of a political 379  
subdivision pays membership dues, that are incurred in connection 380  
with the person's official duties and that exceed one hundred 381  
dollars aggregated per calendar year; 382

(10) If the financial disclosure statement is filed by a 383  
public official or employee described in division (B)(2) of 384  
section 101.73 of the Revised Code or division (B)(2) of section 385  
121.63 of the Revised Code who receives a statement from a 386  
legislative agent, executive agency lobbyist, or employer that 387  
contains the information described in division (F)(2) of section 388  
101.73 of the Revised Code or division (G)(2) of section 121.63 of 389  
the Revised Code, all of the nondisputed information contained in 390  
the statement delivered to that public official or employee by the 391  
legislative agent, executive agency lobbyist, or employer under 392  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 393  
the Revised Code. As used in division (A)(10) of this section, 394  
"legislative agent," "executive agency lobbyist," and "employer" 395  
have the same meanings as in sections 101.70 and 121.60 of the 396  
Revised Code. 397

A person may file a statement required by this section in 398  
person or by mail. A person who is a candidate for elective office 399  
shall file the statement no later than the thirtieth day before 400  
the primary, special, or general election at which the candidacy 401  
is to be voted on, whichever election occurs soonest, except that 402  
a person who is a write-in candidate shall file the statement no 403  
later than the twentieth day before the earliest election at which 404  
the person's candidacy is to be voted on. A person who holds 405  
elective office shall file the statement on or before the 406  
fifteenth day of April of each year unless the person is a 407  
candidate for office. A person who is appointed to fill a vacancy 408  
for an unexpired term in an elective office shall file the 409  
statement within fifteen days after the person qualifies for 410  
office. Other persons shall file an annual statement on or before 411  
the fifteenth day of April or, if appointed or employed after that 412  
date, within ninety days after appointment or employment. No 413  
person shall be required to file with the appropriate ethics 414  
commission more than one statement or pay more than one filing fee 415  
for any one calendar year. 416

The appropriate ethics commission, for good cause, may extend 417  
for a reasonable time the deadline for filing a statement under 418  
this section. 419

A statement filed under this section is subject to public 420  
inspection at locations designated by the appropriate ethics 421  
commission except as otherwise provided in this section. 422

(B) The Ohio ethics commission, the joint legislative ethics 423  
committee, and the board of commissioners on grievances and 424  
discipline of the supreme court, using the rule-making procedures 425  
of Chapter 119. of the Revised Code, may require any class of 426  
public officials or employees under its jurisdiction and not 427  
specifically excluded by this section whose positions involve a 428  
substantial and material exercise of administrative discretion in 429

the formulation of public policy, expenditure of public funds, 430  
enforcement of laws and rules of the state or a county or city, or 431  
the execution of other public trusts, to file an annual statement 432  
on or before the fifteenth day of April under division (A) of this 433  
section. The appropriate ethics commission shall send the public 434  
officials or employees written notice of the requirement by the 435  
fifteenth day of February of each year the filing is required 436  
unless the public official or employee is appointed after that 437  
date, in which case the notice shall be sent within thirty days 438  
after appointment, and the filing shall be made not later than 439  
ninety days after appointment. 440

Except for disclosure statements filed by members of the 441  
board of trustees and the executive director of the tobacco use 442  
prevention and control foundation and members of the board of 443  
trustees and the executive director of the southern Ohio 444  
agricultural and community development foundation, disclosure 445  
statements filed under this division with the Ohio ethics 446  
commission by members of boards, commissions, or bureaus of the 447  
state for which no compensation is received other than reasonable 448  
and necessary expenses shall be kept confidential. Disclosure 449  
statements filed with the Ohio ethics commission under division 450  
(A) of this section by business managers, treasurers, and 451  
superintendents of city, local, exempted village, joint 452  
vocational, or cooperative education school districts or 453  
educational service centers shall be kept confidential, except 454  
that any person conducting an audit of any such school district or 455  
educational service center pursuant to section 115.56 or Chapter 456  
117. of the Revised Code may examine the disclosure statement of 457  
any business manager, treasurer, or superintendent of that school 458  
district or educational service center. The Ohio ethics commission 459  
shall examine each disclosure statement required to be kept 460  
confidential to determine whether a potential conflict of interest 461  
exists for the person who filed the disclosure statement. A 462

potential conflict of interest exists if the private interests of 463  
the person, as indicated by the person's disclosure statement, 464  
might interfere with the public interests the person is required 465  
to serve in the exercise of the person's authority and duties in 466  
the person's office or position of employment. If the commission 467  
determines that a potential conflict of interest exists, it shall 468  
notify the person who filed the disclosure statement and shall 469  
make the portions of the disclosure statement that indicate a 470  
potential conflict of interest subject to public inspection in the 471  
same manner as is provided for other disclosure statements. Any 472  
portion of the disclosure statement that the commission determines 473  
does not indicate a potential conflict of interest shall be kept 474  
confidential by the commission and shall not be made subject to 475  
public inspection, except as is necessary for the enforcement of 476  
Chapters 102. and 2921. of the Revised Code and except as 477  
otherwise provided in this division. 478

(C) No person shall knowingly fail to file, on or before the 479  
applicable filing deadline established under this section, a 480  
statement that is required by this section. 481

(D) No person shall knowingly file a false statement that is 482  
required to be filed under this section. 483

(E)(1) Except as provided in divisions (E)(2) and (3) of this 484  
section, the statement required by division (A) or (B) of this 485  
section shall be accompanied by a filing fee of forty dollars. 486

(2) The statement required by division (A) of this section 487  
shall be accompanied by the following filing fee to be paid by the 488  
person who is elected or appointed to, or is a candidate for, any 489  
of the following offices: 490

For state office, except member of the		491
state board of education	\$65	492
For office of <del>member of United States</del>		493
<del>congress or</del> member of general assembly	\$40	494



For county office	\$40	495
For city office	\$25	496
For office of member of the state board of education	\$25	497 498
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$20	499 500 501 502 503
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$20	504 505 506 507 508 509
(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.		510 511 512 513
(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.		514 515 516 517 518
(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.		519 520 521 522 523 524
(G)(1) The appropriate ethics commission other than the Ohio ethics commission shall deposit all fees it receives under		525 526

divisions (E) and (F) of this section into the general revenue 527  
fund of the state. 528

(2) The Ohio ethics commission shall deposit all receipts, 529  
including, but not limited to, fees it receives under divisions 530  
(E) and (F) of this section and all moneys it receives from 531  
settlements under division (G) of section 102.06 of the Revised 532  
Code, into the Ohio ethics commission fund, which is hereby 533  
created in the state treasury. All moneys credited to the fund 534  
shall be used solely for expenses related to the operation and 535  
statutory functions of the commission. 536

(H) Division (A) of this section does not apply to a person 537  
elected or appointed to the office of precinct, ward, or district 538  
committee member under Chapter 3517. of the Revised Code; a 539  
presidential elector; a delegate to a national convention; village 540  
or township officials and employees; any physician or psychiatrist 541  
who is paid a salary or wage in accordance with schedule C of 542  
section 124.15 or schedule E-2 of section 124.152 of the Revised 543  
Code and whose primary duties do not require the exercise of 544  
administrative discretion; or any member of a board, commission, 545  
or bureau of any county or city who receives less than one 546  
thousand dollars per year for serving in that position. 547

**Sec. 123.01.** (A) The department of administrative services, 548  
in addition to those powers enumerated in Chapters 124. and 125. 549  
of the Revised Code, and as provided elsewhere by law, shall 550  
exercise the following powers: 551

(1) To prepare, or contract to be prepared, by licensed 552  
engineers or architects, surveys, general and detailed plans, 553  
specifications, bills of materials, and estimates of cost for any 554  
projects, improvements, or public buildings to be constructed by 555  
state agencies that may be authorized by legislative 556  
appropriations or any other funds made available therefor, 557

provided that the construction of the projects, improvements, or 558  
public buildings is a statutory duty of the department. This 559  
section does not require the independent employment of an 560  
architect or engineer as provided by section 153.01 of the Revised 561  
Code in the cases to which that section applies nor affect or 562  
alter the existing powers of the director of transportation. 563

(2) To have general supervision over the construction of any 564  
projects, improvements, or public buildings constructed for a 565  
state agency and over the inspection of materials previous to 566  
their incorporation into those projects, improvements, or 567  
buildings; 568

(3) To make contracts for and supervise the construction of 569  
any projects and improvements or the construction and repair of 570  
buildings under the control of a state agency, except contracts 571  
for the repair of buildings under the management and control of 572  
the departments of public safety, job and family services, mental 573  
health, mental retardation and developmental disabilities, 574  
rehabilitation and correction, and youth services, the bureau of 575  
workers' compensation, the rehabilitation services commission, and 576  
boards of trustees of educational and benevolent institutions. 577  
These contracts shall be made and entered into by the directors of 578  
public safety, job and family services, mental health, mental 579  
retardation and developmental disabilities, rehabilitation and 580  
correction, and youth services, the administrator of workers' 581  
compensation, the rehabilitation services commission, and the 582  
boards of trustees of such institutions, respectively. All such 583  
contracts may be in whole or in part on unit price basis of 584  
maximum estimated cost, with payment computed and made upon actual 585  
quantities or units. 586

(4) To prepare and suggest comprehensive plans for the 587  
development of grounds and buildings under the control of a state 588  
agency; 589

(5) To acquire, by purchase, gift, devise, lease, or grant, 590  
all real estate required by a state agency, in the exercise of 591  
which power the department may exercise the power of eminent 592  
domain, in the manner provided by sections 163.01 to 163.22 of the 593  
Revised Code; 594

(6) To make and provide all plans, specifications, and models 595  
for the construction and perfection of all systems of sewerage, 596  
drainage, and plumbing for the state in connection with buildings 597  
and grounds under the control of a state agency; 598

(7) To erect, supervise, and maintain all public monuments 599  
and memorials erected by the state, except where the supervision 600  
and maintenance is otherwise provided by law; 601

(8) To procure, by lease, storage accommodations for a state 602  
agency; 603

(9) To lease or grant easements or licenses for unproductive 604  
and unused lands or other property under the control of a state 605  
agency. Such leases, easements, or licenses shall be granted for a 606  
period not to exceed fifteen years and shall be executed for the 607  
state by the director of administrative services and the governor 608  
and shall be approved as to form by the attorney general, provided 609  
that leases, easements, or licenses may be granted to any county, 610  
township, municipal corporation, port authority, water or sewer 611  
district, school district, library district, health district, park 612  
district, soil and water conservation district, conservancy 613  
district, or other political subdivision or taxing district, or 614  
any agency of the United States government, for the exclusive use 615  
of that agency, political subdivision, or taxing district, without 616  
any right of sublease or assignment, for a period not to exceed 617  
fifteen years, and provided that the director shall grant leases, 618  
easements, or licenses of university land for periods not to 619  
exceed twenty-five years for purposes approved by the respective 620

university's board of trustees wherein the uses are compatible 621  
with the uses and needs of the university and may grant leases of 622  
university land for periods not to exceed forty years for purposes 623  
approved by the respective university's board of trustees pursuant 624  
to section 123.77 of the Revised Code. 625

(10) To lease office space in buildings for the use of a 626  
state agency; 627

(11) To have general supervision and care of the storerooms, 628  
offices, and buildings leased for the use of a state agency; 629

(12) To exercise general custodial care of all real property 630  
of the state; 631

(13) To assign and group together state offices in any city 632  
in the state and to establish, in cooperation with the state 633  
agencies involved, rules governing space requirements for office 634  
or storage use; 635

(14) To lease for a period not to exceed forty years, 636  
pursuant to a contract providing for the construction thereof 637  
under a lease-purchase plan, buildings, structures, and other 638  
improvements for any public purpose, and, in conjunction 639  
therewith, to grant leases, easements, or licenses for lands under 640  
the control of a state agency for a period not to exceed forty 641  
years. The lease-purchase plan shall provide that at the end of 642  
the lease period, the buildings, structures, and related 643  
improvements, together with the land on which they are situated, 644  
shall become the property of the state without cost. 645

(a) Whenever any building, structure, or other improvement is 646  
to be so leased by a state agency, the department shall retain 647  
either basic plans, specifications, bills of materials, and 648  
estimates of cost with sufficient detail to afford bidders all 649  
needed information or, alternatively, all of the following plans, 650  
details, bills of materials, and specifications: 651

(i) Full and accurate plans suitable for the use of mechanics 652  
and other builders in the improvement; 653

(ii) Details to scale and full sized, so drawn and 654  
represented as to be easily understood; 655

(iii) Accurate bills showing the exact quantity of different 656  
kinds of material necessary to the construction; 657

(iv) Definite and complete specifications of the work to be 658  
performed, together with such directions as will enable a 659  
competent mechanic or other builder to carry them out and afford 660  
bidders all needed information; 661

(v) A full and accurate estimate of each item of expense and 662  
of the aggregate cost thereof. 663

(b) The department shall give public notice, in such 664  
newspaper, in such form, and with such phraseology as the director 665  
of administrative services prescribes, published once each week 666  
for four consecutive weeks, of the time when and place where bids 667  
will be received for entering into an agreement to lease to a 668  
state agency a building, structure, or other improvement. The last 669  
publication shall be at least eight days preceding the day for 670  
opening the bids. The bids shall contain the terms upon which the 671  
builder would propose to lease the building, structure, or other 672  
improvement to the state agency. The form of the bid approved by 673  
the department shall be used, and a bid is invalid and shall not 674  
be considered unless that form is used without change, alteration, 675  
or addition. Before submitting bids pursuant to this section, any 676  
builder shall comply with Chapter 153. of the Revised Code. 677

(c) On the day and at the place named for receiving bids for 678  
entering into lease agreements with a state agency, the director 679  
of administrative services shall open the bids and shall publicly 680  
proceed immediately to tabulate the bids upon duplicate sheets. No 681  
lease agreement shall be entered into until the bureau of workers' 682

compensation has certified that the person to be awarded the lease 683  
agreement has complied with Chapter 4123. of the Revised Code, 684  
until, if the builder submitting the lowest and best bid is a 685  
foreign corporation, the secretary of state has certified that the 686  
corporation is authorized to do business in this state, until, if 687  
the builder submitting the lowest and best bid is a person 688  
nonresident of this state, the person has filed with the secretary 689  
of state a power of attorney designating the secretary of state as 690  
its agent for the purpose of accepting service of summons in any 691  
action brought under Chapter 4123. of the Revised Code, and until 692  
the agreement is submitted to the attorney general and the 693  
attorney general's approval is certified thereon. Within thirty 694  
days after the day on which the bids are received, the department 695  
shall investigate the bids received and shall determine that the 696  
bureau and the secretary of state have made the certifications 697  
required by this section of the builder who has submitted the 698  
lowest and best bid. Within ten days of the completion of the 699  
investigation of the bids, the department shall award the lease 700  
agreement to the builder who has submitted the lowest and best bid 701  
and who has been certified by the bureau and secretary of state as 702  
required by this section. If bidding for the lease agreement has 703  
been conducted upon the basis of basic plans, specifications, 704  
bills of materials, and estimates of costs, upon the award to the 705  
builder the department, or the builder with the approval of the 706  
department, shall appoint an architect or engineer licensed in 707  
this state to prepare such further detailed plans, specifications, 708  
and bills of materials as are required to construct the building, 709  
structure, or improvement. The department shall adopt such rules 710  
as are necessary to give effect to this section. The department 711  
may reject any bid. Where there is reason to believe there is 712  
collusion or combination among bidders, the bids of those 713  
concerned therein shall be rejected. 714

(15) To acquire by purchase, gift, devise, or grant and to 715

transfer, lease, or otherwise dispose of all real property 716  
required to assist in the development of a conversion facility as 717  
defined in section 5709.30 of the Revised Code as that section 718  
existed before its repeal by H.B. 95 of the 125th general 719  
assembly; 720

(16) To lease for a period not to exceed forty years, 721  
notwithstanding any other division of this section, the 722  
state-owned property located at 408-450 East Town Street, 723  
Columbus, Ohio, formerly the state school for the deaf, to a 724  
developer in accordance with this section. "Developer," as used in 725  
this section, has the same meaning as in section 123.77 of the 726  
Revised Code. 727

Such a lease shall be for the purpose of development of the 728  
land for use by senior citizens by constructing, altering, 729  
renovating, repairing, expanding, and improving the site as it 730  
existed on June 25, 1982. A developer desiring to lease the land 731  
shall prepare for submission to the department a plan for 732  
development. Plans shall include provisions for roads, sewers, 733  
water lines, waste disposal, water supply, and similar matters to 734  
meet the requirements of state and local laws. The plans shall 735  
also include provision for protection of the property by insurance 736  
or otherwise, and plans for financing the development, and shall 737  
set forth details of the developer's financial responsibility. 738

The department may employ, as employees or consultants, 739  
persons needed to assist in reviewing the development plans. Those 740  
persons may include attorneys, financial experts, engineers, and 741  
other necessary experts. The department shall review the 742  
development plans and may enter into a lease if it finds all of 743  
the following: 744

(a) The best interests of the state will be promoted by 745  
entering into a lease with the developer; 746



(b) The development plans are satisfactory; 747

(c) The developer has established the developer's financial 748  
responsibility and satisfactory plans for financing the 749  
development. 750

The lease shall contain a provision that construction or 751  
renovation of the buildings, roads, structures, and other 752  
necessary facilities shall begin within one year after the date of 753  
the lease and shall proceed according to a schedule agreed to 754  
between the department and the developer or the lease will be 755  
terminated. The lease shall contain such conditions and 756  
stipulations as the director considers necessary to preserve the 757  
best interest of the state. Moneys received by the state pursuant 758  
to this lease shall be paid into the general revenue fund. The 759  
lease shall provide that at the end of the lease period the 760  
buildings, structures, and related improvements shall become the 761  
property of the state without cost. 762

(17) To lease to any person any tract of land owned by the 763  
state and under the control of the department, or any part of such 764  
a tract, for the purpose of drilling for or the pooling of oil or 765  
gas. Such a lease shall be granted for a period not exceeding 766  
forty years, with the full power to contract for, determine the 767  
conditions governing, and specify the amount the state shall 768  
receive for the purposes specified in the lease, and shall be 769  
prepared as in other cases. 770

(18) ~~Biennially implement~~ To manage the use of space owned 771  
and controlled by the department, including space in property 772  
under the jurisdiction of the Ohio building authority, by doing 773  
all of the following: 774

(a) Biennially implementing, by state agency location, a 775  
census of agency employees assigned space; 776

~~(19) Require~~ (b) Periodically in the discretion of the 777

<u>director of administrative services:</u>	778
<i>(i) Requiring</i> each state agency to categorize <del>periodically</del>	779
the use of space allotted to the agency between office space,	780
common areas, storage space, and other uses, and <u>to</u> report its	781
findings to the department;	782
<del>(20) Create</del> <u>(ii) Creating</u> and <del>update periodically</del> <u>updating</u> a	783
master space utilization plan for all space allotted to state	784
agencies. The plan shall incorporate space utilization metrics.	785
<del>(21) Conduct periodically</del> <u>(iii) Conducting</u> a cost-benefit	786
analysis to determine the effectiveness of state-owned buildings;	787
<del>(22) Assess periodically</del> <u>(iv) Assessing</u> the alternatives	788
associated with consolidating the commercial leases for buildings	789
located in Columbus+.	790
<del>(23) Commission</del> <u>(c) Commissioning</u> a comprehensive space	791
utilization and capacity study in order to determine the	792
feasibility of consolidating existing commercially leased space	793
used by state agencies into a new state-owned facility.	794
(B) This section and section 125.02 of the Revised Code shall	795
not interfere with any of the following:	796
(1) The power of the adjutant general to purchase military	797
supplies, or with the custody of the adjutant general of property	798
leased, purchased, or constructed by the state and used for	799
military purposes, or with the functions of the adjutant general	800
as director of state armories;	801
(2) The power of the director of transportation in acquiring	802
rights-of-way for the state highway system, or the leasing of	803
lands for division or resident district offices, or the leasing of	804
lands or buildings required in the maintenance operations of the	805
department of transportation, or the purchase of real property for	806
garage sites or division or resident district offices, or in	807

preparing plans and specifications for and constructing such 808  
buildings as the director may require in the administration of the 809  
department; 810

(3) The power of the director of public safety and the 811  
registrar of motor vehicles to purchase or lease real property and 812  
buildings to be used solely as locations to which a deputy 813  
registrar is assigned pursuant to division (B) of section 4507.011 814  
of the Revised Code and from which the deputy registrar is to 815  
conduct the deputy registrar's business, the power of the director 816  
of public safety to purchase or lease real property and buildings 817  
to be used as locations for division or district offices as 818  
required in the maintenance of operations of the department of 819  
public safety, and the power of the superintendent of the state 820  
highway patrol in the purchase or leasing of real property and 821  
buildings needed by the patrol, to negotiate the sale of real 822  
property owned by the patrol, to rent or lease real property owned 823  
or leased by the patrol, and to make or cause to be made repairs 824  
to all property owned or under the control of the patrol; 825

(4) The power of the division of liquor control in the 826  
leasing or purchasing of retail outlets and warehouse facilities 827  
for the use of the division; 828

(5) The power of the director of development to enter into 829  
leases of real property, buildings, and office space to be used 830  
solely as locations for the state's foreign offices to carry out 831  
the purposes of section 122.05 of the Revised Code. 832

(C) Purchases for, and the custody and repair of, buildings 833  
under the management and control of the capitol square review and 834  
advisory board, the rehabilitation services commission, the bureau 835  
of workers' compensation, or the departments of public safety, job 836  
and family services, mental health, mental retardation and 837  
developmental disabilities, and rehabilitation and correction, and 838  
buildings of educational and benevolent institutions under the 839

management and control of boards of trustees, are not subject to 840  
the control and jurisdiction of the department of administrative 841  
services. 842

(D) Any instrument by which real property is acquired 843  
pursuant to this section shall identify the agency of the state 844  
that has the use and benefit of the real property as specified in 845  
section 5301.012 of the Revised Code. 846

**Sec. 123.10.** (A) The director of administrative services 847  
shall regulate the rate of tolls to be collected on the public 848  
works of the state, and shall fix all rentals and collect all 849  
tolls, rents, fines, commissions, fees, and other revenues arising 850  
from any source in the public works, including the sale, 851  
construction, purchase, or rental of property. 852

(B) There is hereby created in the state treasury the state 853  
architect's fund which shall consist of money received by the 854  
department of administrative services under division (A) of this 855  
section, transfers of money to the fund authorized by the general 856  
assembly, and such ~~percentage amount~~ of the investment earnings of 857  
the administrative building fund created in division (C) of this 858  
section 152.101 of the Revised Code as the director of budget and 859  
management determines to be appropriate and in excess of the 860  
amounts required to meet estimated federal arbitrage rebate 861  
requirements. Money in the fund shall be used by the department of 862  
administrative services for the following purposes: 863

(1) To pay personnel and other administrative expenses of the 864  
department; 865

(2) To pay the cost of conducting evaluations of public 866  
works; 867

(3) To pay the cost of building design specifications; 868

(4) To pay the cost of providing project management services; 869

(5) Any other purposes that the director of administrative services determines to be necessary for the department to execute its duties under this chapter. 870  
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(C) There is hereby created in the state treasury the administrative building fund which shall consist of proceeds of obligations authorized to pay the cost of capital facilities. Except as provided in division (B) of this section, all investment earnings of the fund shall be credited to the fund. The fund shall be used to pay the cost of capital facilities designated by or pursuant to an act of the general assembly. The director of budget and management shall approve and provide a voucher for payments of amounts from the fund that represent the portion of investment earnings to be rebated or to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes on interest on those obligations pursuant to section 148(f) of the Internal Revenue Code. 873  
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As used in this division, "capital facilities" has the same meaning as under section 152.09 of the Revised Code. 886  
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**Sec. 124.15.** (A) Board and commission members appointed prior to July 1, 1991, shall be paid a salary or wage in accordance with the following schedules of rates: 888  
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890

Schedule B 891

		Pay Ranges and Step Values				
Range		Step 1	Step 2	Step 3	Step 4	
23	Hourly	5.72	5.91	6.10	6.31	894
	Annually	11897.60	12292.80	12688.00	13124.80	895
		Step 5	Step 6			896
	Hourly	6.52	6.75			897
	Annually	13561.60	14040.00			898
		Step 1	Step 2	Step 3	Step 4	899
24	Hourly	6.00	6.20	6.41	6.63	900

	Annually	12480.00	12896.00	13332.80	13790.40	901
	Step 5		Step 6			902
	Hourly	6.87	7.10			903
	Annually	14289.60	14768.00			904
	Step 1		Step 2	Step 3	Step 4	905
25	Hourly	6.31	6.52	6.75	6.99	906
	Annually	13124.80	13561.60	14040.00	14539.20	907
	Step 5		Step 6			908
	Hourly	7.23	7.41			909
	Annually	15038.40	15412.80			910
	Step 1		Step 2	Step 3	Step 4	911
26	Hourly	6.63	6.87	7.10	7.32	912
	Annually	13790.40	14289.60	14768.00	15225.60	913
	Step 5		Step 6			914
	Hourly	7.53	7.77			915
	Annually	15662.40	16161.60			916
	Step 1		Step 2	Step 3	Step 4	917
27	Hourly	6.99	7.23	7.41	7.64	918
	Annually	14534.20	15038.40	15412.80	15891.20	919
	Step 5		Step 6	Step 7		920
	Hourly	7.88	8.15	8.46		921
	Annually	16390.40	16952.00	17596.80		922
	Step 1		Step 2	Step 3	Step 4	923
28	Hourly	7.41	7.64	7.88	8.15	924
	Annually	15412.80	15891.20	16390.40	16952.00	925
	Step 5		Step 6	Step 7		926
	Hourly	8.46	8.79	9.15		927
	Annually	17596.80	18283.20	19032.00		928
	Step 1		Step 2	Step 3	Step 4	929
29	Hourly	7.88	8.15	8.46	8.79	930
	Annually	16390.40	16952.00	17596.80	18283.20	931
	Step 5		Step 6	Step 7		932
	Hourly	9.15	9.58	10.01		933

	Annually	19032.00	19926.40	20820.80		934
		Step 1	Step 2	Step 3	Step 4	935
30	Hourly	8.46	8.79	9.15	9.58	936
	Annually	17596.80	18283.20	19032.00	19926.40	937
		Step 5	Step 6	Step 7		938
	Hourly	10.01	10.46	10.99		939
	Annually	20820.80	21756.80	22859.20		940
		Step 1	Step 2	Step 3	Step 4	941
31	Hourly	9.15	9.58	10.01	10.46	942
	Annually	19032.00	19962.40	20820.80	21756.80	943
		Step 5	Step 6	Step 7		944
	Hourly	10.99	11.52	12.09		945
	Annually	22859.20	23961.60	25147.20		946
		Step 1	Step 2	Step 3	Step 4	947
32	Hourly	10.01	10.46	10.99	11.52	948
	Annually	20820.80	21756.80	22859.20	23961.60	949
		Step 5	Step 6	Step 7	Step 8	950
	Hourly	12.09	12.68	13.29	13.94	951
	Annually	25147.20	26374.40	27643.20	28995.20	952
		Step 1	Step 2	Step 3	Step 4	953
33	Hourly	10.99	11.52	12.09	12.68	954
	Annually	22859.20	23961.60	25147.20	26374.40	955
		Step 5	Step 6	Step 7	Step 8	956
	Hourly	13.29	13.94	14.63	15.35	957
	Annually	27643.20	28995.20	30430.40	31928.00	958
		Step 1	Step 2	Step 3	Step 4	959
34	Hourly	12.09	12.68	13.29	13.94	960
	Annually	25147.20	26374.40	27643.20	28995.20	961
		Step 5	Step 6	Step 7	Step 8	962
	Hourly	14.63	15.35	16.11	16.91	963
	Annually	30430.40	31928.00	33508.80	35172.80	964
		Step 1	Step 2	Step 3	Step 4	965
35	Hourly	13.29	13.94	14.63	15.35	966

	Annually	27643.20	28995.20	30430.40	31928.00	967
		Step 5	Step 6	Step 7	Step 8	968
	Hourly	16.11	16.91	17.73	18.62	969
	Annually	33508.80	35172.80	36878.40	38729.60	970
		Step 1	Step 2	Step 3	Step 4	971
36	Hourly	14.63	15.35	16.11	16.91	972
	Annually	30430.40	31928.00	33508.80	35172.80	973
		Step 5	Step 6	Step 7	Step 8	974
	Hourly	17.73	18.62	19.54	20.51	975
	Annually	36878.40	38729.60	40643.20	42660.80	976
	Schedule C					977
		Pay Range and Values				978
	Range	Minimum		Maximum		979
41	Hourly	10.44		15.72		980
	Annually	21715.20		32697.60		981
42	Hourly	11.51		17.35		982
	Annually	23940.80		36088.00		983
43	Hourly	12.68		19.12		984
	Annually	26374.40		39769.60		985
44	Hourly	13.99		20.87		986
	Annually	29099.20		43409.60		987
45	Hourly	15.44		22.80		988
	Annually	32115.20		47424.00		989
46	Hourly	17.01		24.90		990
	Annually	35380.80		51792.00		991
47	Hourly	18.75		27.18		992
	Annually	39000.00		56534.40		993
48	Hourly	20.67		29.69		994
	Annually	42993.60		61755.20		995
49	Hourly	22.80		32.06		996
	Annually	47424.00		66684.80		997
	(B) The pay schedule of all employees shall be on a biweekly					998



basis, with amounts computed on an hourly basis. 999

(C) Part-time employees shall be compensated on an hourly 1000  
basis for time worked, at the rates shown in division (A) of this 1001  
section or in section 124.152 of the Revised Code. 1002

(D) The salary and wage rates in division (A) of this section 1003  
or in section 124.152 of the Revised Code represent base rates of 1004  
compensation and may be augmented by the provisions of section 1005  
124.181 of the Revised Code. In those cases where lodging, meals, 1006  
laundry, or other personal services are furnished an employee, the 1007  
actual costs or fair market value of the personal services shall 1008  
be paid by the employee in such amounts and manner as determined 1009  
by the director of administrative services and approved by the 1010  
director of budget and management, and those personal services 1011  
shall not be considered as a part of the employee's compensation. 1012  
An appointing authority, with the approval of the director of 1013  
administrative services and the director of budget and management, 1014  
may establish payments to employees for uniforms, tools, 1015  
equipment, and other requirements of the department and payments 1016  
for the maintenance of them. 1017

The director of administrative services may review collective 1018  
bargaining agreements entered into under Chapter 4117. of the 1019  
Revised Code that cover state employees and determine whether 1020  
certain benefits or payments provided to state employees covered 1021  
by those agreements should also be provided to employees who are 1022  
exempt from collective bargaining coverage and are paid in 1023  
accordance with section 124.152 of the Revised Code or are listed 1024  
in division (B)(2) or (4) of section 124.14 of the Revised Code. 1025  
On completing the review, the director of administrative services, 1026  
with the approval of the director of budget and management, may 1027  
provide to some or all of these employees any payment or benefit, 1028  
except for salary, contained in such a collective bargaining 1029  
agreement even if it is similar to a payment or benefit already 1030

provided by law to some or all of these employees. Any payment or 1031  
benefit so provided shall not exceed the highest level for that 1032  
payment or benefit specified in such a collective bargaining 1033  
agreement. The director of administrative services shall not 1034  
provide, and the director of budget and management shall not 1035  
approve, any payment or benefit to such an employee under this 1036  
division unless the payment or benefit is provided pursuant to a 1037  
collective bargaining agreement to a state employee who is in a 1038  
position with similar duties as, is supervised by, or is employed 1039  
by the same appointing authority as, the employee to whom the 1040  
benefit or payment is to be provided. 1041

As used in this division, "payment or benefit already 1042  
provided by law" includes, but is not limited to, bereavement, 1043  
personal, vacation, administrative, and sick leave, disability 1044  
benefits, holiday pay, and pay supplements provided under the 1045  
Revised Code, but does not include wages or salary. 1046

(E) New employees paid ~~under~~ in accordance with schedule B of 1047  
division (A) of this section or ~~under~~ schedule E-1 of section 1048  
124.152 of the Revised Code shall be employed at the minimum rate 1049  
established for the range unless otherwise provided. Employees 1050  
with qualifications that are beyond the minimum normally required 1051  
for the position and that are determined by the director to be 1052  
exceptional may be employed in, or may be transferred or promoted 1053  
to, a position at an advanced step of the range. Further, in time 1054  
of a serious labor market condition when it is relatively 1055  
impossible to recruit employees at the minimum rate for a 1056  
particular classification, the entrance rate may be set at an 1057  
advanced step in the range by the director of administrative 1058  
services. This rate may be limited to geographical regions of the 1059  
state. Appointments made to an advanced step under the provision 1060  
regarding exceptional qualifications shall not affect the step 1061  
assignment of employees already serving. However, anytime the 1062

hiring rate of an entire classification is advanced to a higher 1063  
step, all incumbents of that classification being paid at a step 1064  
lower than that being used for hiring, shall be advanced beginning 1065  
at the start of the first pay period thereafter to the new hiring 1066  
rate, and any time accrued at the lower step will be used to 1067  
calculate advancement to a succeeding step. If the hiring rate of 1068  
a classification is increased for only a geographical region of 1069  
the state, only incumbents who work in that geographical region 1070  
shall be advanced to a higher step. When an employee in the 1071  
unclassified service changes from one state position to another or 1072  
is appointed to a position in the classified service, or if an 1073  
employee in the classified service is appointed to a position in 1074  
the unclassified service, the employee's salary or wage in the new 1075  
position shall be determined in the same manner as if the employee 1076  
were an employee in the classified service. When an employee in 1077  
the unclassified service who is not eligible for step increases is 1078  
appointed to a classification in the classified service under 1079  
which step increases are provided, future step increases shall be 1080  
based on the date on which the employee last received a pay 1081  
increase. If the employee has not received an increase during the 1082  
previous year, the date of the appointment to the classified 1083  
service shall be used to determine the employee's annual step 1084  
advancement eligibility date. In reassigning any employee to a 1085  
classification resulting in a pay range increase or to a new pay 1086  
range as a result of a promotion, an increase pay range 1087  
adjustment, or other classification change resulting in a pay 1088  
range increase, the director shall assign such employee to the 1089  
step in the new pay range that will provide an increase of 1090  
approximately four per cent if the new pay range can accommodate 1091  
the increase. When an employee is being assigned to a 1092  
classification or new pay range as the result of a class plan 1093  
change, if the employee has completed a probationary period, the 1094  
employee shall be placed in a step no lower than step two of the 1095

new pay range. If the employee has not completed a probationary 1096  
period, the employee may be placed in step one of the new pay 1097  
range. Such new salary or wage shall become effective on such date 1098  
as the director determines. 1099

(F) If employment conditions and the urgency of the work 1100  
require such action, the director of administrative services may, 1101  
upon the application of a department head, authorize payment at 1102  
any rate established within the range for the class of work, for 1103  
work of a casual or intermittent nature or on a project basis. 1104  
Payment at such rates shall not be made to the same individual for 1105  
more than three calendar months in any one calendar year. Any such 1106  
action shall be subject to the approval of the director of budget 1107  
and management as to the availability of funds. This section and 1108  
sections 124.14 and 124.152 of the Revised Code do not repeal any 1109  
authority of any department or public official to contract with or 1110  
fix the compensation of professional persons who may be employed 1111  
temporarily for work of a casual nature or for work on a project 1112  
basis. 1113

(G)(1) Except as provided in division (G)(2) of this section, 1114  
each state employee paid ~~under~~ in accordance with schedule B of 1115  
this section or ~~under~~ schedule E-1 of section 124.152 of the 1116  
Revised Code shall be eligible for advancement to succeeding steps 1117  
in the range for the employee's class or grade according to the 1118  
schedule established in this division. Beginning on the first day 1119  
of the pay period within which the employee completes the 1120  
prescribed probationary period in the employee's classification 1121  
with the state, each employee shall receive an automatic salary 1122  
adjustment equivalent to the next higher step within the pay range 1123  
for the employee's class or grade. 1124

Each employee paid ~~under~~ in accordance with schedule E-1 of 1125  
section 124.152 of the Revised Code shall be eligible to advance 1126  
to the next higher step until the employee reaches ~~step six~~ the 1127

top step in the range for the employee's class or grade, if the 1128  
employee has maintained satisfactory performance in accordance 1129  
with criteria established by the employee's appointing authority. 1130  
Those step advancements shall not occur more frequently than once 1131  
in any twelve-month period. ~~An employee only may advance to step~~ 1132  
~~seven upon performing at an exemplary level as determined in the~~ 1133  
~~employee's performance evaluation. An employee's advancement to~~ 1134  
~~step seven is at the discretion of the employee's appointing~~ 1135  
~~authority. An employee may not appeal the denial of advancement to~~ 1136  
~~step seven to the state personnel board of review.~~ 1137

When an employee is promoted or reassigned to a higher pay 1138  
range, the employee's step indicator shall return to "0" or be 1139  
adjusted to account for a probationary period, as appropriate. 1140  
Step advancement shall not be affected by demotion. A promoted 1141  
employee shall advance to the next higher step of the pay range on 1142  
the first day of the pay period in which the required probationary 1143  
period is completed. Step advancement shall become effective at 1144  
the beginning of the pay period within which the employee attains 1145  
the necessary length of service. Time spent on authorized leave of 1146  
absence shall be counted for this purpose. 1147

If determined to be in the best interest of the state 1148  
service, the director of administrative services may, either 1149  
statewide or in selected agencies, adjust the dates on which 1150  
annual step advancements are received by employees paid ~~under~~ in 1151  
accordance with schedule E-1 of section 124.152 of the Revised 1152  
Code. 1153

(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of 1154  
this section, there shall be a moratorium on step advancements 1155  
under division (G)(1) of this section from the pay period 1156  
beginning June 29, 2003, through the pay period ending June 25, 1157  
2005. Step advancements shall resume with the pay period beginning 1158  
June 26, 2005. Upon the resumption of step advancements, there 1159

shall be no retroactive step advancements for the period the 1160  
moratorium was in effect. The moratorium shall not affect an 1161  
employee's performance evaluation schedule. 1162

(ii) During the moratorium under division (G)(2)(a)(i) of 1163  
this section, an employee who is hired or promoted and serves a 1164  
probationary period in the employee's new position shall advance 1165  
to the next step in the employee's pay range upon successful 1166  
completion of the employee's probationary period. Thereafter, the 1167  
employee is subject to the moratorium. 1168

(b) The moratorium under division (G)(2)(a)(i) of this 1169  
section shall apply to the employees of the secretary of state, 1170  
the auditor of state, the treasurer of state, and the attorney 1171  
general, who are subject to this section unless the secretary of 1172  
state, the auditor of state, the treasurer of state, or the 1173  
attorney general decides to exempt the office's employees from the 1174  
moratorium and so notifies the director of administrative services 1175  
in writing on or before July 1, 2003. 1176

(H) Employees in appointive managerial or professional 1177  
positions paid ~~under salary~~ in accordance with schedule C of this 1178  
section or ~~under salary~~ schedule E-2 of section 124.152 of the 1179  
Revised Code may be appointed at any rate within the appropriate 1180  
pay range. This rate of pay may be adjusted higher or lower within 1181  
the respective pay range at any time the appointing authority so 1182  
desires as long as the adjustment is based on the employee's 1183  
ability to successfully administer those duties assigned to the 1184  
employee. Salary adjustments shall not be made more frequently 1185  
than once in any six-month period under this provision to 1186  
incumbents holding the same position and classification. 1187

(I) When an employee is assigned to duty outside this state, 1188  
the employee may be compensated, upon request of the department 1189  
head and with the approval of the director of administrative 1190  
services, at a rate not to exceed fifty per cent in excess of the 1191

employee's current base rate for the period of time spent on that 1192  
duty. 1193

(J) Unless compensation for members of a board or commission 1194  
is otherwise specifically provided by law, the director of 1195  
administrative services shall establish the rate and method of 1196  
payment for members of boards and commissions pursuant to the pay 1197  
schedules listed in section 124.152 of the Revised Code. 1198

(K) Regular full-time employees in positions assigned to 1199  
classes within the instruction and education administration series 1200  
under the rules of the director of administrative services, except 1201  
certificated employees on the instructional staff of the state 1202  
school for the blind or the state school for the deaf, whose 1203  
positions are scheduled to work on the basis of an academic year 1204  
rather than a full calendar year, shall be paid according to the 1205  
pay range assigned by such rules but only during those pay periods 1206  
included in the academic year of the school where the employee is 1207  
located. 1208

(1) Part-time or substitute teachers or those whose period of 1209  
employment is other than the full academic year shall be 1210  
compensated for the actual time worked at the rate established by 1211  
this section. 1212

(2) Employees governed by this division are exempt from 1213  
sections 124.13 and 124.19 of the Revised Code. 1214

(3) Length of service for the purpose of determining 1215  
eligibility for step advancements as provided by division (G) of 1216  
this section and for the purpose of determining eligibility for 1217  
longevity pay supplements as provided by division (E) of section 1218  
124.181 of the Revised Code shall be computed on the basis of one 1219  
full year of service for the completion of each academic year. 1220

(L) The superintendent of the state school for the deaf and 1221  
the superintendent of the state school for the blind shall, 1222

subject to the approval of the superintendent of public 1223  
instruction, carry out both of the following: 1224

(1) Annually, between the first day of April and the last day 1225  
of June, establish for the ensuing fiscal year a schedule of 1226  
hourly rates for the compensation of each certificated employee on 1227  
the instructional staff of that superintendent's respective school 1228  
constructed as follows: 1229

(a) Determine for each level of training, experience, and 1230  
other professional qualification for which an hourly rate is set 1231  
forth in the current schedule, the per cent that rate is of the 1232  
rate set forth in such schedule for a teacher with a bachelor's 1233  
degree and no experience. If there is more than one such rate for 1234  
such a teacher, the lowest rate shall be used to make the 1235  
computation. 1236

(b) Determine which six city, local, and exempted village 1237  
school districts with territory in Franklin county have in effect 1238  
on, or have adopted by, the first day of April for the school year 1239  
that begins on the ensuing first day of July, teacher salary 1240  
schedules with the highest minimum salaries for a teacher with a 1241  
bachelor's degree and no experience; 1242

(c) Divide the sum of such six highest minimum salaries by 1243  
ten thousand five hundred sixty; 1244

(d) Multiply each per cent determined in division (L)(1)(a) 1245  
of this section by the quotient obtained in division (L)(1)(c) of 1246  
this section; 1247

(e) One hundred five per cent of each product thus obtained 1248  
shall be the hourly rate for the corresponding level of training, 1249  
experience, or other professional qualification in the schedule 1250  
for the ensuing fiscal year. 1251

(2) Annually, assign each certificated employee on the 1252  
instructional staff of the superintendent's respective school to 1253



an hourly rate on the schedule that is commensurate with the 1254  
employee's training, experience, and other professional 1255  
qualifications. 1256

If an employee is employed on the basis of an academic year, 1257  
the employee's annual salary shall be calculated by multiplying 1258  
the employee's assigned hourly rate times one thousand seven 1259  
hundred sixty. If an employee is not employed on the basis of an 1260  
academic year, the employee's annual salary shall be calculated in 1261  
accordance with the following formula: 1262

(a) Multiply the number of days the employee is required to 1263  
work pursuant to the employee's contract by eight; 1264

(b) Multiply the product of division (L)(2)(a) of this 1265  
section by the employee's assigned hourly rate. 1266

Each employee shall be paid an annual salary in biweekly 1267  
installments. The amount of each installment shall be calculated 1268  
by dividing the employee's annual salary by the number of biweekly 1269  
installments to be paid during the year. 1270

Sections 124.13 and 124.19 of the Revised Code do not apply 1271  
to an employee who is paid under this division. 1272

As used in this division, "academic year" means the number of 1273  
days in each school year that the schools are required to be open 1274  
for instruction with pupils in attendance. Upon completing an 1275  
academic year, an employee paid under this division shall be 1276  
deemed to have completed one year of service. An employee paid 1277  
under this division is eligible to receive a pay supplement under 1278  
division (L)(1), (2), or (3) of section 124.181 of the Revised 1279  
Code for which the employee qualifies, but is not eligible to 1280  
receive a pay supplement under division (L)(4) or (5) of that 1281  
section. An employee paid under this division is eligible to 1282  
receive a pay supplement under division (L)(6) of section 124.181 1283  
of the Revised Code for which the employee qualifies, except that 1284

the supplement is not limited to a maximum of five per cent of the 1285  
employee's regular base salary in a calendar year. 1286

(M) Division (A) of this section does not apply to "exempt 1287  
employees," as defined in section 124.152 of the Revised Code, who 1288  
are paid under that section. 1289

Notwithstanding any other provisions of this chapter, when an 1290  
employee transfers between bargaining units or transfers out of or 1291  
into a bargaining unit, the director shall establish the 1292  
employee's compensation and adjust the maximum leave accrual 1293  
schedule as the director deems equitable. 1294

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 1295  
and (3) of this section, each exempt employee shall be paid a 1296  
salary or wage in accordance with schedule E-1 or schedule E-2 of 1297  
division (B) or (C) of this section. 1298

(2) Each exempt employee who holds a position in the 1299  
unclassified civil service pursuant to division (A)(26) or (30) of 1300  
section 124.11 of the Revised Code may be paid a salary or wage in 1301  
accordance with schedule E-1, schedule E-1 for step seven only, or 1302  
schedule E-2 of division (B), (C), (D), or (E) of this section, as 1303  
applicable. 1304

(3)(a) Each exempt employee who was paid a salary or wage at 1305  
step 7 in the employee's pay range on June 28, 2003, in accordance 1306  
with the applicable schedule E-1 of former section 124.152 of the 1307  
Revised Code and who continued to be so paid on June 29, 2003, 1308  
shall be paid a salary or a wage in the corresponding pay range in 1309  
schedule E-1 for step seven only of division (D) or (E) of this 1310  
section for as long as the employee remains in the position the 1311  
employee held as of July 1, 2003, except as otherwise provided in 1312  
division (A)(3)(b) of this section. 1313

(b) If an exempt employee who is being paid a salary or wage 1314

in accordance with schedule E-1 for step seven only of division 1315  
(D) or (E) of this section moves to a position assigned to pay 1316  
range 12 or above, the appointing authority has the discretion to 1317  
assign the employee to be paid a salary or wage in the appropriate 1318  
pay range for the new position in accordance with schedule E-1 for 1319  
step seven only, provided that the appointing authority so 1320  
notifies the director of administrative services in writing at the 1321  
time the employee is appointed to the new position. 1322

(c) If an exempt employee who is being paid a salary or wage 1323  
in accordance with schedule E-1 for step seven only of division 1324  
(D) or (E) of this section moves to a position where the employee 1325  
is not eligible to receive a salary or wage in accordance with 1326  
that schedule, the employee shall not receive a salary or wage in 1327  
accordance with that schedule in the new position or any other new 1328  
position in the future. 1329

(B) Beginning on the first day of the pay period that 1330  
includes July 1, 2002, each exempt employee who must be paid in 1331  
accordance with schedule E-1 or schedule E-2 of this section shall 1332  
be paid a salary or wage in accordance with the following schedule 1333  
of rates: 1334

Schedule E-1 1335

Pay Ranges and Step Values 1336

		Step	Step	Step	Step	Step	Step	Step
	Range	1	2	3	4	5	6	7
1	Hourly	8.78	9.16	9.56	9.97			
	Annually	18262	19053	19885	20738			
2	Hourly	10.64	11.09	11.58	12.08			
	Annually	22131	23067	24086	25126			
3	Hourly	11.14	11.65	12.16	12.69			
	Annually	23171	24232	25293	26395			
4	Hourly	11.70	12.23	12.81	13.38			
	Annually	24336	25438	26645	27830			

5	Hourly	12.28	12.84	13.38	13.97				1347
	Annually	25542	26707	27830	29058				1348
6	Hourly	12.94	13.47	14.07	14.64				1349
	Annually	26915	28018	29266	30451				1350
7	Hourly	13.74	14.26	14.83	15.35	15.94			1351
	Annually	28579	29661	30846	31928	33155			1352
8	Hourly	14.53	15.16	15.83	16.53	17.23			1353
	Annually	30222	31533	32926	34382	35838			1354
9	Hourly	15.50	16.30	17.11	17.95	18.87			1355
	Annually	32240	33904	35589	37336	39250			1356
10	Hourly	16.72	17.63	18.58	19.65	20.70			1357
	Annually	34778	36670	38646	40872	43056			1358
11	Hourly	18.20	19.27	20.38	21.53	22.76			1359
	Annually	37856	40082	42390	44782	47341			1360
12	Hourly	20.08	21.21	22.35	23.59	24.90	26.26	<del>27.71</del>	1361
	Annually	41766	44117	46488	49067	51792	54621	<del>57637</del>	1362
13	Hourly	22.13	23.35	24.63	25.95	27.40	28.90	<del>30.49</del>	1363
	Annually	46030	48568	51230	53976	56992	60112	<del>63419</del>	1364
14	Hourly	24.35	25.72	27.10	28.59	30.20	31.88	<del>33.62</del>	1365
	Annually	50648	53498	56368	59467	62816	66310	<del>69930</del>	1366
15	Hourly	26.74	28.24	29.84	31.48	33.22	35.06	<del>36.98</del>	1367
	Annually	55619	58739	62067	65478	69098	72925	<del>76918</del>	1368
16	Hourly	29.48	31.12	32.84	34.67	36.59	38.67	<del>40.80</del>	1369
	Annually	61318	64730	68307	72114	76107	80434	<del>84864</del>	1370
17	Hourly	32.49	34.28	36.20	38.20	40.33	42.58	<del>44.93</del>	1371
	Annually	67579	71302	75296	79456	83886	88566	<del>93454</del>	1372
18	Hourly	35.80	37.78	39.90	42.11	44.43	46.92	<del>49.50</del>	1373
	Annually	74464	78582	82992	87589	92414	97594	<del>102960</del>	1374
	Schedule E-2								1375
	Range			Minimum			Maximum		1376
41	Hourly			16.23			32.46		1377
	Annually			33758			67517		1378
42	Hourly			17.89			35.86		1379

	Annually	37211	74589	1380
43	Hourly	19.70	39.49	1381
	Annually	40976	82139	1382
44	Hourly	21.73	43.13	1383
	Annually	45198	89710	1384
45	Hourly	24.01	47.09	1385
	Annually	49941	97947	1386
46	Hourly	26.43	51.46	1387
	Annually	54974	107037	1388
47	Hourly	29.14	56.16	1389
	Annually	60611	116813	1390
48	Hourly	32.14	61.29	1391
	Annually	66851	127483	1392
49	Hourly	35.44	66.18	1393
	Annually	73715	137654	1394

~~(B)~~(C) Beginning on the first day of the pay period that 1395  
includes July 1, 2005, each exempt employee who must be paid in 1396  
accordance with schedule E-1 or schedule E-2 of this section shall 1397  
be paid a salary or wage in accordance with the following schedule 1398  
of rates: 1399

Schedule E-1 1400

Pay Ranges and Step Values 1401

	Step	Step	Step	Step	Step	Step	Step	
Range	1	2	3	4	5	6	7	
1 Hourly	9.13	9.53	9.94	10.37				1403
Annually	18990	19822	20675	21570				1404
2 Hourly	11.07	11.53	12.04	12.56				1405
Annually	23026	23982	25043	26125				1406
3 Hourly	11.59	12.12	12.65	13.20				1407
Annually	24107	25210	26312	27456				1408
4 Hourly	12.17	12.72	13.32	13.92				1409
Annually	25314	26458	27706	28954				1410

5	Hourly	12.77	13.35	13.92	14.53				1412
	Annually	26562	27768	28954	30222				1413
6	Hourly	13.46	14.01	14.63	15.23				1414
	Annually	27997	29141	30430	31678				1415
7	Hourly	14.29	14.83	15.42	15.96	16.58			1416
	Annually	29723	30846	32074	33197	34486			1417
8	Hourly	15.11	15.77	16.46	17.19	17.92			1418
	Annually	31429	32802	34237	35755	37274			1419
9	Hourly	16.12	16.95	17.79	18.67	19.62			1420
	Annually	33530	35256	37003	38834	40810			1421
10	Hourly	17.39	18.34	19.32	20.44	21.53			1422
	Annually	36171	38147	40186	42515	44782			1423
11	Hourly	18.93	20.04	21.20	22.39	23.67			1424
	Annually	39374	41683	44096	46571	49234			1425
12	Hourly	20.88	22.06	23.24	24.53	25.90	27.31	<del>28.82</del>	1426
	Annually	43430	45885	48339	51022	53872	56805	<del>59946</del>	1427
13	Hourly	23.02	24.28	25.62	26.99	28.50	30.06	<del>31.71</del>	1428
	Annually	47882	50502	53290	56139	59280	62525	<del>65957</del>	1429
14	Hourly	25.32	26.75	28.18	29.73	31.41	33.16	<del>34.96</del>	1430
	Annually	52666	55640	58614	61838	65333	68973	<del>72717</del>	1431
15	Hourly	27.81	29.37	31.03	32.74	34.55	36.46	<del>38.46</del>	1432
	Annually	57845	61090	64542	68099	71864	75837	<del>79997</del>	1433
16	Hourly	30.66	32.36	34.15	36.06	38.05	40.22	<del>42.43</del>	1434
	Annually	63773	67309	71032	75005	79144	83658	<del>88254</del>	1435
17	Hourly	33.79	35.65	37.65	39.73	41.94	44.28	<del>46.73</del>	1436
	Annually	70283	74152	78312	82638	87235	92102	<del>97198</del>	1437
18	Hourly	37.23	39.29	41.50	43.79	46.21	48.80	<del>51.48</del>	1438
	Annually	77438	81723	86320	91083	96117	101504	<del>107078</del>	1439
	Schedule E-2								1440
	Range			Minimum			Maximum		1441
41	Hourly			16.23			33.76		1442
	Annually			33758			70221		1443
42	Hourly			17.89			37.29		1444

	Annually	37211	77563	1445
43	Hourly	19.70	41.07	1446
	Annually	40976	85426	1447
44	Hourly	21.73	44.86	1448
	Annually	45198	93309	1449
45	Hourly	24.01	48.97	1450
	Annually	49941	101858	1451
46	Hourly	26.43	53.52	1452
	Annually	54974	111322	1453
47	Hourly	29.14	58.41	1454
	Annually	60611	121493	1455
48	Hourly	32.14	63.74	1456
	Annually	66851	132579	1457
49	Hourly	35.44	68.83	1458
	Annually	73715	143166	1459

(D) Beginning on the first day of the pay period that 1460  
includes July 1, 2003, each exempt employee who must be paid in 1461  
accordance with schedule E-1 for step seven only shall be paid a 1462  
salary or wage in accordance with the following schedule of rates: 1463

Schedule E-1 for Step Seven Only 1464

Pay Ranges and Step Seven Values 1465

	<u>Range</u>			1466
<u>12</u>	<u>Hourly</u>	<u>27.71</u>		1467
	<u>Annually</u>	<u>57637</u>		1468
<u>13</u>	<u>Hourly</u>	<u>30.49</u>		1469
	<u>Annually</u>	<u>63419</u>		1470
<u>14</u>	<u>Hourly</u>	<u>33.62</u>		1471
	<u>Annually</u>	<u>69930</u>		1472
<u>15</u>	<u>Hourly</u>	<u>36.98</u>		1473
	<u>Annually</u>	<u>76918</u>		1474
<u>16</u>	<u>Hourly</u>	<u>40.80</u>		1475
	<u>Annually</u>	<u>84864</u>		1476

<u>17</u>	<u>Hourly</u>	<u>44.93</u>	1477
	<u>Annually</u>	<u>93454</u>	1478
<u>18</u>	<u>Hourly</u>	<u>49.50</u>	1479
	<u>Annually</u>	<u>102960</u>	1480

(E) Beginning on the first day of the pay period that 1481  
includes July 1, 2005, each exempt employee who must be paid in 1482  
accordance with schedule E-1 for step seven only shall be paid a 1483  
salary or wage in accordance with the following schedule of rates: 1484

Schedule E-1 for Step Seven Only 1485

Pay Ranges and Step Seven Values 1486

	<u>Range</u>		1487
<u>12</u>	<u>Hourly</u>	<u>28.82</u>	1488
	<u>Annually</u>	<u>59946</u>	1489
<u>13</u>	<u>Hourly</u>	<u>31.71</u>	1490
	<u>Annually</u>	<u>65957</u>	1491
<u>14</u>	<u>Hourly</u>	<u>34.96</u>	1492
	<u>Annually</u>	<u>72717</u>	1493
<u>15</u>	<u>Hourly</u>	<u>38.46</u>	1494
	<u>Annually</u>	<u>79997</u>	1495
<u>16</u>	<u>Hourly</u>	<u>42.43</u>	1496
	<u>Annually</u>	<u>88254</u>	1497
<u>17</u>	<u>Hourly</u>	<u>46.73</u>	1498
	<u>Annually</u>	<u>97198</u>	1499
<u>18</u>	<u>Hourly</u>	<u>51.48</u>	1500
	<u>Annually</u>	<u>107078</u>	1501

~~(C)~~(F) As used in this section, "exempt employee" means a 1502  
 permanent full-time or permanent part-time employee paid directly 1503  
 by warrant of the auditor of state whose position is included in 1504  
 the job classification plan established under division (A) of 1505  
 section 124.14 of the Revised Code but who is not considered a 1506  
 public employee for the purposes of Chapter 4117. of the Revised 1507  
 Code. As used in this section, "exempt employee" also includes a 1508



permanent full-time or permanent part-time employee of the 1509  
secretary of state, auditor of state, treasurer of state, or 1510  
attorney general who has not been placed in an appropriate 1511  
bargaining unit by the state employment relations board. 1512

**Sec. 124.181.** (A) Except as provided in division (M) of this 1513  
section, any employee paid ~~under~~ in accordance with schedule B of 1514  
section 124.15 or ~~under~~ schedule E-1 or schedule E-1 for step 1515  
seven only of section 124.152 of the Revised Code is eligible for 1516  
the pay supplements provided in this section upon application by 1517  
the appointing authority substantiating the employee's 1518  
qualifications for the supplement and with the approval of the 1519  
director of administrative services except as provided in division 1520  
(E) of this section. 1521

(B)(1) Except as provided in section 124.183 of the Revised 1522  
Code, in computing any of the pay supplements provided in this 1523  
section for an employee paid in accordance with schedule B of 1524  
section 124.15 of the Revised Code, the classification salary base 1525  
shall be the minimum hourly rate of the pay range, provided in 1526  
that section ~~124.15 or 124.152~~ of the Revised Code, in which the 1527  
employee is assigned at the time of computation. 1528

(2) Except as provided in section 124.183 of the Revised 1529  
Code, in computing any of the pay supplements provided in this 1530  
section for an employee paid in accordance with schedule E-1 of 1531  
section 124.152 of the Revised Code, the classification salary 1532  
base shall be the minimum hourly rate of the pay range, provided 1533  
in that section, in which the employee is assigned at the time of 1534  
computation. 1535

(3) Except as provided in section 124.183 of the Revised 1536  
Code, in computing any of the pay supplements provided in this 1537  
section for an employee paid in accordance with schedule E-1 for 1538  
step seven only of section 124.152 of the Revised Code, the 1539

classification salary base shall be the minimum hourly rate in the 1540  
corresponding pay range, provided in schedule E-1 of that section, 1541  
to which the employee is assigned at the time of the computation. 1542

(C) The effective date of any pay supplement, except as 1543  
provided in section 124.183 of the Revised Code or unless 1544  
otherwise provided in this section, shall be determined by the 1545  
director. 1546

(D) The director shall, by rule, establish standards 1547  
regarding the administration of this section. 1548

(E)(1) Except as otherwise provided in this division, 1549  
beginning on the first day of the pay period within which the 1550  
employee completes five years of total service with the state 1551  
government or any of its political subdivisions, each employee in 1552  
positions paid ~~under salary~~ in accordance with schedule B of 1553  
section 124.15 of the Revised Code or ~~under salary~~ in accordance 1554  
with schedule E-1 or schedule E-1 for step seven only of section 1555  
124.152 of the Revised Code shall receive an automatic salary 1556  
adjustment equivalent to two and one-half per cent of the 1557  
classification salary base, to the nearest whole cent. Each 1558  
employee shall receive thereafter an annual adjustment equivalent 1559  
to one-half of one per cent of the employee's classification 1560  
salary base, to the nearest whole cent, for each additional year 1561  
of qualified employment until a maximum of ten per cent of the 1562  
employee's classification salary base is reached. The granting of 1563  
longevity adjustments shall not be affected by promotion, 1564  
demotion, or other changes in classification held by the employee, 1565  
nor by any change in pay range for the employee's class or grade. 1566  
Longevity pay adjustments shall become effective at the beginning 1567  
of the pay period within which the employee completes the 1568  
necessary length of service, except that when an employee requests 1569  
credit for prior service, the effective date of the prior service 1570  
credit and of any longevity adjustment shall be the first day of 1571

the pay period following approval of the credit by the director of 1572  
administrative services. No employee, other than an employee who 1573  
submits proof of prior service within ninety days after the date 1574  
of the employee's hiring, shall receive any longevity adjustment 1575  
for the period prior to the director's approval of a prior service 1576  
credit. Time spent on authorized leave of absence shall be counted 1577  
for this purpose. 1578

(2) An employee who has retired in accordance with the 1579  
provisions of any retirement system offered by the state and who 1580  
is employed by the state or any political subdivision of the state 1581  
on or after June 24, 1987, shall not have prior service with the 1582  
state or any political subdivision of the state counted for the 1583  
purpose of determining the amount of the salary adjustment 1584  
provided under this division. 1585

(3) There shall be a moratorium on employees' receipt under 1586  
this division of credit for service with the state government or 1587  
any of its political subdivisions during the period from July 1, 1588  
2003, through June 30, 2005. In calculating the number of years of 1589  
total service under this division, no credit shall be included for 1590  
service during the moratorium. The moratorium shall apply to the 1591  
employees of the secretary of state, the auditor of state, the 1592  
treasurer of state, and the attorney general, who are subject to 1593  
this section unless the secretary of state, the auditor of state, 1594  
the treasurer of state, or the attorney general decides to exempt 1595  
the office's employees from the moratorium and so notifies the 1596  
director of administrative services in writing on or before July 1597  
1, 2003. 1598

If an employee is exempt from the moratorium, receives credit 1599  
for a period of service during the moratorium, and takes a 1600  
position with another entity in the state government or any of its 1601  
political subdivisions, either during or after the moratorium, and 1602  
if that entity's employees are or were subject to the moratorium, 1603

the employee shall continue to retain the credit. However, if the  
moratorium is in effect upon the taking of the new position, the  
employee shall cease receiving additional credit as long as the  
employee is in the position, until the moratorium expires.

(F) When an exceptional condition exists that creates a  
temporary or a permanent hazard for one or more positions in a  
class paid ~~under~~ in accordance with schedule B of section 124.15  
of the Revised Code or ~~under salary~~ in accordance with schedule  
E-1 or schedule E-1 for step seven only of section 124.152 of the  
Revised Code, a special hazard salary adjustment may be granted  
for the time the employee is subjected to the hazardous condition.  
All special hazard conditions shall be identified for each  
position and incidence from information submitted to the director  
on an appropriate form provided by the director and categorized  
into standard conditions of: some unusual hazard not common to the  
class; considerable unusual hazard not common to the class; and  
exceptional hazard not common to the class.

(1) A hazardous salary adjustment of five per cent of the  
employee's classification salary base may be applied in the case  
of some unusual hazardous condition not common to the class for  
those hours worked, or a fraction ~~thereof~~ of those hours worked,  
while the employee was subject to the unusual hazard condition.

(2) A hazardous salary adjustment of seven and one-half per  
cent of the employee's classification salary base may be applied  
in the case of some considerable hazardous condition not common to  
the class for those hours worked, or a fraction ~~thereof~~ of those  
hours worked, while the employee was subject to the considerable  
hazard condition.

(3) A hazardous salary adjustment of ten per cent of the  
employee's classification salary base may be applied in the case  
of some exceptional hazardous condition not common to the class  
for those hours worked, or a fraction ~~thereof~~ of those hours

worked, when the employee was subject to the exceptional hazard 1636  
condition. 1637

(4) Each claim for temporary hazard pay shall be submitted as 1638  
a separate payment and shall be subject to an administrative audit 1639  
by the director as to the extent and duration of the employee's 1640  
exposure to the hazardous condition. 1641

(G) When a full-time employee whose salary or wage is paid 1642  
directly by warrant of the auditor of state and who also is 1643  
eligible for overtime under the "Fair Labor Standards Act of 1644  
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered 1645  
by the appointing authority to report back to work after 1646  
termination of the employee's regular work schedule and the 1647  
employee reports, the employee shall be paid for such time. The 1648  
employee shall be entitled to four hours at the employee's total 1649  
rate of pay or overtime compensation for the actual hours worked, 1650  
whichever is greater. This division does not apply to work that is 1651  
a continuation of or immediately preceding an employee's regular 1652  
work schedule. 1653

(H) When a certain position or positions paid ~~under~~ in 1654  
accordance with schedule B of section 124.15 of the Revised Code 1655  
~~or under salary~~ in accordance with schedule E-1 or schedule E-1 1656  
for step seven only of section 124.152 of the Revised Code require 1657  
the ability to speak or write a language other than English, a 1658  
special pay supplement may be granted to attract bilingual 1659  
individuals, to encourage present employees to become proficient 1660  
in other languages, or to retain qualified bilingual employees. 1661  
The bilingual pay supplement provided in this division may be 1662  
granted in the amount of five per cent of the employee's 1663  
classification salary base for each required foreign language and 1664  
shall remain in effect as long as the bilingual requirement 1665  
exists. 1666

(I) The director may establish a shift differential for 1667

employees. ~~Such~~ The differential shall be paid to employees in 1668  
positions working in other than the regular or first shift. In 1669  
those divisions or agencies where only one shift prevails, no 1670  
shift differential shall be paid regardless of the hours of the 1671  
day that are worked. The director and the appointing authority 1672  
shall designate which positions shall be covered by this division. 1673

(J) Whenever an employee is assigned to work in a higher 1674  
level position for a continuous period of more than two weeks but 1675  
no more than two years because of a vacancy, the employee's pay 1676  
may be established at a rate that is approximately four per cent 1677  
above the employee's current base rate for the period the employee 1678  
occupies the position, provided that this temporary occupancy is 1679  
approved by the director. Employees paid under this division shall 1680  
continue to receive any of the pay supplements due them under 1681  
other divisions of this section based on the step one base rate 1682  
for their normal classification. 1683

(K) If a certain position, or positions, within a class paid 1684  
~~under in accordance with~~ schedule B of section 124.15 of the 1685  
Revised Code or ~~under salary in accordance with~~ schedule E-1 or 1686  
schedule E-1 for step seven only of section 124.152 of the Revised 1687  
Code are mandated by state or federal law or regulation or other 1688  
regulatory agency or other certification authority to have special 1689  
technical certification, registration, or licensing to perform the 1690  
functions which are under the mandate, a special professional 1691  
achievement pay supplement may be granted. This special 1692  
professional achievement pay supplement shall not be granted when 1693  
all incumbents in all positions in a class require a license as 1694  
provided in the classification description published by the 1695  
department of administrative services; to licensees where no 1696  
special or extensive training is required; when certification is 1697  
granted upon completion of a stipulated term of in-service 1698  
training; when an appointing authority has required certification; 1699

or any other condition prescribed by the director. 1700

(1) Before this supplement may be applied, evidence as to the 1701  
requirement must be provided by the agency for each position 1702  
involved, and certification must be received from the director as 1703  
to the director's concurrence for each of the positions so 1704  
affected. 1705

(2) The professional achievement pay supplement provided in 1706  
this division shall be granted in an amount up to ten per cent of 1707  
the employee's classification salary base and shall remain in 1708  
effect as long as the mandate exists. 1709

(L) Those employees assigned to teaching supervisory, 1710  
principal, assistant principal, or superintendent positions who 1711  
have attained a higher educational level than a basic bachelor's 1712  
degree may receive an educational pay supplement to remain in 1713  
effect as long as the employee's assignment and classification 1714  
remain the same. 1715

(1) An educational pay supplement of two and one-half per 1716  
cent of the employee's classification salary base may be applied 1717  
upon the achievement of a bachelor's degree plus twenty quarter 1718  
hours of postgraduate work. 1719

(2) An educational pay supplement of an additional five per 1720  
cent of the employee's classification salary base may be applied 1721  
upon achievement of a master's degree. 1722

(3) An educational pay supplement of an additional two and 1723  
one-half per cent of the employee's classification salary base may 1724  
be applied upon achievement of a master's degree plus thirty 1725  
quarter hours of postgraduate work. 1726

(4) An educational pay supplement of five per cent of the 1727  
employee's classification salary base may be applied when the 1728  
employee is performing as a master teacher. 1729

(5) An educational pay supplement of five per cent of the 1730  
employee's classification salary base may be applied when the 1731  
employee is performing as a special education teacher. 1732

(6) Those employees in teaching supervisory, principal, 1733  
assistant principal, or superintendent positions who are 1734  
responsible for specific extracurricular activity programs shall 1735  
receive overtime pay for those hours worked in excess of their 1736  
normal schedule, at their straight time hourly rate up to a 1737  
maximum of five per cent of their regular base salary in any 1738  
calendar year. 1739

(M)(1) A state agency, board, or commission may establish a 1740  
supplementary compensation schedule for those licensed physicians 1741  
employed by the agency, board, or commission in positions 1742  
requiring a licensed physician. The supplementary compensation 1743  
schedule, together with the compensation otherwise authorized by 1744  
this chapter, shall provide for the total compensation for these 1745  
employees to range appropriately, but not necessarily uniformly, 1746  
for each classification title requiring a licensed physician, in 1747  
accordance with a schedule approved by the state controlling 1748  
board. The individual salary levels recommended for each such 1749  
physician employed shall be approved by the director. 1750  
Notwithstanding section 124.11 of the Revised Code, such personnel 1751  
are in the unclassified civil service. 1752

(2) The director of administrative services may approve 1753  
supplementary compensation for the director of health, if the 1754  
director is a licensed physician, in accordance with a 1755  
supplementary compensation schedule approved under division (M)(1) 1756  
of this section or in accordance with another supplementary 1757  
compensation schedule the director of administrative services 1758  
considers appropriate. The supplementary compensation shall not 1759  
exceed twenty per cent of the director of health's base rate of 1760  
pay. 1761



(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 1762  
117.42, and 131.02 of the Revised Code, the state shall not 1763  
institute any civil action to recover and shall not seek 1764  
reimbursement for overpayments made in violation of division (E) 1765  
of this section or division (C) of section 9.44 of the Revised 1766  
Code for the period starting after June 24, 1987, and ending on 1767  
October 31, 1993. 1768

(O) Employees of the office of the treasurer of state who are 1769  
exempt from collective bargaining coverage may be granted a merit 1770  
pay supplement of up to one and one-half per cent of their step 1771  
rate. The rate at which this supplement is granted shall be based 1772  
on performance standards established by the treasurer of state. 1773  
Any supplements granted under this division shall be administered 1774  
on an annual basis. 1775

**Sec. 124.183.** (A) As used in this section, "active payroll" 1776  
means when an employee is actively working; on military, ~~worker's~~ 1777  
workers' compensation, occupational injury, or disability leave; 1778  
or on an approved leave of absence. 1779

(B)(1) Each permanent employee paid ~~under~~ in accordance with 1780  
schedule E-1 of section 124.152 of the Revised Code who was 1781  
appointed on or before March 6, 2003, and ~~is~~ remains continuously 1782  
on the active payroll ~~as of~~ through November 14, 2004, shall 1783  
receive a one-time pay supplement. The supplement shall be a two 1784  
per cent lump sum payment that is based on the annualization of 1785  
the top step of the pay range in schedule E-1 that the employee is 1786  
in on November 14, 2004. 1787

(2) Each permanent employee paid in accordance with schedule 1788  
E-1 for step seven only of section 124.152 of the Revised Code who 1789  
was appointed on or before March 6, 2003, and remains continuously 1790  
on the active payroll through November 14, 2004, shall receive a 1791  
one-time pay supplement. The supplement shall be a two per cent 1792

lump sum payment that is based on the annualization of step 6 of 1793  
the pay range in schedule E-1 of section 124.152 of the Revised 1794  
Code that corresponds with the pay range in schedule E-1 for step 1795  
seven only that the employee is in on November 14, 2004. 1796

(3) Each permanent employee paid under schedule E-2 of 1797  
section 124.152 of the Revised Code who was appointed on or before 1798  
March 6, 2003, and ~~is~~ remains continuously on the active payroll 1799  
~~as of~~ through November 14, 2004, shall receive a one-time pay 1800  
supplement. The supplement shall be a two per cent lump sum 1801  
payment that is based upon the annualization of the maximum hourly 1802  
rate of the pay range in schedule E-2 that the employee is in on 1803  
November 14, 2004. 1804

(C) Each permanent employee who is exempt from collective 1805  
bargaining, is not covered by division (B) of this section, was 1806  
appointed on or before March 6, 2003, and ~~is~~ remains continuously 1807  
on the active payroll ~~as of~~ through November 14, 2004, shall 1808  
receive a one-time pay supplement. The supplement shall be a two 1809  
per cent lump sum payment that is based upon the annualization of 1810  
the base rate of the employee's pay on November 14, 2004. 1811

(D) A part-time employee who is eligible to receive a 1812  
one-time pay supplement under division (B) or (C) of this section 1813  
shall have the employee's one-time pay supplement pro-rated based 1814  
on the number of hours worked in the twenty-six pay periods prior 1815  
to November 14, 2004. 1816

An employee who is eligible to receive a one-time pay 1817  
supplement under division (B) or (C) of this section and was on a 1818  
voluntary leave of absence shall have the employee's one-time pay 1819  
supplement pro-rated based on the number of hours worked in the 1820  
twenty-six pay periods prior to November 14, 2004. 1821

(E) A one-time pay supplement under this section shall be 1822  
paid in the employee's first paycheck in December of 2004. 1823

(F) Notwithstanding any provision of law to the contrary, a one-time pay supplement under this section shall not be subject to withholding for deposit into any state retirement system. Notwithstanding any provision of law to the contrary, a one-time pay supplement under this section shall not be used for calculation purposes in determining an employee's retirement benefits in any state retirement system.

(G)(1) This section does not apply to employees of the general assembly, legislative agencies, or the supreme court, ~~or state boards or commissions.~~

(2) This section does not apply to employees of the secretary of state, the auditor of state, the treasurer of state, or the attorney general unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides that the office's employees should be eligible for the one-time pay supplement and so notifies the director of administrative services in writing on or before July 1, 2004.

**Sec. 124.382.** (A) As used in this section and sections 124.383, 124.386, 124.387, and 124.388 of the Revised Code:

(1) "Base pay period" means the pay period that includes the first day of December.

(2) "Pay period" means the fourteen-day period of time during which the payroll is accumulated, as determined by the director of administrative services.

(3) "Active pay status" means the conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, personal leave, bereavement leave, and administrative leave.

(4) "No pay status" means the conditions under which an employee is ineligible to receive pay, and includes, but is not

limited to, leave without pay, leave of absence, and disability  
leave. 1854  
1855

(5) "Disability leave" means the leave granted pursuant to 1856  
section 124.385 of the Revised Code. 1857

(6) "Full-time permanent employee" means an employee whose 1858  
regular hours of duty total eighty hours in a pay period in a 1859  
state agency, and whose appointment is not for a limited period of 1860  
time. 1861

(7) "Base rate of pay" means the rate of pay established 1862  
under schedule B or C of section 124.15 of the Revised Code or 1863  
under schedule E-1, schedule E-1 for step seven only, or schedule 1864  
E-2 of section 124.152 of the Revised Code, plus any supplement 1865  
provided under section 124.181 of the Revised Code, plus any 1866  
supplements enacted into law which are added to schedule B or C of 1867  
section 124.15 of the Revised Code or to schedule E-1, schedule 1868  
E-1 for step seven only, or schedule E-2 of section 124.152 of the 1869  
Revised Code. 1870

(8) "Part-time permanent employee" means an employee whose 1871  
regular hours of duty total less than eighty hours in a pay period 1872  
in a state agency and whose appointment is not for a limited 1873  
period of time. 1874

(B) Each full-time permanent and part-time permanent employee 1875  
whose salary or wage is paid directly by warrant of the auditor of 1876  
state shall be credited with sick leave of three and one-tenth 1877  
hours for each completed eighty hours of service, excluding 1878  
overtime hours worked. 1879

(C) Any sick leave credit provided pursuant to division (B) 1880  
of this section, remaining as of the last day of the pay period 1881  
preceding the next succeeding base pay period, shall be converted 1882  
pursuant to section 124.383 of the Revised Code. 1883

(D) Employees may use sick leave, provided a credit balance 1884

is available, upon approval of the responsible administrative 1885  
officer of the employing unit, for absence due to personal 1886  
illness, pregnancy, injury, exposure to contagious disease ~~which~~ 1887  
that could be communicated to other employees, and ~~to~~ illness, 1888  
injury, or death in the employee's immediate family. When sick 1889  
leave is used, it shall be deducted from the employee's credit on 1890  
the basis of absence from previously scheduled work in such 1891  
increments of an hour and at such a compensation rate as the 1892  
director of administrative services determines. The appointing 1893  
authority of each employing unit may require an employee to 1894  
furnish a satisfactory, signed statement to justify the use of 1895  
sick leave. 1896

If, after having utilized the credit provided by this 1897  
section, an employee utilizes sick leave that was accumulated 1898  
prior to November 15, 1981, compensation for such sick leave used 1899  
shall be at a rate as the director determines. 1900

(E)(1) The previously accumulated sick leave balance of an 1901  
employee who has been separated from the public service, for which 1902  
separation payments pursuant to ~~the provisions of~~ section 124.384 1903  
of the Revised Code have not been made, shall be placed to the 1904  
employee's credit upon the employee's reemployment in the public 1905  
service, if the reemployment takes place within ten years of the 1906  
date on which the employee was last terminated from public 1907  
service. 1908

(2) The previously accumulated sick leave balance of an 1909  
employee who has separated from a school district shall be placed 1910  
to the employee's credit upon the employee's appointment as an 1911  
unclassified employee of the state department of education, if all 1912  
of the following apply: 1913

(a) The employee accumulated the sick leave balance while 1914  
employed by the school district~~+~~. 1915

(b) The employee did not receive any separation payments for 1916  
the sick leave balance+ 1917

(c) The employee's employment with the department takes place 1918  
within ten years after the date on which the employee separated 1919  
from the school district. 1920

(F) An employee who transfers from one public agency to 1921  
another shall be credited with the unused balance of the 1922  
employee's accumulated sick leave. 1923

(G) The director of administrative services shall establish 1924  
procedures to uniformly administer this section. No sick leave may 1925  
be granted to a state employee upon or after the employee's 1926  
retirement or termination of employment. 1927

**Sec. 126.32.** (A) Any officer of any state agency may 1928  
authorize reimbursement for travel, including the costs of 1929  
transportation, for lodging, and for meals to any person who is 1930  
interviewing for a position that is classified in pay range 13 or 1931  
above in schedule E-1 or schedule E-1 for step seven only, or is 1932  
classified in schedule E-2, of section 124.152 of the Revised 1933  
Code. 1934

(B) If a person is appointed to a position listed in section 1935  
121.03 of the Revised Code, to the position of chairperson of the 1936  
industrial commission, adjutant general, chancellor of the Ohio 1937  
board of regents, superintendent of public instruction, 1938  
chairperson of the public utilities commission of Ohio, or 1939  
director of the state lottery commission, to a position holding a 1940  
fiduciary relationship to the governor, to a position of an 1941  
appointing authority of the department of mental health, mental 1942  
retardation and developmental disabilities, or rehabilitation and 1943  
correction, to a position of superintendent in the department of 1944  
youth services, or to a position under section 122.05 of the 1945

Revised Code, and if that appointment requires a permanent change 1946  
of residence, the appropriate state agency may reimburse the 1947  
person for the person's actual and necessary expenses, including 1948  
the cost of in-transit storage of household goods and personal 1949  
effects, of moving the person and members of the person's 1950  
immediate family residing in the person's household, and of moving 1951  
their household goods and personal effects, to the person's new 1952  
location. 1953

Until that person moves the person's permanent residence to 1954  
the new location, but not for a period that exceeds thirty 1955  
consecutive days, the state agency may reimburse the person for 1956  
the person's temporary living expenses at the new location that 1957  
the person has incurred on behalf of the person and members of the 1958  
person's immediate family residing in the person's household. In 1959  
addition, the state agency may reimburse that person for the 1960  
person's travel expenses between the new location and the person's 1961  
former residence during this period for a maximum number of trips 1962  
specified by rule of the director of budget and management, but 1963  
the state agency shall not reimburse the person for travel 1964  
expenses incurred for those trips by members of the person's 1965  
immediate family. With the prior written approval of the director, 1966  
the maximum thirty-day period for temporary living expenses may be 1967  
extended for a person appointed to a position under section 122.05 1968  
of the Revised Code. 1969

The director of development may reimburse a person appointed 1970  
to a position under section 122.05 of the Revised Code for the 1971  
person's actual and necessary expenses of moving the person and 1972  
members of the person's immediate family residing in the person's 1973  
household back to the United States and may reimburse a person 1974  
appointed to such a position for the cost of storage of household 1975  
goods and personal effects of the person and the person's 1976  
immediate family while the person is serving outside the United 1977

States, if the person's office outside the United States is the 1978  
person's primary job location. 1979

(C) All reimbursement under division (A) or (B) of this 1980  
section shall be made in the manner, and at rates that do not 1981  
exceed those, provided by rule of the director of budget and 1982  
management in accordance with section 111.15 of the Revised Code. 1983  
Reimbursements may be made under division (B) of this section 1984  
directly to the persons who incurred the expenses or directly to 1985  
the providers of goods or services the persons receive, as 1986  
determined by the director of budget and management. 1987

**Sec. 152.09.** (A) As used in sections 152.06 and 152.09 to 1988  
152.33 of the Revised Code: 1989

(1) "Obligations" means bonds, notes, or other evidences of 1990  
obligation, including interest coupons pertaining thereto, issued 1991  
pursuant to sections 152.09 to 152.33 of the Revised Code. 1992

(2) "State agencies" means the state of Ohio and branches, 1993  
officers, boards, commissions, authorities, departments, 1994  
divisions, courts, general assembly, or other units or agencies of 1995  
the state. "State agency" also includes counties, municipal 1996  
corporations, and governmental entities of this state that enter 1997  
into leases with the Ohio building authority pursuant to section 1998  
152.31 of the Revised Code or that are designated by law as state 1999  
agencies for the purpose of performing a state function that is to 2000  
be housed by a capital facility for which the Ohio building 2001  
authority is authorized to issue revenue obligations pursuant to 2002  
sections 152.09 to 152.33 of the Revised Code. 2003

(3) "Bond service charges" means principal, including 2004  
mandatory sinking fund requirements for retirement of obligations, 2005  
and interest, and redemption premium, if any, required to be paid 2006  
by the Ohio building authority on obligations. 2007



(4) "Capital facilities" means buildings, structures, and other improvements, and equipment, real estate, and interests in real estate therefor, within the state, and any one, part of, or combination of the foregoing, for housing of branches and agencies of state government, including capital facilities for the purpose of housing personnel, equipment, or functions, or any combination thereof that the state agencies are responsible for housing, for which the Ohio building authority is authorized to issue obligations pursuant to Chapter 152. of the Revised Code, and includes storage and parking facilities related to such capital facilities.

(5) "Cost of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, altering, maintaining, equipping, furnishing, repairing, painting, decorating, managing, or operating capital facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with capital facilities, the cost of participating in capital facilities pursuant to section 152.33 of the Revised Code, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the authority and lessee state agencies, cost of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, legal fees, fees and expenses of trustees, depositories, and paying agents for the obligations, cost of issuance of the obligations and financing charges and fees and expenses of financial advisers and consultants in connection therewith, interest on obligations from the date thereof to the time when interest is to be covered from sources other than proceeds of obligations, amounts that represent the portion of investment earnings to be rebated or to be paid to

the federal government in order to maintain the exclusion from 2040  
gross income for federal income tax purposes of interest on those 2041  
obligations pursuant to section 148(f) of the Internal Revenue 2042  
Code, amounts necessary to establish reserves as required by the 2043  
resolutions or the obligations, trust agreements, or indentures, 2044  
costs of audits, the reimbursement of all moneys advanced or 2045  
applied by or borrowed from any governmental entity, whether to or 2046  
by the authority or others, from whatever source provided, for the 2047  
payment of any item or items of cost of the capital facilities, 2048  
any share of the cost undertaken by the authority pursuant to 2049  
arrangements made with governmental entities under division (J) of 2050  
section 152.21 of the Revised Code, and all other expenses 2051  
necessary or incident to planning or determining the feasibility 2052  
or practicability with respect to capital facilities, and such 2053  
other expenses as may be necessary or incident to the acquisition, 2054  
construction, reconstruction, rehabilitation, remodeling, 2055  
renovation, enlargement, improvement, alteration, maintenance, 2056  
equipment, furnishing, repair, painting, decoration, management, 2057  
or operation of capital facilities, the financing thereof and the 2058  
placing of the same in use and operation, including any one, part 2059  
of, or combination of such classes of costs and expenses. 2060

(6) "Governmental entity" means any state agency, municipal 2061  
corporation, county, township, school district, and any other 2062  
political subdivision or special district in this state 2063  
established pursuant to law, and, except where otherwise 2064  
indicated, also means the United States or any of the states or 2065  
any department, division, or agency thereof, and any agency, 2066  
commission, or authority established pursuant to an interstate 2067  
compact or agreement. 2068

(7) "Governing body" means: 2069

(a) In the case of a county, the board of county 2070  
commissioners or other legislative authority; in the case of a 2071

municipal corporation, the legislative authority; in the case of a 2072  
township, the board of township trustees; in the case of a school 2073  
district, the board of education; 2074

(b) In the case of any other governmental entity, the 2075  
officer, board, commission, authority, or other body having the 2076  
general management of the entity or having jurisdiction or 2077  
authority in the particular circumstances. 2078

(8) "Available receipts" means fees, charges, revenues, 2079  
grants, subsidies, income from the investment of moneys, proceeds 2080  
from the sale of goods or services, and all other revenues or 2081  
receipts received by or on behalf of any state agency for which 2082  
capital facilities are financed with obligations issued under 2083  
Chapter 152. of the Revised Code, any state agency participating 2084  
in capital facilities pursuant to section 152.33 of the Revised 2085  
Code, or any state agency by which the capital facilities are 2086  
constructed or financed; revenues or receipts derived by the 2087  
authority from the operation, leasing, or other disposition of 2088  
capital facilities, and the proceeds of obligations issued under 2089  
Chapter 152. of the Revised Code; and also any moneys appropriated 2090  
by a governmental entity, gifts, grants, donations, and pledges, 2091  
and receipts therefrom, available for the payment of bond service 2092  
charges on such obligations. 2093

(B) Pursuant to the powers granted to the general assembly 2094  
under Section 2i of Article VIII, Ohio Constitution, to authorize 2095  
the issuance of revenue obligations and other obligations, the 2096  
owners or holders of which are not given the right to have excises 2097  
or taxes levied by the general assembly for the payment of 2098  
principal thereof or interest thereon, the Ohio building authority 2099  
may issue obligations, in accordance with Chapter 152. of the 2100  
Revised Code, and shall cause the net proceeds thereof, after any 2101  
deposits of accrued interest for the payment of bond service 2102  
charges and after any deposit of all or such lesser portion as the 2103

authority may direct of the premium received upon the sale of 2104  
those obligations for the payment of the bond service charges, to 2105  
be applied to the costs of capital facilities designated by or 2106  
pursuant to act of the general assembly for housing state agencies 2107  
as authorized by Chapter 152. of the Revised Code. The authority 2108  
shall provide by resolution for the issuance of such obligations. 2109  
The bond service charges and all other payments required to be 2110  
made by the trust agreement or indenture securing such obligations 2111  
shall be payable solely from available receipts of the authority 2112  
pledged thereto as provided in such resolution. The available 2113  
receipts pledged and thereafter received by the authority are 2114  
immediately subject to the lien of such pledge without any 2115  
physical delivery thereof or further act, and the lien of any such 2116  
pledge is valid and binding against all parties having claims of 2117  
any kind against the authority, irrespective of whether those 2118  
parties have notice thereof, and creates a perfected security 2119  
interest for all purposes of Chapter 1309. of the Revised Code and 2120  
a perfected lien for purposes of any real property interest, all 2121  
without the necessity for separation or delivery of funds or for 2122  
the filing or recording of the resolution, trust agreement, 2123  
indenture, or other agreement by which such pledge is created or 2124  
any certificate, statement, or other document with respect 2125  
thereto; and the pledge of such available receipts is effective 2126  
and the money therefrom and thereof may be applied to the purposes 2127  
for which pledged. Every pledge, and every covenant and agreement 2128  
made with respect to the pledge, made in the resolution may 2129  
therein be extended to the benefit of the owners and holders of 2130  
obligations authorized by Chapter 152. of the Revised Code, and to 2131  
any trustee therefor, for the further securing of the payment of 2132  
the bond service charges, and all or any rights under any 2133  
agreement or lease made under this section may be assigned for 2134  
such purpose. Obligations may be issued at one time or from time 2135  
to time, and each issue shall be dated, shall mature at such time 2136

or times as determined by the authority not exceeding forty years 2137  
from the date of issue, and may be redeemable before maturity at 2138  
the option of the authority at such price or prices and under such 2139  
terms and conditions as are fixed by the authority prior to the 2140  
issuance of the obligations. The authority shall determine the 2141  
form of the obligations, fix their denominations, establish their 2142  
interest rate or rates, which may be a variable rate or rates, or 2143  
the maximum interest rate, and establish within or without this 2144  
state a place or places of payment of bond service charges. 2145

(C) The obligations shall be signed by the authority 2146  
chairperson, vice-chairperson, and secretary-treasurer, and the 2147  
authority seal shall be affixed. The signatures may be facsimile 2148  
signatures and the seal affixed may be a facsimile seal, as 2149  
provided by resolution of the authority. Any coupons attached may 2150  
bear the facsimile signature of the chairperson. In case any 2151  
officer who has signed any obligations, or caused the officer's 2152  
facsimile signature to be affixed thereto, ceases to be such 2153  
officer before such obligations have been delivered, such 2154  
obligations may, nevertheless, be issued and delivered as though 2155  
the person who had signed the obligations or caused the person's 2156  
facsimile signature to be affixed thereto had not ceased to be 2157  
such officer. 2158

Any obligations may be executed on behalf of the authority by 2159  
an officer who, on the date of execution, is the proper officer 2160  
although on the date of such obligations such person was not the 2161  
proper officer. 2162

(D) All obligations issued by the authority shall have all 2163  
the qualities and incidents of negotiable instruments and may be 2164  
issued in coupon or in registered form, or both, as the authority 2165  
determines. Provision may be made for the registration of any 2166  
obligations with coupons attached thereto as to principal alone or 2167  
as to both principal and interest, their exchange for obligations 2168

so registered, and for the conversion or reconversion into 2169  
obligations with coupons attached thereto of any obligations 2170  
registered as to both principal and interest, and for reasonable 2171  
charges for such registration, exchange, conversion, and 2172  
reconversion. The authority may sell its obligations in any manner 2173  
and for such prices as it determines, except that the authority 2174  
shall sell obligations sold at public or private sale in 2175  
accordance with section 152.091 of the Revised Code. 2176

(E) The obligations of the authority, principal, interest, 2177  
and any proceeds from their sale or transfer, are exempt from all 2178  
taxation within this state. 2179

(F) The authority is authorized to issue revenue obligations 2180  
and other obligations under Section 2i of Article VIII, Ohio 2181  
Constitution, for the purpose of paying the cost of capital 2182  
facilities for housing of branches and agencies of state 2183  
government, including capital facilities for the purpose of 2184  
housing personnel, equipment, or functions, or any combination 2185  
thereof that the state agencies are responsible for housing, as 2186  
are authorized by Chapter 152. of the Revised Code, and that are 2187  
authorized by the general assembly by the appropriation of lease 2188  
payments or other moneys for such capital facilities or by any 2189  
other act of the general assembly, but not including the 2190  
appropriation of moneys for feasibility studies for such capital 2191  
facilities. This division does not authorize the authority to 2192  
issue obligations pursuant to Section 2i of Article VIII, Ohio 2193  
Constitution, to pay the cost of capital facilities for mental 2194  
hygiene and retardation, parks and recreation, or state-supported 2195  
or state-assisted institutions of higher education. 2196

**Sec. 175.21.** (A) The low- and moderate-income housing trust 2197  
fund is hereby created in the state treasury. The fund shall 2198  
consist of all appropriations made to the fund, housing trust fund 2199

fees collected by county recorders pursuant to section 317.36 of 2200  
the Revised Code and deposited into the fund pursuant to section 2201  
319.63 of the Revised Code, and all grants, gifts, loan 2202  
repayments, and contributions of money made from any source to the 2203  
department of development for deposit in the fund. All investment 2204  
earnings of the fund shall be credited to the fund. The director 2205  
of development shall allocate a portion of the money in the fund 2206  
to an account of the Ohio housing finance agency. The department 2207  
shall administer the fund. The agency shall use money allocated to 2208  
it in the fund for implementing and administering its programs and 2209  
duties under sections 175.22 and 175.24 of the Revised Code, and 2210  
the department shall use the remaining money in the fund for 2211  
implementing and administering its programs and duties under 2212  
sections 175.22 to 175.25 of the Revised Code. Use of all money in 2213  
the fund is subject to the following restrictions: 2214

(1) Not more than six per cent of any current year 2215  
appropriation authority for the fund shall be used for the 2216  
transitional and permanent housing program to make grants to 2217  
municipal corporations, counties, townships, and nonprofit 2218  
organizations for the acquisition, rehabilitation, renovation, 2219  
construction, conversion, operation, and cost of supportive 2220  
services for new and existing transitional and permanent housing 2221  
for homeless persons. 2222

(2)(a) Not more than five per cent of any current year 2223  
appropriation authority for the fund shall be used for grants and 2224  
loans to community development corporations and the Ohio community 2225  
development finance fund, a private nonprofit corporation. 2226

(b) In any year in which the amount in the fund exceeds one 2227  
hundred thousand dollars, not less than one hundred thousand 2228  
dollars shall be used to provide training, technical assistance, 2229  
and capacity building assistance to nonprofit development 2230  
organizations in areas of the state the director designates as 2231

underserved.	2232
(c) For monies awarded in any fiscal year, priority shall be	2233
given to proposals submitted by nonprofit development	2234
organizations from areas of the state the director designates as	2235
underserved.	2236
(3) Not more than seven per cent of any current year	2237
appropriation authority for the fund shall be used for the	2238
emergency shelter housing grants program to make grants to	2239
private, nonprofit organizations and municipal corporations,	2240
counties, and townships for emergency shelter housing for the	2241
homeless. The grants shall be distributed pursuant to rules the	2242
director adopts and qualify as matching funds for funds obtained	2243
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A.	2244
11371 to 11378.	2245
(4) In any fiscal year in which the amount in the fund	2246
exceeds the amount awarded pursuant to division (A)(2)(b) of this	2247
section by at least two hundred fifty thousand dollars, at least	2248
two hundred fifty thousand dollars from the fund shall be provided	2249
to the department of aging for the resident services coordinator	2250
program.	2251
(5) Of all <del>money in</del> <u>current year appropriation authority for</u>	2252
the fund:	2253
(a) <del>Not, not</del> more than five per cent shall be used for	2254
administration.	2255
(b) <del>(6)</del> Not less than forty-five per cent of the funds awarded	2256
during any one fiscal year shall be for grants and loans to	2257
nonprofit organizations under section 175.22 of the Revised Code.	2258
(c) <del>(7)</del> Not less than fifty per cent of the funds awarded	2259
during any one fiscal year, excluding the amounts awarded pursuant	2260
to divisions (A)(1), (A)(2), and (A)(3) of this section, shall be	2261
for grants and loans for activities that provide housing and	2262



housing assistance to families and individuals in rural areas and 2263  
small cities that are not eligible to participate as a 2264  
participating jurisdiction under the "HOME Investment Partnerships 2265  
Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 2266

~~(d)~~(8) No money in the fund shall be used to pay for any 2267  
legal services other than the usual and customary legal services 2268  
associated with the acquisition of housing. 2269

~~(6)~~(9) Except as otherwise provided by the director under 2270  
division (B) of this section, money in the fund may be used as 2271  
matching money for federal funds received by the state, counties, 2272  
municipal corporations, and townships for the activities listed in 2273  
section 175.22 of the Revised Code. 2274

(B) If after the second quarter of any year it appears to the 2275  
director that the full amount of the money in the fund designated 2276  
in that year for activities that provide housing and housing 2277  
assistance to families and individuals in rural areas and small 2278  
cities under division (A) of this section will not be used for 2279  
that purpose, the director may reallocate all or a portion of that 2280  
amount for other housing activities. In determining whether or how 2281  
to reallocate money under this division, the director may consult 2282  
with and shall receive advice from the housing trust fund advisory 2283  
committee. 2284

**Sec. 3311.059.** The procedure prescribed in this section may 2285  
be used in lieu of a transfer prescribed under section 3311.231 of 2286  
the Revised Code. 2287

(A) Subject to divisions (B) and (C) of this section, a board 2288  
of education of a local school district may by a resolution 2289  
approved by a majority of all its members propose to sever that 2290  
local school district from the territory of the educational 2291  
service center in which the local school district is currently 2292  
included and to instead annex the local school district to the 2293

territory of another educational service center, the current 2294  
territory of which is adjacent to the territory of the educational 2295  
service center in which the local school district is currently 2296  
included. The resolution shall promptly be filed with the 2297  
governing board of each educational service center affected by the 2298  
resolution and with the superintendent of public instruction. 2299

(B) The resolution adopted under division (A) of this section 2300  
shall not be effective unless it is approved by ~~both the governing~~ 2301  
~~board of the educational service center to which the board of~~ 2302  
~~education proposes to annex the local school district and the~~ 2303  
state board of education. The severance of the local school 2304  
district from one educational service center and its annexation to 2305  
another educational service center under this section shall not be 2306  
effective until one year after the first day of July following the 2307  
later of the date that the ~~governing board of the educational~~ 2308  
~~service center to which the local school district is proposed to~~ 2309  
~~be annexed~~ state board of education approves the resolution or the 2310  
date the board of elections certifies the results of the 2311  
referendum election as provided in division (C) of this section. 2312

(C) Within sixty days following the date of the adoption of 2313  
the resolution under division (A) of this section, the electors of 2314  
the local school district may petition for a referendum vote on 2315  
the resolution. The question whether to approve or disapprove the 2316  
resolution shall be submitted to the electors of such school 2317  
district if a number of qualified electors equal to twenty per 2318  
cent of the number of electors in the school district who voted 2319  
for the office of governor at the most recent general election for 2320  
that office sign a petition asking that the question of whether 2321  
the resolution shall be disapproved be submitted to the electors. 2322  
The petition shall be filed with the board of elections of the 2323  
county in which the school district is located. If the school 2324  
district is located in more than one county, the petition shall be 2325

filed with the board of elections of the county in which the 2326  
majority of the territory of the school district is located. The 2327  
board shall certify the validity and sufficiency of the signatures 2328  
on the petition. 2329

The board of elections shall immediately notify the board of 2330  
education of the local school district and the governing board of 2331  
each educational service center affected by the resolution that 2332  
the petition has been filed. 2333

The effect of the resolution shall be stayed until the board 2334  
of elections certifies the validity and sufficiency of the 2335  
signatures on the petition. If the board of elections determines 2336  
that the petition does not contain a sufficient number of valid 2337  
signatures and sixty days have passed since the adoption of the 2338  
resolution, the resolution shall become effective as provided in 2339  
division (B) of this section. 2340

If the board of elections certifies that the petition 2341  
contains a sufficient number of valid signatures, the board shall 2342  
submit the question to the qualified electors of the school 2343  
district on the day of the next general or primary election held 2344  
at least seventy-five days after the board of elections certifies 2345  
the validity and sufficiency of signatures on the petition. The 2346  
election shall be conducted and canvassed and the results shall be 2347  
certified in the same manner as in regular elections for the 2348  
election of members of a board of education. 2349

If a majority of the electors voting on the question 2350  
disapprove the resolution, the resolution shall not become 2351  
effective. If a majority of the electors voting on the question 2352  
approve the resolution, the resolution shall become effective as 2353  
provided in division (B) of this section. 2354

(D) Upon the effective date of the severance of the local 2355  
school district from one educational service center and its 2356

annexation to another educational service center as provided in 2357  
division (B) of this section, the governing board of each 2358  
educational service center shall take such steps for the election 2359  
of members of the governing board and for organization of the 2360  
governing board as prescribed in Chapter 3313. of the Revised 2361  
Code. 2362

(E) If a school district is severed from one educational 2363  
service center and annexed to another service center under this 2364  
section, the board of education of that school district shall not 2365  
propose a subsequent severance and annexation action under this 2366  
section that would be effective sooner than five years after the 2367  
effective date of the next previous severance and annexation 2368  
action under this section. 2369

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 2370  
and division (D) of section 3311.52 of the Revised Code, this 2371  
section and sections 3327.011, 3327.012, and 3327.02 of the 2372  
Revised Code do not apply to any joint vocational or cooperative 2373  
education school district. 2374

In all city, local, and exempted village school districts 2375  
where resident school pupils in grades kindergarten through eight 2376  
live more than two miles from the school for which the state board 2377  
of education prescribes minimum standards pursuant to division (D) 2378  
of section 3301.07 of the Revised Code and to which they are 2379  
assigned by the board of education of the district of residence or 2380  
to and from the nonpublic or community school which they attend 2381  
the board of education shall provide transportation for such 2382  
pupils to and from such school except as provided in section 2383  
3327.02 of the Revised Code. 2384

In all city, local, and exempted village school districts the 2385  
board may provide transportation for resident school pupils in 2386  
grades nine through twelve to and from the high school to which 2387

they are assigned by the board of education of the district of 2388  
residence or to and from the nonpublic or community high school 2389  
which they attend for which the state board of education 2390  
prescribes minimum standards pursuant to division (D) of section 2391  
3301.07 of the Revised Code. 2392

A board of education shall not be required to transport 2393  
elementary or high school pupils to and from a nonpublic or 2394  
community school where such transportation would require more than 2395  
thirty minutes of direct travel time as measured by school bus 2396  
from the ~~collection point~~ public school building to which the 2397  
pupils would be assigned if attending the public school designated 2398  
by the district of residence. 2399

Where it is impractical to transport a pupil by school 2400  
conveyance, a board of education may offer payment, in lieu of 2401  
providing such transportation in accordance with section 3327.02 2402  
of the Revised Code. 2403

In all city, local, and exempted village school districts the 2404  
board shall provide transportation for all children who are so 2405  
crippled that they are unable to walk to and from the school for 2406  
which the state board of education prescribes minimum standards 2407  
pursuant to division (D) of section 3301.07 of the Revised Code 2408  
and which they attend. In case of dispute whether the child is 2409  
able to walk to and from the school, the health commissioner shall 2410  
be the judge of such ability. In all city, exempted village, and 2411  
local school districts the board shall provide transportation to 2412  
and from school or special education classes for educable mentally 2413  
retarded children in accordance with standards adopted by the 2414  
state board of education. 2415

When transportation of pupils is provided the conveyance 2416  
shall be run on a time schedule that shall be adopted and put in 2417  
force by the board not later than ten days after the beginning of 2418  
the school term. 2419

The cost of any transportation service authorized by this 2420  
section shall be paid first out of federal funds, if any, 2421  
available for the purpose of pupil transportation, and secondly 2422  
out of state appropriations, in accordance with regulations 2423  
adopted by the state board of education. 2424

No transportation of any pupils shall be provided by any 2425  
board of education to or from any school which in the selection of 2426  
pupils, faculty members, or employees, practices discrimination 2427  
against any person on the grounds of race, color, religion, or 2428  
national origin. 2429

**Sec. 3334.01.** As used in this chapter: 2430

(A) "Aggregate original principal amount" means the aggregate 2431  
of the initial offering prices to the public of college savings 2432  
bonds, exclusive of accrued interest, if any. "Aggregate original 2433  
principal amount" does not mean the aggregate accreted amount 2434  
payable at maturity or redemption of such bonds. 2435

(B) "Beneficiary" means: 2436

(1) An individual designated by the purchaser under a tuition 2437  
payment contract or through a scholarship program as the 2438  
individual on whose behalf tuition credits purchased under the 2439  
contract or awarded through the scholarship program will be 2440  
applied toward the payment of undergraduate, graduate, or 2441  
professional tuition; or 2442

(2) An individual designated by the contributor under a 2443  
variable college savings program contract as the individual whose 2444  
tuition and other higher education expenses will be paid from a 2445  
variable college savings program account. 2446

(C) "Capital appreciation bond" means a bond for which the 2447  
following is true: 2448

(1) The principal amount is less than the amount payable at 2449

maturity or early redemption; and	2450
(2) No interest is payable on a current basis.	2451
(D) "Tuition credit" means a credit of the Ohio tuition trust authority purchased under section 3334.09 of the Revised Code.	2452 2453
(E) "College savings bonds" means revenue and other obligations issued on behalf of the state or any agency or issuing authority thereof as a zero-coupon or capital appreciation bond, and designated as college savings bonds as provided in this chapter. "College savings bond issue" means any issue of bonds of which any part has been designated as college savings bonds.	2454 2455 2456 2457 2458 2459
(F) "Institution of higher education" means a state institution of higher education, a private college, university, or other postsecondary institution located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code, or an accredited college, university, or other postsecondary institution located outside this state that is accredited by an accrediting organization or professional association recognized by the authority. To be considered an institution of higher education, an institution shall meet the definition of an eligible educational institution under section 529 of the Internal Revenue Code.	2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473
(G) "Issuing authority" means any authority, commission, body, agency, or individual empowered by the Ohio Constitution or the Revised Code to issue bonds or any other debt obligation of the state or any agency or department thereof. "Issuer" means the issuing authority or, if so designated under division (B) of section 3334.04 of the Revised Code, the treasurer of state.	2474 2475 2476 2477 2478 2479
(H) "Tuition" means the charges imposed to attend an	2480

institution of higher education as an undergraduate, graduate, or 2481  
professional student and all fees required as a condition of 2482  
enrollment, as determined by the Ohio tuition trust authority. 2483  
"Tuition" does not include laboratory fees, room and board, or 2484  
other similar fees and charges. 2485

(I) "Weighted average tuition" means the tuition cost 2486  
resulting from the following calculation: 2487

(1) Add the products of the annual undergraduate tuition 2488  
charged to Ohio residents at each four-year state university 2489  
multiplied by that institution's total number of undergraduate 2490  
fiscal year equated students; and 2491

(2) Divide the gross total of the products from division 2492  
(I)(1) of this section by the total number of undergraduate fiscal 2493  
year equated students attending four-year state universities. 2494

When making this calculation, the "annual undergraduate 2495  
tuition charged to Ohio residents" shall not incorporate any 2496  
tuition reductions that vary in amount among individual recipients 2497  
and that are awarded to Ohio residents based upon their particular 2498  
circumstances, beyond any minimum amount awarded uniformly to all 2499  
Ohio residents. In addition, any tuition reductions awarded 2500  
uniformly to all Ohio residents shall be incorporated into this 2501  
calculation. 2502

(J) "Zero-coupon bond" means a bond which has a stated 2503  
interest rate of zero per cent and on which no interest is payable 2504  
until the maturity or early redemption of the bond, and is offered 2505  
at a substantial discount from its original stated principal 2506  
amount. 2507

(K) "State institution of higher education" includes the 2508  
state universities listed in section 3345.011 of the Revised Code, 2509  
community colleges created pursuant to Chapter 3354. of the 2510  
Revised Code, university branches created pursuant to Chapter 2511



3355. of the Revised Code, technical colleges created pursuant to 2512  
Chapter 3357. of the Revised Code, state community colleges 2513  
created pursuant to Chapter 3358. of the Revised Code, the medical 2514  
college of Ohio at Toledo, and the northeastern Ohio universities 2515  
college of medicine. 2516

(L) "Four-year state university" means those state 2517  
universities listed in section 3345.011 of the Revised Code. 2518

(M) "Principal amount" refers to the initial offering price 2519  
to the public of an obligation, exclusive of the accrued interest, 2520  
if any. "Principal amount" does not refer to the aggregate 2521  
accrued amount payable at maturity or redemption of an 2522  
obligation. 2523

(N) "Scholarship program" means a program registered with the 2524  
Ohio tuition trust authority pursuant to section 3334.17 of the 2525  
Revised Code. 2526

(O) "Internal Revenue Code" means the "Internal Revenue Code 2527  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 2528

(P) "Other higher education expenses" means room and board 2529  
and books, supplies, equipment, and nontuition-related fees 2530  
associated with the cost of attendance of a beneficiary at an 2531  
institution of higher education, but only to the extent that such 2532  
expenses meet the definition of "qualified higher education 2533  
expenses" under section 529 of the Internal Revenue Code. "Other 2534  
higher education expenses" does not include tuition as defined in 2535  
division (H) of this section. 2536

(Q) "Purchaser" means the person signing the tuition payment 2537  
contract, who controls the account and acquires tuition credits 2538  
for an account under the terms and conditions of the contract. 2539

(R) "Contributor" means a person who signs a variable college 2540  
savings program contract with the Ohio tuition trust authority and 2541  
contributes to and owns the account created under the contract. 2542

(S) "Contribution" means any payment directly allocated to an account for the benefit of the designated beneficiary of the account.

**Sec. 3383.09.** (A) There is hereby created in the state treasury the arts and sports facilities building fund, which shall consist of proceeds of obligations authorized to pay costs of Ohio arts facilities ~~projects~~ and Ohio sports facilities for which appropriations are made by the general assembly. All investment earnings of the fund shall be credited to the fund.

~~(B) There is hereby created in the state treasury the sports facilities building fund, which shall consist of proceeds of obligations authorized to pay costs of sports facilities projects for which appropriations are made by the general assembly. All investment earnings of the fund shall be credited to the fund.~~

~~(C)~~ The director of budget and management may transfer, to the Ohio arts and sports facilities commission administration fund, investment earnings credited to the arts ~~facilities building fund~~ and the sports facilities building fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements when requested of the director of budget and management by the chairperson or executive director of the commission.

**Sec. 3701.881.** (A) As used in this section:

(1) "Applicant" means both of the following:

(a) A person who is under final consideration for appointment or employment with a home health agency in a position as a person responsible for the care, custody, or control of a child;

(b) A person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary

position that involves providing direct care to an older adult.	2572
With regard to persons providing direct care to older adults,	2573
"applicant" does not include a person who provides direct care as	2574
a volunteer without receiving or expecting to receive any form of	2575
remuneration other than reimbursement for actual expenses.	2576
(2) "Criminal records check" and "older adult" have the same	2577
meanings as in section 109.572 of the Revised Code.	2578
(3) "Home health agency" means a person or government entity,	2579
other than a nursing home, residential care facility, or hospice	2580
care program, that has the primary function of providing any of	2581
the following services to a patient at a place of residence used	2582
as the patient's home:	2583
(a) Skilled nursing care;	2584
(b) Physical therapy;	2585
(c) Speech-language pathology;	2586
(d) Occupational therapy;	2587
(e) Medical social services;	2588
(f) Home health aide services.	2589
(4) "Home health aide services" means any of the following	2590
services provided by an individual employed with or contracted for	2591
by a home health agency:	2592
(a) Hands-on bathing or assistance with a tub bath or shower;	2593
(b) Assistance with dressing, ambulation, and toileting;	2594
(c) Catheter care but not insertion;	2595
(d) Meal preparation and feeding.	2596
(5) "Hospice care program" has the same meaning as in section	2597
3712.01 of the Revised Code.	2598
(6) "Medical social services" means services provided by a	2599

social worker under the direction of a patient's attending physician. 2600  
2601

(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 2602  
2603

(8) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code. 2604  
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(9) "Occupational therapy" has the same meaning as in section 4755.01 of the Revised Code. 2607  
2608

(10) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code. 2609  
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(11) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker. 2611  
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(12) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code. 2614  
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(B)(1) Except as provided in division (I) of this section, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to each applicant. If the position may involve both responsibility for the care, custody, or control of a child and provision of direct care to an older adult, the chief administrator shall request that the superintendent conduct a single criminal records check for the 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 upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of 2616  
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investigation in a criminal records check, the chief administrator 2631  
shall request that the superintendent obtain information from the 2632  
federal bureau of investigation as a part of the criminal records 2633  
check for the applicant. Even if an applicant for whom a criminal 2634  
records check request is required under this division presents 2635  
proof that the applicant has been a resident of this state for 2636  
that five-year period, the chief administrator may request that 2637  
the superintendent include information from the federal bureau of 2638  
investigation in the criminal records check. 2639

(2) Any person required by division (B)(1) of this section to 2640  
request a criminal records check shall provide to each applicant 2641  
for whom a criminal records check request is required under that 2642  
division a copy of the form prescribed pursuant to division (C)(1) 2643  
of section 109.572 of the Revised Code and a standard impression 2644  
sheet prescribed pursuant to division (C)(2) of section 109.572 of 2645  
the Revised Code, obtain the completed form and impression sheet 2646  
from each applicant, and forward the completed form and impression 2647  
sheet to the superintendent of the bureau of criminal 2648  
identification and investigation at the time the chief 2649  
administrator requests a criminal records check pursuant to 2650  
division (B)(1) of this section. 2651

(3) An applicant who receives pursuant to division (B)(2) of 2652  
this section a copy of the form prescribed pursuant to division 2653  
(C)(1) of section 109.572 of the Revised Code and a copy of an 2654  
impression sheet prescribed pursuant to division (C)(2) of that 2655  
section and who is requested to complete the form and provide a 2656  
set of fingerprint impressions shall complete the form or provide 2657  
all the information necessary to complete the form and shall 2658  
provide the impression sheets with the impressions of the 2659  
applicant's fingerprints. If an applicant, upon request, fails to 2660  
provide the information necessary to complete the form or fails to 2661  
provide fingerprint impressions, the home health agency shall not 2662

employ that applicant for any position for which a criminal 2663  
records check is required by division (B)(1) of this section. 2664

(C)(1) Except as provided in rules adopted by the department 2665  
of health in accordance with division (F) of this section and 2666  
subject to division (C)(3) of this section, no home health agency 2667  
shall employ a person as a person responsible for the care, 2668  
custody, or control of a child if the person previously has been 2669  
convicted of or pleaded guilty to any of the following: 2670

(a) A violation of section 2903.01, 2903.02, 2903.03, 2671  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2672  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2673  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2674  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2675  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2676  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2677  
2925.06, or 3716.11 of the Revised Code, a violation of section 2678  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2679  
violation of section 2919.23 of the Revised Code that would have 2680  
been a violation of section 2905.04 of the Revised Code as it 2681  
existed prior to July 1, 1996, had the violation been committed 2682  
prior to that date, a violation of section 2925.11 of the Revised 2683  
Code that is not a minor drug possession offense, or felonious 2684  
sexual penetration in violation of former section 2907.12 of the 2685  
Revised Code; 2686

(b) A violation of an existing or former law of this state, 2687  
any other state, or the United States that is substantially 2688  
equivalent to any of the offenses listed in division (C)(1)(a) of 2689  
this section. 2690

(2) Except as provided in rules adopted by the department of 2691  
health in accordance with division (F) of this section and subject 2692  
to division (C)(3) of this section, no home health agency shall 2693  
employ a person in a position that involves providing direct care 2694

to an older adult if the person previously has been convicted of 2695  
or pleaded guilty to any of the following: 2696

(a) A violation of section 2903.01, 2903.02, 2903.03, 2697  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2698  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2699  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2700  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2701  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2702  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2703  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2704  
2925.22, 2925.23, or 3716.11 of the Revised Code. 2705

(b) A violation of an existing or former law of this state, 2706  
any other state, or the United States that is substantially 2707  
equivalent to any of the offenses listed in division (C)(2)(a) of 2708  
this section. 2709

(3)(a) A home health agency may employ conditionally an 2710  
applicant for whom a criminal records check request is required 2711  
under division (B) of this section as a person responsible for the 2712  
care, custody, or control of a child until the criminal records 2713  
check regarding the applicant required by this section is 2714  
completed and the agency receives the results of the criminal 2715  
records check. If the results of the criminal records check 2716  
indicate that, pursuant to division (C)(1) of this section, the 2717  
applicant does not qualify for employment, the agency shall 2718  
release the applicant from employment unless the agency chooses to 2719  
employ the applicant pursuant to division (F) of this section. 2720

(b)(i) A home health agency may employ conditionally an 2721  
applicant for whom a criminal records check request is required 2722  
under division (B) of this section in a position that involves 2723  
providing direct care to an older adult or in a position that 2724  
involves both responsibility for the care, custody, and control of 2725  
a child and the provision of direct care to older adults prior to 2726

obtaining the results of a criminal records check regarding the 2727  
individual, provided that the agency shall request a criminal 2728  
records check regarding the individual in accordance with division 2729  
(B)(1) of this section not later than five business days after the 2730  
individual begins conditional employment. In the circumstances 2731  
described in division (I)(2) of this section, a home health agency 2732  
may employ conditionally in a position that involves providing 2733  
direct care to an older adult an applicant who has been referred 2734  
to the home health agency by an employment service that supplies 2735  
full-time, part-time, or temporary staff for positions involving 2736  
the direct care of older adults and for whom, pursuant to that 2737  
division, a criminal records check is not required under division 2738  
(B) of this section. In the circumstances described in division 2739  
(I)(4) of this section, a home health agency may employ 2740  
conditionally in a position that involves both responsibility for 2741  
the care, custody, and control of a child and the provision of 2742  
direct care to older adults an applicant who has been referred to 2743  
the home health agency by an employment service that supplies 2744  
full-time, part-time, or temporary staff for positions involving 2745  
both responsibility for the care, custody, and control of a child 2746  
and the provision of direct care to older adults and for whom, 2747  
pursuant to that division, a criminal records check is not 2748  
required under division (B) of this section. 2749

(ii) A home health agency that employs an individual 2750  
conditionally under authority of division (C)(3)(b)(i) of this 2751  
section shall terminate the individual's employment if the results 2752  
of the criminal records check requested under division (B)(1) of 2753  
this section or described in division (I)(2) or (4) of this 2754  
section, other than the results of any request for information 2755  
from the federal bureau of investigation, are not obtained within 2756  
the period ending ~~sixty~~ thirty days after the date the request is 2757  
made. Regardless of when the results of the criminal records check 2758  
are obtained, if the individual was employed conditionally in a 2759



position that involves the provision of direct care to older 2760  
adults and the results indicate that the individual has been 2761  
convicted of or pleaded guilty to any of the offenses listed or 2762  
described in division (C)(2) of this section, or if the individual 2763  
was employed conditionally in a position that involves both 2764  
responsibility for the care, custody, and control of a child and 2765  
the provision of direct care to older adults and the results 2766  
indicate that the individual has been convicted of or pleaded 2767  
guilty to any of the offenses listed or described in division 2768  
(C)(1) or (2) of this section, the agency shall terminate the 2769  
individual's employment unless the agency chooses to employ the 2770  
individual pursuant to division (F) of this section. Termination 2771  
of employment under this division shall be considered just cause 2772  
for discharge for purposes of division (D)(2) of section 4141.29 2773  
of the Revised Code if the individual makes any attempt to deceive 2774  
the agency about the individual's criminal record. 2775

(D)(1) Each home health agency shall pay to the bureau of 2776  
criminal identification and investigation the fee prescribed 2777  
pursuant to division (C)(3) of section 109.572 of the Revised Code 2778  
for each criminal records check conducted in accordance with that 2779  
section upon the request pursuant to division (B)(1) of this 2780  
section of the chief administrator of the home health agency. 2781

(2) A home health agency may charge an applicant a fee for 2782  
the costs it incurs in obtaining a criminal records check under 2783  
this section, unless the medical assistance program established 2784  
under Chapter 5111. of the Revised Code reimburses the agency for 2785  
the costs. A fee charged under division (D)(2) of this section 2786  
shall not exceed the amount of fees the agency pays under division 2787  
(D)(1) of this section. If a fee is charged under division (D)(2) 2788  
of this section, the agency shall notify the applicant at the time 2789  
of the applicant's initial application for employment of the 2790  
amount of the fee and that, unless the fee is paid, the agency 2791

will not consider the applicant for employment. 2792

(E) The report of any criminal records check conducted by the 2793  
bureau of criminal identification and investigation in accordance 2794  
with section 109.572 of the Revised Code and pursuant to a request 2795  
made under division (B)(1) of this section is not a public record 2796  
for the purposes of section 149.43 of the Revised Code and shall 2797  
not be made available to any person other than the following: 2798

(1) The individual who is the subject of the criminal records 2799  
check or the individual's representative; 2800

(2) The home health agency requesting the criminal records 2801  
check or its representative; 2802

(3) The administrator of any other facility, agency, or 2803  
program that provides direct care to older adults that is owned or 2804  
operated by the same entity that owns or operates the home health 2805  
agency; 2806

(4) Any court, hearing officer, or other necessary individual 2807  
involved in a case dealing with a denial of employment of the 2808  
applicant or dealing with employment or unemployment benefits of 2809  
the applicant; 2810

(5) Any person to whom the report is provided pursuant to, 2811  
and in accordance with, division (I)(1), (2), (3), or (4) of this 2812  
section. 2813

(F) The department of health shall adopt rules in accordance 2814  
with Chapter 119. of the Revised Code to implement this section. 2815  
The rules shall specify circumstances under which the home health 2816  
agency may employ a person who has been convicted of or pleaded 2817  
guilty to an offense listed or described in division (C)(1) of 2818  
this section but who meets standards in regard to rehabilitation 2819  
set by the department or employ a person who has been convicted of 2820  
or pleaded guilty to an offense listed or described in division 2821  
(C)(2) of this section but meets personal character standards set 2822

by the department. 2823

(G) Any person required by division (B)(1) of this section to 2824  
request a criminal records check shall inform each person, at the 2825  
time of initial application for employment that the person is 2826  
required to provide a set of fingerprint impressions and that a 2827  
criminal records check is required to be conducted and 2828  
satisfactorily completed in accordance with section 109.572 of the 2829  
Revised Code if the person comes under final consideration for 2830  
appointment or employment as a precondition to employment for that 2831  
position. 2832

(H) In a tort or other civil action for damages that is 2833  
brought as the result of an injury, death, or loss to person or 2834  
property caused by an individual who a home health agency employs 2835  
in a position that involves providing direct care to older adults, 2836  
all of the following shall apply: 2837

(1) If the agency employed the individual in good faith and 2838  
reasonable reliance on the report of a criminal records check 2839  
requested under this section, the agency shall not be found 2840  
negligent solely because of its reliance on the report, even if 2841  
the information in the report is determined later to have been 2842  
incomplete or inaccurate; 2843

(2) If the agency employed the individual in good faith on a 2844  
conditional basis pursuant to division (C)(3)(b) of this section, 2845  
the agency shall not be found negligent solely because it employed 2846  
the individual prior to receiving the report of a criminal records 2847  
check requested under this section; 2848

(3) If the agency in good faith employed the individual 2849  
according to the personal character standards established in rules 2850  
adopted under division (F) of this section, the agency shall not 2851  
be found negligent solely because the individual prior to being 2852  
employed had been convicted of or pleaded guilty to an offense 2853

listed or described in division (C)(1) or (2) of this section. 2854

(I)(1) The chief administrator of a home health agency is not 2855  
required to request that the superintendent of the bureau of 2856  
criminal identification and investigation conduct a criminal 2857  
records check of an applicant for a position that involves the 2858  
provision of direct care to older adults if the applicant has been 2859  
referred to the agency by an employment service that supplies 2860  
full-time, part-time, or temporary staff for positions involving 2861  
the direct care of older adults and both of the following apply: 2862

(a) The chief administrator receives from the employment 2863  
service or the applicant a report of the results of a criminal 2864  
records check regarding the applicant that has been conducted by 2865  
the superintendent within the one-year period immediately 2866  
preceding the applicant's referral; 2867

(b) The report of the criminal records check demonstrates 2868  
that the person has not been convicted of or pleaded guilty to an 2869  
offense listed or described in division (C)(2) of this section, or 2870  
the report demonstrates that the person has been convicted of or 2871  
pleaded guilty to one or more of those offenses, but the home 2872  
health agency chooses to employ the individual pursuant to 2873  
division (F) of this section. 2874

(2) The chief administrator of a home health agency is not 2875  
required to request that the superintendent of the bureau of 2876  
criminal identification and investigation conduct a criminal 2877  
records check of an applicant for a position that involves 2878  
providing direct care to older adults and may employ the applicant 2879  
conditionally in a position of that nature as described in this 2880  
division, if the applicant has been referred to the agency by an 2881  
employment service that supplies full-time, part-time, or 2882  
temporary staff for positions involving the direct care of older 2883  
adults and if the chief administrator receives from the employment 2884  
service or the applicant a letter from the employment service that 2885

is on the letterhead of the employment service, dated, and signed 2886  
by a supervisor or another designated official of the employment 2887  
service and that states that the employment service has requested 2888  
the superintendent to conduct a criminal records check regarding 2889  
the applicant, that the requested criminal records check will 2890  
include a determination of whether the applicant has been 2891  
convicted of or pleaded guilty to any offense listed or described 2892  
in division (C)(2) of this section, that, as of the date set forth 2893  
on the letter, the employment service had not received the results 2894  
of the criminal records check, and that, when the employment 2895  
service receives the results of the criminal records check, it 2896  
promptly will send a copy of the results to the home health 2897  
agency. If a home health agency employs an applicant conditionally 2898  
in accordance with this division, the employment service, upon its 2899  
receipt of the results of the criminal records check, promptly 2900  
shall send a copy of the results to the home health agency, and 2901  
division (C)(3)(b) of this section applies regarding the 2902  
conditional employment. 2903

(3) The chief administrator of a home health agency is not 2904  
required to request that the superintendent of the bureau of 2905  
criminal identification and investigation conduct a criminal 2906  
records check of an applicant for a position that involves both 2907  
responsibility for the care, custody, and control of a child and 2908  
the provision of direct care to older adults if the applicant has 2909  
been referred to the agency by an employment service that supplies 2910  
full-time, part-time, or temporary staff for positions involving 2911  
both responsibility for the care, custody, and control of a child 2912  
and the provision of direct care to older adults and both of the 2913  
following apply: 2914

(a) The chief administrator receives from the employment 2915  
service or applicant a report of a criminal records check of the 2916  
type described in division (I)(1)(a) of this section; 2917

(b) The report of the criminal records check demonstrates 2918  
that the person has not been convicted of or pleaded guilty to an 2919  
offense listed or described in division (C)(1) or (2) of this 2920  
section, or the report demonstrates that the person has been 2921  
convicted of or pleaded guilty to one or more of those offenses, 2922  
but the home health agency chooses to employ the individual 2923  
pursuant to division (F) of this section. 2924

(4) The chief administrator of a home health agency is not 2925  
required to request that the superintendent of the bureau of 2926  
criminal identification and investigation conduct a criminal 2927  
records check of an applicant for a position that involves both 2928  
responsibility for the care, custody, and control of a child and 2929  
the provision of direct care to older adults and may employ the 2930  
applicant conditionally in a position of that nature as described 2931  
in this division, if the applicant has been referred to the agency 2932  
by an employment service that supplies full-time, part-time, or 2933  
temporary staff for positions involving both responsibility for 2934  
the care, custody, and control of a child and the direct care of 2935  
older adults and if the chief administrator receives from the 2936  
employment service or the applicant a letter from the employment 2937  
service that is on the letterhead of the employment service, 2938  
dated, and signed by a supervisor or another designated official 2939  
of the employment service and that states that the employment 2940  
service has requested the superintendent to conduct a criminal 2941  
records check regarding the applicant, that the requested criminal 2942  
records check will include a determination of whether the 2943  
applicant has been convicted of or pleaded guilty to any offense 2944  
listed or described in division (C)(1) or (2) of this section, 2945  
that, as of the date set forth on the letter, the employment 2946  
service had not received the results of the criminal records 2947  
check, and that, when the employment service receives the results 2948  
of the criminal records check, it promptly will send a copy of the 2949

results to the home health agency. If a home health agency employs 2950  
an applicant conditionally in accordance with this division, the 2951  
employment service, upon its receipt of the results of the 2952  
criminal records check, promptly shall send a copy of the results 2953  
to the home health agency, and division (C)(3)(b) of this section 2954  
applies regarding the conditional employment. 2955

**Sec. 3712.09.** (A) As used in this section: 2956

(1) "Applicant" means a person who is under final 2957  
consideration for employment with a hospice care program in a 2958  
full-time, part-time, or temporary position that involves 2959  
providing direct care to an older adult. "Applicant" does not 2960  
include a person who provides direct care as a volunteer without 2961  
receiving or expecting to receive any form of remuneration other 2962  
than reimbursement for actual expenses. 2963

(2) "Criminal records check" and "older adult" have the same 2964  
meanings as in section 109.572 of the Revised Code. 2965

(B)(1) Except as provided in division (I) of this section, 2966  
the chief administrator of a hospice care program shall request 2967  
that the superintendent of the bureau of criminal identification 2968  
and investigation conduct a criminal records check with respect to 2969  
each applicant. If an applicant for whom a criminal records check 2970  
request is required under this division does not present proof of 2971  
having been a resident of this state for the five-year period 2972  
immediately prior to the date the criminal records check is 2973  
requested or provide evidence that within that five-year period 2974  
the superintendent has requested information about the applicant 2975  
from the federal bureau of investigation in a criminal records 2976  
check, the chief administrator shall request that the 2977  
superintendent obtain information from the federal bureau of 2978  
investigation as part of the criminal records check of the 2979  
applicant. Even if an applicant for whom a criminal records check 2980

request is required under this division presents proof of having 2981  
been a resident of this state for the five-year period, the chief 2982  
administrator may request that the superintendent include 2983  
information from the federal bureau of investigation in the 2984  
criminal records check. 2985

(2) A person required by division (B)(1) of this section to 2986  
request a criminal records check shall do both of the following: 2987

(a) Provide to each applicant for whom a criminal records 2988  
check request is required under that division a copy of the form 2989  
prescribed pursuant to division (C)(1) of section 109.572 of the 2990  
Revised Code and a standard fingerprint impression sheet 2991  
prescribed pursuant to division (C)(2) of that section, and obtain 2992  
the completed form and impression sheet from the applicant; 2993

(b) Forward the completed form and impression sheet to the 2994  
superintendent of the bureau of criminal identification and 2995  
investigation. 2996

(3) An applicant provided the form and fingerprint impression 2997  
sheet under division (B)(2)(a) of this section who fails to 2998  
complete the form or provide fingerprint impressions shall not be 2999  
employed in any position for which a criminal records check is 3000  
required by this section. 3001

(C)(1) Except as provided in rules adopted by the public 3002  
health council in accordance with division (F) of this section and 3003  
subject to division (C)(2) of this section, no hospice care 3004  
program shall employ a person in a position that involves 3005  
providing direct care to an older adult if the person has been 3006  
convicted of or pleaded guilty to any of the following: 3007

(a) A violation of section 2903.01, 2903.02, 2903.03, 3008  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3009  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3010  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3011



2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3012  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3013  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3014  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3015  
2925.22, 2925.23, or 3716.11 of the Revised Code. 3016

(b) A violation of an existing or former law of this state, 3017  
any other state, or the United States that is substantially 3018  
equivalent to any of the offenses listed in division (C)(1)(a) of 3019  
this section. 3020

(2)(a) A hospice care program may employ conditionally an 3021  
applicant for whom a criminal records check request is required 3022  
under division (B) of this section prior to obtaining the results 3023  
of a criminal records check regarding the individual, provided 3024  
that the program shall request a criminal records check regarding 3025  
the individual in accordance with division (B)(1) of this section 3026  
not later than five business days after the individual begins 3027  
conditional employment. In the circumstances described in division 3028  
(I)(2) of this section, a hospice care program may employ 3029  
conditionally an applicant who has been referred to the hospice 3030  
care program by an employment service that supplies full-time, 3031  
part-time, or temporary staff for positions involving the direct 3032  
care of older adults and for whom, pursuant to that division, a 3033  
criminal records check is not required under division (B) of this 3034  
section. 3035

(b) A hospice care program that employs an individual 3036  
conditionally under authority of division (C)(2)(a) of this 3037  
section shall terminate the individual's employment if the results 3038  
of the criminal records check requested under division (B) of this 3039  
section or described in division (I)(2) of this section, other 3040  
than the results of any request for information from the federal 3041  
bureau of investigation, are not obtained within the period ending 3042  
~~sixty~~ thirty days after the date the request is made. Regardless 3043

of when the results of the criminal records check are obtained, if 3044  
the results indicate that the individual has been convicted of or 3045  
pleaded guilty to any of the offenses listed or described in 3046  
division (C)(1) of this section, the program shall terminate the 3047  
individual's employment unless the program chooses to employ the 3048  
individual pursuant to division (F) of this section. Termination 3049  
of employment under this division shall be considered just cause 3050  
for discharge for purposes of division (D)(2) of section 4141.29 3051  
of the Revised Code if the individual makes any attempt to deceive 3052  
the program about the individual's criminal record. 3053

(D)(1) Each hospice care program shall pay to the bureau of 3054  
criminal identification and investigation the fee prescribed 3055  
pursuant to division (C)(3) of section 109.572 of the Revised Code 3056  
for each criminal records check conducted pursuant to a request 3057  
made under division (B) of this section. 3058

(2) A hospice care program may charge an applicant a fee not 3059  
exceeding the amount the program pays under division (D)(1) of 3060  
this section. A program may collect a fee only if both of the 3061  
following apply: 3062

(a) The program notifies the person at the time of initial 3063  
application for employment of the amount of the fee and that, 3064  
unless the fee is paid, the person will not be considered for 3065  
employment; 3066

(b) The medical assistance program established under Chapter 3067  
5111. of the Revised Code does not reimburse the program the fee 3068  
it pays under division (D)(1) of this section. 3069

(E) The report of a criminal records check conducted pursuant 3070  
to a request made under this section is not a public record for 3071  
the purposes of section 149.43 of the Revised Code and shall not 3072  
be made available to any person other than the following: 3073

(1) The individual who is the subject of the criminal records 3074

check or the individual's representative;	3075
(2) The chief administrator of the program requesting the criminal records check or the administrator's representative;	3076 3077
(3) The administrator of any other facility, agency, or program that provides direct care to older adults that is owned or operated by the same entity that owns or operates the hospice care program;	3078 3079 3080 3081
(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;	3082 3083 3084 3085
(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section.	3086 3087
(F) The public health council shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a hospice care program 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 council.	3088 3089 3090 3091 3092 3093 3094
(G) The chief administrator of a hospice care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.	3095 3096 3097 3098 3099 3100 3101
(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a hospice care program employs in a position that involves providing direct care to older	3102 3103 3104 3105

adults, all of the following shall apply: 3106

(1) If the program employed the individual in good faith and 3107  
reasonable reliance on the report of a criminal records check 3108  
requested under this section, the program shall not be found 3109  
negligent solely because of its reliance on the report, even if 3110  
the information in the report is determined later to have been 3111  
incomplete or inaccurate; 3112

(2) If the program employed the individual in good faith on a 3113  
conditional basis pursuant to division (C)(2) of this section, the 3114  
program shall not be found negligent solely because it employed 3115  
the individual prior to receiving the report of a criminal records 3116  
check requested under this section; 3117

(3) If the program in good faith employed the individual 3118  
according to the personal character standards established in rules 3119  
adopted under division (F) of this section, the program shall not 3120  
be found negligent solely because the individual prior to being 3121  
employed had been convicted of or pleaded guilty to an offense 3122  
listed or described in division (C)(1) of this section. 3123

(I)(1) The chief administrator of a hospice care program is 3124  
not required to request that the superintendent of the bureau of 3125  
criminal identification and investigation conduct a criminal 3126  
records check of an applicant if the applicant has been referred 3127  
to the program by an employment service that supplies full-time, 3128  
part-time, or temporary staff for positions involving the direct 3129  
care of older adults and both of the following apply: 3130

(a) The chief administrator receives from the employment 3131  
service or the applicant a report of the results of a criminal 3132  
records check regarding the applicant that has been conducted by 3133  
the superintendent within the one-year period immediately 3134  
preceding the applicant's referral; 3135

(b) The report of the criminal records check demonstrates 3136

that the person has not been convicted of or pleaded guilty to an 3137  
offense listed or described in division (C)(1) of this section, or 3138  
the report demonstrates that the person has been convicted of or 3139  
pleaded guilty to one or more of those offenses, but the hospice 3140  
care program chooses to employ the individual pursuant to division 3141  
(F) of this section. 3142

(2) The chief administrator of a hospice care program is not 3143  
required to request that the superintendent of the bureau of 3144  
criminal identification and investigation conduct a criminal 3145  
records check of an applicant and may employ the applicant 3146  
conditionally as described in this division, if the applicant has 3147  
been referred to the program by an employment service that 3148  
supplies full-time, part-time, or temporary staff for positions 3149  
involving the direct care of older adults and if the chief 3150  
administrator receives from the employment service or the 3151  
applicant a letter from the employment service that is on the 3152  
letterhead of the employment service, dated, and signed by a 3153  
supervisor or another designated official of the employment 3154  
service and that states that the employment service has requested 3155  
the superintendent to conduct a criminal records check regarding 3156  
the applicant, that the requested criminal records check will 3157  
include a determination of whether the applicant has been 3158  
convicted of or pleaded guilty to any offense listed or described 3159  
in division (C)(1) of this section, that, as of the date set forth 3160  
on the letter, the employment service had not received the results 3161  
of the criminal records check, and that, when the employment 3162  
service receives the results of the criminal records check, it 3163  
promptly will send a copy of the results to the hospice care 3164  
program. If a hospice care program employs an applicant 3165  
conditionally in accordance with this division, the employment 3166  
service, upon its receipt of the results of the criminal records 3167  
check, promptly shall send a copy of the results to the hospice 3168  
care program, and division (C)(2)(b) of this section applies 3169

regarding the conditional employment. 3170

**Sec. 3734.02.** (A) The director of environmental protection, 3171  
in accordance with Chapter 119. of the Revised Code, shall adopt 3172  
and may amend, suspend, or rescind rules having uniform 3173  
application throughout the state governing solid waste facilities 3174  
and the inspections of and issuance of permits and licenses for 3175  
all solid waste facilities in order to ensure that the facilities 3176  
will be located, maintained, and operated, and will undergo 3177  
closure and post-closure care, in a sanitary manner so as not to 3178  
create a nuisance, cause or contribute to water pollution, create 3179  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 3180  
257.3-8, as amended. The rules may include, without limitation, 3181  
financial assurance requirements for closure and post-closure care 3182  
and corrective action and requirements for taking corrective 3183  
action in the event of the surface or subsurface discharge or 3184  
migration of explosive gases or leachate from a solid waste 3185  
facility, or of ground water contamination resulting from the 3186  
transfer or disposal of solid wastes at a facility, beyond the 3187  
boundaries of any area within a facility that is operating or is 3188  
undergoing closure or post-closure care where solid wastes were 3189  
disposed of or are being disposed of. The rules shall not concern 3190  
or relate to personnel policies, salaries, wages, fringe benefits, 3191  
or other conditions of employment of employees of persons owning 3192  
or operating solid waste facilities. The director, in accordance 3193  
with Chapter 119. of the Revised Code, shall adopt and may amend, 3194  
suspend, or rescind rules governing the issuance, modification, 3195  
revocation, suspension, or denial of variances from the director's 3196  
solid waste rules, including, without limitation, rules adopted 3197  
under this chapter governing the management of scrap tires. 3198

Variances shall be issued, modified, revoked, suspended, or 3199  
rescinded in accordance with this division, rules adopted under 3200  
it, and Chapter 3745. of the Revised Code. The director may order 3201

the person to whom a variance is issued to take such action within 3202  
such time as the director may determine to be appropriate and 3203  
reasonable to prevent the creation of a nuisance or a hazard to 3204  
the public health or safety or the environment. Applications for 3205  
variances shall contain such detail plans, specifications, and 3206  
information regarding objectives, procedures, controls, and other 3207  
pertinent data as the director may require. The director shall 3208  
grant a variance only if the applicant demonstrates to the 3209  
director's satisfaction that construction and operation of the 3210  
solid waste facility in the manner allowed by the variance and any 3211  
terms or conditions imposed as part of the variance will not 3212  
create a nuisance or a hazard to the public health or safety or 3213  
the environment. In granting any variance, the director shall 3214  
state the specific provision or provisions whose terms are to be 3215  
varied and also shall state specific terms or conditions imposed 3216  
upon the applicant in place of the provision or provisions. The 3217  
director may hold a public hearing on an application for a 3218  
variance or renewal of a variance at a location in the county 3219  
where the operations that are the subject of the application for 3220  
the variance are conducted. The director shall give not less than 3221  
twenty days' notice of the hearing to the applicant by certified 3222  
mail and shall publish at least one notice of the hearing in a 3223  
newspaper with general circulation in the county where the hearing 3224  
is to be held. The director shall make available for public 3225  
inspection at the principal office of the environmental protection 3226  
agency a current list of pending applications for variances and a 3227  
current schedule of pending variance hearings. The director shall 3228  
make a complete stenographic record of testimony and other 3229  
evidence submitted at the hearing. Within ten days after the 3230  
hearing, the director shall make a written determination to issue, 3231  
renew, or deny the variance and shall enter the determination and 3232  
the basis for it into the record of the hearing. The director 3233  
shall issue, renew, or deny an application for a variance or 3234

renewal of a variance within six months of the date upon which the 3235  
director receives a complete application with all pertinent 3236  
information and data required. No variance shall be issued, 3237  
revoked, modified, or denied until the director has considered the 3238  
relative interests of the applicant, other persons and property 3239  
affected by the variance, and the general public. Any variance 3240  
granted under this division shall be for a period specified by the 3241  
director and may be renewed from time to time on such terms and 3242  
for such periods as the director determines to be appropriate. No 3243  
application shall be denied and no variance shall be revoked or 3244  
modified without a written order stating the findings upon which 3245  
the denial, revocation, or modification is based. A copy of the 3246  
order shall be sent to the applicant or variance holder by 3247  
certified mail. 3248

(B) The director shall prescribe and furnish the forms 3249  
necessary to administer and enforce this chapter. The director may 3250  
cooperate with and enter into agreements with other state, local, 3251  
or federal agencies to carry out the purposes of this chapter. The 3252  
director may exercise all incidental powers necessary to carry out 3253  
the purposes of this chapter. 3254

The director may use moneys in the infectious waste 3255  
management fund created in section 3734.021 of the Revised Code 3256  
exclusively for administering and enforcing the provisions of this 3257  
chapter governing the management of infectious wastes. Of each 3258  
registration and renewal fee collected under rules adopted under 3259  
division (A)(2)(a) of section 3734.021 or under section 3734.022 3260  
of the Revised Code, the director, within forty-five days of its 3261  
receipt, shall remit from the fund one-half of the fee received to 3262  
the board of health of the health district in which the registered 3263  
premises is located, or, in the instance of an infectious wastes 3264  
transporter, to the board of health of the health district in 3265  
which the transporter's principal place of business is located. 3266



However, if the board of health having jurisdiction over a 3267  
registrant's premises or principal place of business is not on the 3268  
approved list under section 3734.08 of the Revised Code, the 3269  
director shall not make that payment to the board of health. 3270

(C) Except as provided in this division and divisions (N)(2) 3271  
and (3) of this section, no person shall establish a new solid 3272  
waste facility or infectious waste treatment facility, or modify 3273  
an existing solid waste facility or infectious waste treatment 3274  
facility, without submitting an application for a permit with 3275  
accompanying detail plans, specifications, and information 3276  
regarding the facility and method of operation and receiving a 3277  
permit issued by the director, except that no permit shall be 3278  
required under this division to install or operate a solid waste 3279  
facility for sewage sludge treatment or disposal when the 3280  
treatment or disposal is authorized by a current permit issued 3281  
under Chapter 3704. or 6111. of the Revised Code. 3282

No person shall continue to operate a solid waste facility 3283  
for which the director has denied a permit for which an 3284  
application was required under division (A)(3) of section 3734.05 3285  
of the Revised Code, or for which the director has disapproved 3286  
plans and specifications required to be filed by an order issued 3287  
under division (A)(5) of that section, after the date prescribed 3288  
for commencement of closure of the facility in the order issued 3289  
under division (A)(6) of section 3734.05 of the Revised Code 3290  
denying the permit application or approval. 3291

On and after the effective date of the rules adopted under 3292  
division (A) of this section and division (D) of section 3734.12 3293  
of the Revised Code governing solid waste transfer facilities, no 3294  
person shall establish a new, or modify an existing, solid waste 3295  
transfer facility without first submitting an application for a 3296  
permit with accompanying engineering detail plans, specifications, 3297  
and information regarding the facility and its method of operation 3298

to the director and receiving a permit issued by the director. 3299

No person shall establish a new compost facility or continue 3300  
to operate an existing compost facility that accepts exclusively 3301  
source separated yard wastes without submitting a completed 3302  
registration for the facility to the director in accordance with 3303  
rules adopted under divisions (A) and (N)(3) of this section. 3304

This division does not apply to an infectious waste treatment 3305  
facility that meets any of the following conditions: 3306

(1) Is owned or operated by the generator of the wastes and 3307  
exclusively treats, by methods, techniques, and practices 3308  
established by rules adopted under division (C)(1) or (3) of 3309  
section 3734.021 of the Revised Code, wastes that are generated at 3310  
any premises owned or operated by that generator regardless of 3311  
whether the wastes are generated on the premises where the 3312  
generator's treatment facility is located or, if the generator is 3313  
a hospital as defined in section 3727.01 of the Revised Code, 3314  
infectious wastes that are described in division (A)(1)(g), (h), 3315  
or (i) of section 3734.021 of the Revised Code; 3316

(2) Holds a license or renewal of a license to operate a 3317  
crematory facility issued under Chapter 4717. and a permit issued 3318  
under Chapter 3704. of the Revised Code; 3319

(3) Treats or disposes of dead animals or parts thereof, or 3320  
the blood of animals, and is subject to any of the following: 3321

(a) Inspection under the "Federal Meat Inspection Act," 81 3322  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 3323

(b) Chapter 918. of the Revised Code; 3324

(c) Chapter 953. of the Revised Code. 3325

(D) Neither this chapter nor any rules adopted under it apply 3326  
to single-family residential premises; to infectious wastes 3327  
generated by individuals for purposes of their own care or 3328

treatment that are disposed of with solid wastes from the 3329  
individual's residence; to the temporary storage of solid wastes, 3330  
other than scrap tires, prior to their collection for disposal; to 3331  
the storage of one hundred or fewer scrap tires unless they are 3332  
stored in such a manner that, in the judgment of the director or 3333  
the board of health of the health district in which the scrap 3334  
tires are stored, the storage causes a nuisance, a hazard to 3335  
public health or safety, or a fire hazard; or to the collection of 3336  
solid wastes, other than scrap tires, by a political subdivision 3337  
or a person holding a franchise or license from a political 3338  
subdivision of the state; to composting, as defined in section 3339  
1511.01 of the Revised Code, conducted in accordance with section 3340  
1511.022 of the Revised Code; or to any person who is licensed to 3341  
transport raw rendering material to a compost facility pursuant to 3342  
section 953.23 of the Revised Code. 3343

(E)(1) As used in this division ~~and section 3734.18 of the~~ 3344  
~~Revised Code:~~ 3345

(a) "On-site facility" means a facility that stores, treats, 3346  
or disposes of hazardous waste that is generated on the premises 3347  
of the facility. 3348

(b) "Off-site facility" means a facility that stores, treats, 3349  
or disposes of hazardous waste that is generated off the premises 3350  
of the facility and includes such a facility that is also an 3351  
on-site facility. 3352

(c) "Satellite facility" means any of the following: 3353

(i) An on-site facility that also receives hazardous waste 3354  
from other premises owned by the same person who generates the 3355  
waste on the facility premises; 3356

(ii) An off-site facility operated so that all of the 3357  
hazardous waste it receives is generated on one or more premises 3358  
owned by the person who owns the facility; 3359

(iii) An on-site facility that also receives hazardous waste 3360  
that is transported uninterruptedly and directly to the facility 3361  
through a pipeline from a generator who is not the owner of the 3362  
facility. 3363

(2) Except as provided in division (E)(3) of this section, no 3364  
person shall establish or operate a hazardous waste facility, or 3365  
use a solid waste facility for the storage, treatment, or disposal 3366  
of any hazardous waste, without a hazardous waste facility 3367  
installation and operation permit issued in accordance with 3368  
section 3734.05 of the Revised Code and subject to the payment of 3369  
an application fee not to exceed one thousand five hundred 3370  
dollars, payable upon application for a hazardous waste facility 3371  
installation and operation permit and upon application for a 3372  
renewal permit issued under division (H) of section 3734.05 of the 3373  
Revised Code, to be credited to the hazardous waste facility 3374  
management fund created in section 3734.18 of the Revised Code. 3375  
The term of a hazardous waste facility installation and operation 3376  
permit shall not exceed five years. 3377

In addition to the application fee, there is hereby levied an 3378  
annual permit fee to be paid by the permit holder upon the 3379  
anniversaries of the date of issuance of the hazardous waste 3380  
facility installation and operation permit and of any subsequent 3381  
renewal permits and to be credited to the hazardous waste facility 3382  
management fund. Annual permit fees totaling forty thousand 3383  
dollars or more for any one facility may be paid on a quarterly 3384  
basis with the first quarterly payment each year being due on the 3385  
anniversary of the date of issuance of the hazardous waste 3386  
facility installation and operation permit and of any subsequent 3387  
renewal permits. The annual permit fee shall be determined for 3388  
each permit holder by the director in accordance with the 3389  
following schedule: 3390

TYPE OF BASIC 3391

MANAGEMENT UNIT	TYPE OF FACILITY	FEE	
			3392
Storage facility using:			3393
Containers	On-site, off-site, and satellite	\$ 500	3394 3395
Tanks	On-site, off-site, and satellite	500	3396 3397
Waste pile	On-site, off-site, and satellite	3,000	3398 3399
Surface impoundment	On-site and satellite	8,000	3400
	Off-site	10,000	3401
Disposal facility using:			3402
Deep well injection	On-site and satellite	15,000	3403
	Off-site	25,000	3404
Landfill	On-site and satellite	25,000	3405
	Off-site	40,000	3406
Land application	On-site and satellite	2,500	3407
	Off-site	5,000	3408
Surface impoundment	On-site and satellite	10,000	3409
	Off-site	20,000	3410
Treatment facility using:			3411
Tanks	On-site, off-site, and satellite	700	3412 3413
Surface impoundment	On-site and satellite	8,000	3414
	Off-site	10,000	3415
Incinerator	On-site and satellite	5,000	3416
	Off-site	10,000	3417
Other forms of treatment	On-site, off-site, and satellite	1,000	3418 3419 3420
<u>A hazardous waste disposal facility that disposes of</u>			3421
<u>hazardous waste by deep well injection and that pays the annual</u>			3422
<u>permit fee established in section 6111.046 of the Revised Code is</u>			3423
<u>not subject to the permit fee established in this division for</u>			3424

disposal facilities using deep well injection unless the director 3425  
determines that the facility is not in compliance with applicable 3426  
requirements established under this chapter and rules adopted 3427  
under it. 3428

In determining the annual permit fee required by this 3429  
section, the director shall not require additional payments for 3430  
multiple units of the same method of storage, treatment, or 3431  
disposal or for individual units that are used for both storage 3432  
and treatment. A facility using more than one method of storage, 3433  
treatment, or disposal shall pay the permit fee indicated by the 3434  
schedule for each such method. 3435

The director shall not require the payment of that portion of 3436  
an annual permit fee of any permit holder that would apply to a 3437  
hazardous waste management unit for which a permit has been 3438  
issued, but for which construction has not yet commenced. Once 3439  
construction has commenced, the director shall require the payment 3440  
of a part of the appropriate fee indicated by the schedule that 3441  
bears the same relationship to the total fee that the number of 3442  
days remaining until the next anniversary date at which payment of 3443  
the annual permit fee is due bears to three hundred sixty-five. 3444

The director, by rules adopted in accordance with Chapters 3445  
119. and 3745. of the Revised Code, shall prescribe procedures for 3446  
collecting the annual permit fee established by this division and 3447  
may prescribe other requirements necessary to carry out this 3448  
division. 3449

(3) The prohibition against establishing or operating a 3450  
hazardous waste facility without a hazardous waste facility 3451  
installation and operation permit does not apply to either of the 3452  
following: 3453

(a) A facility that is operating in accordance with a permit 3454  
renewal issued under division (H) of section 3734.05 of the 3455

Revised Code, a revision issued under division (I) of that section 3456  
as it existed prior to August 20, 1996, or a modification issued 3457  
by the director under division (I) of that section on and after 3458  
August 20, 1996; 3459

(b) Except as provided in division (J) of section 3734.05 of 3460  
the Revised Code, a facility that will operate or is operating in 3461  
accordance with a permit by rule, or that is not subject to permit 3462  
requirements, under rules adopted by the director. In accordance 3463  
with Chapter 119. of the Revised Code, the director shall adopt, 3464  
and subsequently may amend, suspend, or rescind, rules for the 3465  
purposes of division (E)(3)(b) of this section. Any rules so 3466  
adopted shall be consistent with and equivalent to regulations 3467  
pertaining to interim status adopted under the "Resource 3468  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 3469  
6921, as amended, except as otherwise provided in this chapter. 3470

If a modification is requested or proposed for a facility 3471  
described in division (E)(3)(a) or (b) of this section, division 3472  
(I)(7) of section 3734.05 of the Revised Code applies. 3473

(F) No person shall store, treat, or dispose of hazardous 3474  
waste identified or listed under this chapter and rules adopted 3475  
under it, regardless of whether generated on or off the premises 3476  
where the waste is stored, treated, or disposed of, or transport 3477  
or cause to be transported any hazardous waste identified or 3478  
listed under this chapter and rules adopted under it to any other 3479  
premises, except at or to any of the following: 3480

(1) A hazardous waste facility operating under a permit 3481  
issued in accordance with this chapter; 3482

(2) A facility in another state operating under a license or 3483  
permit issued in accordance with the "Resource Conservation and 3484  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 3485  
amended; 3486

(3) A facility in another nation operating in accordance with 3487  
the laws of that nation; 3488

(4) A facility holding a permit issued pursuant to Title I of 3489  
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 3490  
Stat. 1052, 33 U.S.C.A. 1401, as amended; 3491

(5) A hazardous waste facility as described in division 3492  
(E)(3)(a) or (b) of this section. 3493

(G) The director, by order, may exempt any person generating, 3494  
collecting, storing, treating, disposing of, or transporting solid 3495  
wastes or hazardous waste, or processing solid wastes that consist 3496  
of scrap tires, in such quantities or under such circumstances 3497  
that, in the determination of the director, are unlikely to 3498  
adversely affect the public health or safety or the environment 3499  
from any requirement to obtain a registration certificate, permit, 3500  
or license or comply with the manifest system or other 3501  
requirements of this chapter. Such an exemption shall be 3502  
consistent with and equivalent to any regulations adopted by the 3503  
administrator of the United States environmental protection agency 3504  
under the "Resource Conservation and Recovery Act of 1976," 90 3505  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 3506  
provided in this chapter. 3507

(H) No person shall engage in filling, grading, excavating, 3508  
building, drilling, or mining on land where a hazardous waste 3509  
facility, or a solid waste facility, was operated without prior 3510  
authorization from the director, who shall establish the procedure 3511  
for granting such authorization by rules adopted in accordance 3512  
with Chapter 119. of the Revised Code. 3513

A public utility that has main or distribution lines above or 3514  
below the land surface located on an easement or right-of-way 3515  
across land where a solid waste facility was operated may engage 3516  
in any such activity within the easement or right-of-way without 3517



prior authorization from the director for purposes of performing 3518  
emergency repair or emergency replacement of its lines; of the 3519  
poles, towers, foundations, or other structures supporting or 3520  
sustaining any such lines; or of the appurtenances to those 3521  
structures, necessary to restore or maintain existing public 3522  
utility service. A public utility may enter upon any such easement 3523  
or right-of-way without prior authorization from the director for 3524  
purposes of performing necessary or routine maintenance of those 3525  
portions of its existing lines; of the existing poles, towers, 3526  
foundations, or other structures sustaining or supporting its 3527  
lines; or of the appurtenances to any such supporting or 3528  
sustaining structure, located on or above the land surface on any 3529  
such easement or right-of-way. Within twenty-four hours after 3530  
commencing any such emergency repair, replacement, or maintenance 3531  
work, the public utility shall notify the director or the 3532  
director's authorized representative of those activities and shall 3533  
provide such information regarding those activities as the 3534  
director or the director's representative may request. Upon 3535  
completion of the emergency repair, replacement, or maintenance 3536  
activities, the public utility shall restore any land of the solid 3537  
waste facility disturbed by those activities to the condition 3538  
existing prior to the commencement of those activities. 3539

(I) No owner or operator of a hazardous waste facility, in 3540  
the operation of the facility, shall cause, permit, or allow the 3541  
emission therefrom of any particulate matter, dust, fumes, gas, 3542  
mist, smoke, vapor, or odorous substance that, in the opinion of 3543  
the director, unreasonably interferes with the comfortable 3544  
enjoyment of life or property by persons living or working in the 3545  
vicinity of the facility, or that is injurious to public health. 3546  
Any such action is hereby declared to be a public nuisance. 3547

(J) Notwithstanding any other provision of this chapter, in 3548  
the event the director finds an imminent and substantial danger to 3549

public health or safety or the environment that creates an 3550  
emergency situation requiring the immediate treatment, storage, or 3551  
disposal of hazardous waste, the director may issue a temporary 3552  
emergency permit to allow the treatment, storage, or disposal of 3553  
the hazardous waste at a facility that is not otherwise authorized 3554  
by a hazardous waste facility installation and operation permit to 3555  
treat, store, or dispose of the waste. The emergency permit shall 3556  
not exceed ninety days in duration and shall not be renewed. The 3557  
director shall adopt, and may amend, suspend, or rescind, rules in 3558  
accordance with Chapter 119. of the Revised Code governing the 3559  
issuance, modification, revocation, and denial of emergency 3560  
permits. 3561

(K) No owner or operator of a sanitary landfill shall 3562  
knowingly accept for disposal, or dispose of, any infectious 3563  
wastes, other than those subject to division (A)(1)(c) of section 3564  
3734.021 of the Revised Code, that have not been treated to render 3565  
them noninfectious. For the purposes of this division, 3566  
certification by the owner or operator of the treatment facility 3567  
where the wastes were treated on the shipping paper required by 3568  
rules adopted under division (D)(2) of that section creates a 3569  
rebuttable presumption that the wastes have been so treated. 3570

(L) The director, in accordance with Chapter 119. of the 3571  
Revised Code, shall adopt, and may amend, suspend, or rescind, 3572  
rules having uniform application throughout the state establishing 3573  
a training and certification program that shall be required for 3574  
employees of boards of health who are responsible for enforcing 3575  
the solid waste and infectious waste provisions of this chapter 3576  
and rules adopted under them and for persons who are responsible 3577  
for the operation of solid waste facilities or infectious waste 3578  
treatment facilities. The rules shall provide all of the 3579  
following, without limitation: 3580

(1) The program shall be administered by the director and 3581

shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;

(2) The course shall be offered on an annual basis;

(3) Those persons who are required to take the course under division (L) of this section shall do so triennially;

(4) Persons who successfully complete the course shall be certified by the director;

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section

3734.05 of the Revised Code to establish a solid waste facility, 3612  
or to modify a solid waste facility operating on December 21, 3613  
1988, in a manner that expands the disposal capacity or geographic 3614  
area covered by the facility, that is or is to be located within 3615  
the boundaries of a state park established or dedicated under 3616  
Chapter 1541. of the Revised Code, a state park purchase area 3617  
established under section 1541.02 of the Revised Code, any unit of 3618  
the national park system, or any property that lies within the 3619  
boundaries of a national park or recreation area, but that has not 3620  
been acquired or is not administered by the secretary of the 3621  
United States department of the interior, located in this state, 3622  
or any candidate area located in this state and identified for 3623  
potential inclusion in the national park system in the edition of 3624  
the "national park system plan" submitted under paragraph (b) of 3625  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 3626  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 3627  
application for the permit, unless the facility or proposed 3628  
facility is or is to be used exclusively for the disposal of solid 3629  
wastes generated within the park or recreation area and the 3630  
director determines that the facility or proposed facility will 3631  
not degrade any of the natural or cultural resources of the park 3632  
or recreation area. The director shall not issue a variance under 3633  
division (A) of this section and rules adopted under it, or issue 3634  
an exemption order under division (G) of this section, that would 3635  
authorize any such establishment or expansion of a solid waste 3636  
facility within the boundaries of any such park or recreation 3637  
area, state park purchase area, or candidate area, other than a 3638  
solid waste facility exclusively for the disposal of solid wastes 3639  
generated within the park or recreation area when the director 3640  
determines that the facility will not degrade any of the natural 3641  
or cultural resources of the park or recreation area. 3642

(N)(1) The rules adopted under division (A) of this section, 3643  
other than those governing variances, do not apply to scrap tire 3644

collection, storage, monocell, monofill, and recovery facilities. 3645  
Those facilities are subject to and governed by rules adopted 3646  
under sections 3734.70 to 3734.73 of the Revised Code, as 3647  
applicable. 3648

(2) Division (C) of this section does not apply to scrap tire 3649  
collection, storage, monocell, monofill, and recovery facilities. 3650  
The establishment and modification of those facilities are subject 3651  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 3652  
Code, as applicable. 3653

(3) The director may adopt, amend, suspend, or rescind rules 3654  
under division (A) of this section creating an alternative system 3655  
for authorizing the establishment, operation, or modification of a 3656  
solid waste compost facility in lieu of the requirement that a 3657  
person seeking to establish, operate, or modify a solid waste 3658  
compost facility apply for and receive a permit under division (C) 3659  
of this section and section 3734.05 of the Revised Code and a 3660  
license under division (A)(1) of that section. The rules may 3661  
include requirements governing, without limitation, the 3662  
classification of solid waste compost facilities, the submittal of 3663  
operating records for solid waste compost facilities, and the 3664  
creation of a registration or notification system in lieu of the 3665  
issuance of permits and licenses for solid waste compost 3666  
facilities. The rules shall specify the applicability of divisions 3667  
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 3668  
Code to a solid waste compost facility. 3669

**Sec. 3734.18.** (A) As used in this section: 3670

(1) "On-site facility" means a facility that treats or 3671  
disposes of hazardous waste that is generated on the premises of 3672  
the facility. 3673

(2) "Off-site facility" means a facility that treats or 3674  
disposes of hazardous waste that is generated off the premises of 3675

the facility. 3676

(3) "Satellite facility" means any of the following: 3677

(a) An on-site facility that also receives hazardous waste 3678  
from other premises owned by the same person who generates the 3679  
waste on the facility premises; 3680

(b) An off-site facility operated so that all of the 3681  
hazardous waste it receives is generated on one or more premises 3682  
owned by the person who owns the facility; 3683

(c) An on-site facility that also receives hazardous waste 3684  
that is transported uninterruptedly and directly to the facility 3685  
through a pipeline from a generator who is not the owner of the 3686  
facility. 3687

(B) A treatment or disposal facility that is subject to the 3688  
fees that are levied under this section may be both an on-site 3689  
facility and an off-site facility. The determination of whether an 3690  
on-site facility fee or an off-site facility fee is to be paid for 3691  
a hazardous waste that is treated or disposed of at the facility 3692  
shall be based on whether that hazardous waste was generated on or 3693  
off the premises of the facility. 3694

(C) There are hereby levied fees on the disposal of hazardous 3695  
waste to be collected according to the following schedule at each 3696  
disposal facility to which a hazardous waste facility installation 3697  
and operation permit or renewal of a permit has been issued under 3698  
this chapter or that is operating in accordance with a permit by 3699  
rule under rules adopted by the director of environmental 3700  
protection: 3701

(1) For disposal facilities that are off-site facilities as 3702  
defined in division (E) of section 3734.02 of the Revised Code, 3703  
fees shall be levied at the rate of four dollars and fifty cents 3704  
per ton for hazardous waste disposed of by deep well injection and 3705  
nine dollars per ton for hazardous waste disposed of by land 3706

application or landfilling. The owner or operator of the facility, 3707  
as a trustee for the state, shall collect the fees and forward 3708  
them to the director in accordance with rules adopted under this 3709  
section. 3710

(2) For disposal facilities that are on-site or satellite 3711  
facilities, ~~as defined in division (E) of section 3734.02 of the~~ 3712  
~~Revised Code~~, fees shall be levied at the rate of two dollars per 3713  
ton for hazardous waste disposed of by deep well injection and 3714  
four dollars per ton for hazardous waste disposed of by land 3715  
application or landfilling. The maximum annual disposal fee for an 3716  
on-site disposal facility that disposes of one hundred thousand 3717  
tons or less of hazardous waste in a year is twenty-five thousand 3718  
dollars. The maximum annual disposal fee for an on-site facility 3719  
that disposes of more than one hundred thousand tons of hazardous 3720  
waste in a year by land application or landfilling is fifty 3721  
thousand dollars, and the maximum annual fee for an on-site 3722  
facility that disposes of more than one hundred thousand tons of 3723  
hazardous waste in a year by deep well injection is one hundred 3724  
thousand dollars. The maximum annual disposal fee for a satellite 3725  
facility that disposes of one hundred thousand tons or less of 3726  
hazardous waste in a year is thirty-seven thousand five hundred 3727  
dollars, and the maximum annual disposal fee for a satellite 3728  
facility that disposes of more than one hundred thousand tons of 3729  
hazardous waste in a year is seventy-five thousand dollars, except 3730  
that a satellite facility defined under division ~~(E)~~(A)(3)(b) of 3731  
this section 3734.02 of the Revised Code that receives hazardous 3732  
waste from a single generation site is subject to the same maximum 3733  
annual disposal fees as an on-site disposal facility. The owner or 3734  
operator shall pay the fee to the director each year upon the 3735  
anniversary of the date of issuance of the owner's or operator's 3736  
installation and operation permit during the term of that permit 3737  
and any renewal permit issued under division (H) of section 3738  
3734.05 of the Revised Code or on the anniversary of the date of a 3739

permit by rule. If payment is late, the owner or operator shall 3740  
pay an additional ten per cent of the amount of the fee for each 3741  
month that it is late. 3742

~~(B)~~(D) There are hereby levied fees at the rate of two 3743  
dollars per ton on hazardous waste that is treated at treatment 3744  
facilities that are not on-site or satellite facilities, ~~as~~ 3745  
~~defined in division (E) of section 3734.02 of the Revised Code,~~ to 3746  
which a hazardous waste facility installation and operation permit 3747  
or renewal of a permit has been issued under this chapter, whose 3748  
owner or operator is operating in accordance with a permit by rule 3749  
under rules adopted by the director, or that are not subject to 3750  
the hazardous waste facility installation and operation permit 3751  
requirements under rules adopted by the director. 3752

~~(C)~~(E) There are hereby levied additional fees on the 3753  
treatment and disposal of hazardous waste at the rate of ten per 3754  
cent of the applicable fees prescribed in division ~~(A)~~(C) or 3755  
~~(B)~~(D) of this section for the purposes of paying the costs of 3756  
municipal corporations and counties for conducting reviews of 3757  
applications for hazardous waste facility installation and 3758  
operation permits for proposed new or modified hazardous waste 3759  
landfills within their boundaries, emergency response actions with 3760  
respect to releases of hazardous waste from hazardous waste 3761  
facilities within their boundaries, monitoring the operation of 3762  
such hazardous waste facilities, and local waste management 3763  
planning programs. The owner or operator of a facility located 3764  
within a municipal corporation, as a trustee for the municipal 3765  
corporation, shall collect the fees levied by this division and 3766  
forward them to the treasurer of the municipal corporation or such 3767  
officer as, by virtue of the charter, has the duties of the 3768  
treasurer in accordance with rules adopted under this section. The 3769  
owner or operator of a facility located in an unincorporated area, 3770  
as a trustee of the county in which the facility is located, shall 3771



collect the fees levied by this division and forward them to the 3772  
county treasurer of that county in accordance with rules adopted 3773  
under this section. The owner or operator shall pay the fees 3774  
levied by this division to the treasurer or such other officer of 3775  
the municipal corporation or to the county treasurer each year 3776  
upon the anniversary of the date of issuance of the owner's or 3777  
operator's installation and operation permit during the term of 3778  
that permit and any renewal permit issued under division (H) of 3779  
section 3734.05 of the Revised Code or on the anniversary of the 3780  
date of a permit by rule or the date on which the facility became 3781  
exempt from hazardous waste facility installation and operation 3782  
permit requirements under rules adopted by the director. If 3783  
payment is late, the owner or operator shall pay an additional ten 3784  
per cent of the amount of the fee for each month that the payment 3785  
is late. 3786

Moneys received by a municipal corporation under this 3787  
division shall be paid into a special fund of the municipal 3788  
corporation and used exclusively for the purposes of conducting 3789  
reviews of applications for hazardous waste facility installation 3790  
and operation permits for new or modified hazardous waste 3791  
landfills located or proposed within the municipal corporation, 3792  
conducting emergency response actions with respect to releases of 3793  
hazardous waste from facilities located within the municipal 3794  
corporation, monitoring operation of such hazardous waste 3795  
facilities, and conducting waste management planning programs 3796  
within the municipal corporation through employees of the 3797  
municipal corporation or pursuant to contracts entered into with 3798  
persons or political subdivisions. Moneys received by a board of 3799  
county commissioners under this division shall be paid into a 3800  
special fund of the county and used exclusively for those purposes 3801  
within the unincorporated area of the county through employees of 3802  
the county or pursuant to contracts entered into with persons or 3803  
political subdivisions. 3804

~~(D)~~(F) As used in this section, "treatment" or "treated" does 3805  
not include any method, technique, or process designed to recover 3806  
energy or material resources from the waste or to render the waste 3807  
amenable for recovery. The fees levied by division ~~(B)~~(D) of this 3808  
section do not apply to hazardous waste that is treated and 3809  
disposed of on the same premises or by the same person. 3810

~~(E)~~(G) The director, by rules adopted in accordance with 3811  
Chapters 119. and 3745. of the Revised Code, shall prescribe any 3812  
dates not specified in this section and procedures for collecting 3813  
and forwarding the fees prescribed by this section and may 3814  
prescribe other requirements that are necessary to carry out this 3815  
section. 3816

The director shall deposit the moneys collected under 3817  
divisions ~~(A)~~(C) and ~~(B)~~(D) of this section into one or more 3818  
minority banks, as "minority bank" is defined in division (F)(1) 3819  
of section 135.04 of the Revised Code, to the credit of the 3820  
hazardous waste facility management fund, which is hereby created 3821  
in the state treasury, except that the director shall deposit to 3822  
the credit of the underground injection control fund created in 3823  
section 6111.046 of the Revised Code moneys in excess of fifty 3824  
thousand dollars that are collected during a fiscal year under 3825  
division ~~(A)~~(C)(2) of this section from the fee levied on the 3826  
disposal of hazardous waste by deep well injection at an on-site 3827  
disposal facility that disposes of more than one hundred thousand 3828  
tons of hazardous waste in a year. 3829

The environmental protection agency may use moneys in the 3830  
hazardous waste facility management fund for administration of the 3831  
hazardous waste program established under this chapter and, in 3832  
accordance with this section, may request approval by the 3833  
controlling board for that use on an annual basis. In addition, 3834  
the agency may use and pledge moneys in that fund for repayment of 3835  
and for interest on any loans made by the Ohio water development 3836

authority to the agency for the hazardous waste program 3837  
established under this chapter without the necessity of requesting 3838  
approval by the controlling board, which use and pledge shall have 3839  
priority over any other use of the moneys in the fund. 3840

Until September 28, 1996, the director also may use moneys in 3841  
the fund to pay the start-up costs of administering Chapter 3746. 3842  
of the Revised Code. 3843

If moneys in the fund that the agency uses in accordance with 3844  
this chapter are reimbursed by grants or other moneys from the 3845  
United States government, the grants or other moneys shall be 3846  
placed in the fund. 3847

Before the agency makes any expenditure from the fund other 3848  
than for repayment of and interest on any loan made by the Ohio 3849  
water development authority to the agency in accordance with this 3850  
section, the controlling board shall approve the expenditure. 3851

**Sec. 3734.57.** (A) For the purposes of paying the state's 3852  
long-term operation costs or matching share for actions taken 3853  
under the "Comprehensive Environmental Response, Compensation, and 3854  
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 3855  
amended; paying the costs of measures for proper clean-up of sites 3856  
where polychlorinated biphenyls and substances, equipment, and 3857  
devices containing or contaminated with polychlorinated biphenyls 3858  
have been stored or disposed of; paying the costs of conducting 3859  
surveys or investigations of solid waste facilities or other 3860  
locations where it is believed that significant quantities of 3861  
hazardous waste were disposed of and for conducting enforcement 3862  
actions arising from the findings of such surveys or 3863  
investigations; paying the costs of acquiring and cleaning up, or 3864  
providing financial assistance for cleaning up, any hazardous 3865  
waste facility or solid waste facility containing significant 3866  
quantities of hazardous waste, that constitutes an imminent and 3867

substantial threat to public health or safety or the environment; 3868  
and, from July 1, 2003, through June 30, 2006, for the purposes of 3869  
paying the costs of administering and enforcing the laws 3870  
pertaining to solid wastes, infectious wastes, and construction 3871  
and demolition debris, including, without limitation, ground water 3872  
evaluations related to solid wastes, infectious wastes, and 3873  
construction and demolition debris, under this chapter and Chapter 3874  
3714. of the Revised Code and any rules adopted under them, and 3875  
paying a share of the administrative costs of the environmental 3876  
protection agency pursuant to section 3745.014 of the Revised 3877  
Code, the following fees are hereby levied on the disposal of 3878  
solid wastes in this state: 3879

(1) One dollar per ton on and after July 1, 1993; 3880

(2) An additional one dollar per ton on and after July 1, 3881  
2003, through June 30, 2006. 3882

The owner or operator of a solid waste disposal facility 3883  
shall collect the fees levied under this division as a trustee for 3884  
the state and shall prepare and file with the director of 3885  
environmental protection monthly returns indicating the total 3886  
tonnage of solid wastes received for disposal at the gate of the 3887  
facility and the total amount of the fees collected under this 3888  
division. Not later than thirty days after the last day of the 3889  
month to which such a return applies, the owner or operator shall 3890  
mail to the director the return for that month together with the 3891  
fees collected during that month as indicated on the return. The 3892  
owner or operator may request an extension of not more than thirty 3893  
days for filing the return and remitting the fees, provided that 3894  
the owner or operator has submitted such a request in writing to 3895  
the director together with a detailed description of why the 3896  
extension is requested, the director has received the request not 3897  
later than the day on which the return is required to be filed, 3898  
and the director has approved the request. If the fees are not 3899

remitted within ~~sixty~~ thirty days after the last day of the month 3900  
during which they were collected or are not remitted by the last 3901  
day of an extension approved by the director, the owner or 3902  
operator shall pay an additional fifty per cent of the amount of 3903  
the fees for each month that they are late. 3904

One-half of the moneys remitted to the director under 3905  
division (A)(1) of this section shall be credited to the hazardous 3906  
waste facility management fund created in section 3734.18 of the 3907  
Revised Code, and one-half shall be credited to the hazardous 3908  
waste clean-up fund created in section 3734.28 of the Revised 3909  
Code. The moneys remitted to the director under division (A)(2) of 3910  
this section shall be credited to the solid waste fund, which is 3911  
hereby created in the state treasury. The environmental protection 3912  
agency shall use moneys in the solid waste fund only to pay the 3913  
costs of administering and enforcing the laws pertaining to solid 3914  
wastes, infectious wastes, and construction and demolition debris, 3915  
including, without limitation, ground water evaluations related to 3916  
solid wastes, infectious wastes, and construction and demolition 3917  
debris, under this chapter and Chapter 3714. of the Revised Code 3918  
and rules adopted under them and to pay a share of the 3919  
administrative costs of the environmental protection agency 3920  
pursuant to section 3745.014 of the Revised Code. 3921

The fees levied under this division and divisions (B) and (C) 3922  
of this section are in addition to all other applicable fees and 3923  
taxes and shall be added to any other fee or amount specified in a 3924  
contract that is charged by the owner or operator of a solid waste 3925  
disposal facility or to any other fee or amount that is specified 3926  
in a contract entered into on or after March 4, 1992, and that is 3927  
charged by a transporter of solid wastes. 3928

(B) For the purpose of preparing, revising, and implementing 3929  
the solid waste management plan of the county or joint solid waste 3930  
management district, including, without limitation, the 3931

development and implementation of solid waste recycling or 3932  
reduction programs; providing financial assistance to boards of 3933  
health within the district, if solid waste facilities are located 3934  
within the district, for the enforcement of this chapter and rules 3935  
adopted and orders and terms and conditions of permits, licenses, 3936  
and variances issued under it, other than the hazardous waste 3937  
provisions of this chapter and rules adopted and orders and terms 3938  
and conditions of permits issued under those provisions; providing 3939  
financial assistance to the county to defray the added costs of 3940  
maintaining roads and other public facilities and of providing 3941  
emergency and other public services resulting from the location 3942  
and operation of a solid waste facility within the county under 3943  
the district's approved solid waste management plan; paying the 3944  
costs incurred by boards of health for collecting and analyzing 3945  
water samples from public or private wells on lands adjacent to 3946  
solid waste facilities that are contained in the approved or 3947  
amended plan of the district; paying the costs of developing and 3948  
implementing a program for the inspection of solid wastes 3949  
generated outside the boundaries of this state that are disposed 3950  
of at solid waste facilities included in the district's approved 3951  
solid waste management plan or amended plan; providing financial 3952  
assistance to boards of health within the district for enforcing 3953  
laws prohibiting open dumping; providing financial assistance to 3954  
local law enforcement agencies within the district for enforcing 3955  
laws and ordinances prohibiting littering; providing financial 3956  
assistance to boards of health of health districts within the 3957  
district that are on the approved list under section 3734.08 of 3958  
the Revised Code for the training and certification required for 3959  
their employees responsible for solid waste enforcement by rules 3960  
adopted under division (L) of section 3734.02 of the Revised Code; 3961  
providing financial assistance to individual municipal 3962  
corporations and townships within the district to defray their 3963  
added costs of maintaining roads and other public facilities and 3964

of providing emergency and other public services resulting from 3965  
the location and operation within their boundaries of a 3966  
composting, energy or resource recovery, incineration, or 3967  
recycling facility that either is owned by the district or is 3968  
furnishing solid waste management facility or recycling services 3969  
to the district pursuant to a contract or agreement with the board 3970  
of county commissioners or directors of the district; and payment 3971  
of any expenses that are agreed to, awarded, or ordered to be paid 3972  
under section 3734.35 of the Revised Code and of any 3973  
administrative costs incurred pursuant to that section, the solid 3974  
waste management policy committee of a county or joint solid waste 3975  
management district may levy fees upon the following activities: 3976

(1) The disposal at a solid waste disposal facility located 3977  
in the district of solid wastes generated within the district; 3978

(2) The disposal at a solid waste disposal facility within 3979  
the district of solid wastes generated outside the boundaries of 3980  
the district, but inside this state; 3981

(3) The disposal at a solid waste disposal facility within 3982  
the district of solid wastes generated outside the boundaries of 3983  
this state. 3984

If any such fees are levied prior to January 1, 1994, fees 3985  
levied under division (B)(1) of this section always shall be equal 3986  
to one-half of the fees levied under division (B)(2) of this 3987  
section, and fees levied under division (B)(3) of this section, 3988  
which shall be in addition to fees levied under division (B)(2) of 3989  
this section, always shall be equal to fees levied under division 3990  
(B)(1) of this section, except as otherwise provided in this 3991  
division. The solid waste management plan of the county or joint 3992  
district approved under section 3734.521 or 3734.55 of the Revised 3993  
Code and any amendments to it, or the resolution adopted under 3994  
this division, as appropriate, shall establish the rates of the 3995  
fees levied under divisions (B)(1), (2), and (3) of this section, 3996

if any, and shall specify whether the fees are levied on the basis 3997  
of tons or cubic yards as the unit of measurement. Although the 3998  
fees under divisions (A)(1) and (2) of this section are levied on 3999  
the basis of tons as the unit of measurement, the solid waste 4000  
management plan of the district and any amendments to it or the 4001  
solid waste management policy committee in its resolution levying 4002  
fees under this division may direct that the fees levied under 4003  
those divisions be levied on the basis of cubic yards as the unit 4004  
of measurement based upon a conversion factor of three cubic yards 4005  
per ton generally or one cubic yard per ton for baled wastes if 4006  
the fees under divisions (B)(1) to (3) of this section are being 4007  
levied on the basis of cubic yards as the unit of measurement 4008  
under the plan, amended plan, or resolution. 4009

On and after January 1, 1994, the fee levied under division 4010  
(B)(1) of this section shall be not less than one dollar per ton 4011  
nor more than two dollars per ton, the fee levied under division 4012  
(B)(2) of this section shall be not less than two dollars per ton 4013  
nor more than four dollars per ton, and the fee levied under 4014  
division (B)(3) of this section shall be not more than the fee 4015  
levied under division (B)(1) of this section, except as otherwise 4016  
provided in this division and notwithstanding any schedule of 4017  
those fees established in the solid waste management plan of a 4018  
county or joint district approved under section 3734.55 of the 4019  
Revised Code or a resolution adopted and ratified under this 4020  
division that is in effect on that date. If the fee that a 4021  
district is levying under division (B)(1) of this section on that 4022  
date under its approved plan or such a resolution is less than one 4023  
dollar per ton, the fee shall be one dollar per ton on and after 4024  
January 1, 1994, and if the fee that a district is so levying 4025  
under that division exceeds two dollars per ton, the fee shall be 4026  
two dollars per ton on and after that date. If the fee that a 4027  
district is so levying under division (B)(2) of this section is 4028  
less than two dollars per ton, the fee shall be two dollars per 4029



ton on and after that date, and if the fee that the district is so 4030  
levying under that division exceeds four dollars per ton, the fee 4031  
shall be four dollars per ton on and after that date. On that 4032  
date, the fee levied by a district under division (B)(3) of this 4033  
section shall be equal to the fee levied under division (B)(1) of 4034  
this section. Except as otherwise provided in this division, the 4035  
fees established by the operation of this amendment shall remain 4036  
in effect until the district's resolution levying fees under this 4037  
division is amended or repealed in accordance with this division 4038  
to amend or abolish the schedule of fees, the schedule of fees is 4039  
amended or abolished in an amended plan of the district approved 4040  
under section 3734.521 or division (A) or (D) of section 3734.56 4041  
of the Revised Code, or the schedule of fees is amended or 4042  
abolished through an amendment to the district's plan under 4043  
division (E) of section 3734.56 of the Revised Code; the 4044  
notification of the amendment or abolishment of the fees has been 4045  
given in accordance with this division; and collection of the 4046  
amended fees so established commences, or collection of the fees 4047  
ceases, in accordance with this division. 4048

The solid waste management policy committee of a district 4049  
levying fees under divisions (B)(1) to (3) of this section on 4050  
October 29, 1993, under its solid waste management plan approved 4051  
under section 3734.55 of the Revised Code or a resolution adopted 4052  
and ratified under this division that are within the ranges of 4053  
rates prescribed by this amendment, by adoption of a resolution 4054  
not later than December 1, 1993, and without the necessity for 4055  
ratification of the resolution under this division, may amend 4056  
those fees within the prescribed ranges, provided that the 4057  
estimated revenues from the amended fees will not substantially 4058  
exceed the estimated revenues set forth in the district's budget 4059  
for calendar year 1994. Not later than seven days after the 4060  
adoption of such a resolution, the committee shall notify by 4061  
certified mail the owner or operator of each solid waste disposal 4062

facility that is required to collect the fees of the adoption of 4063  
the resolution and of the amount of the amended fees. Collection 4064  
of the amended fees shall take effect on the first day of the 4065  
first month following the month in which the notification is sent 4066  
to the owner or operator. The fees established in such a 4067  
resolution shall remain in effect until the district's resolution 4068  
levying fees that was adopted and ratified under this division is 4069  
amended or repealed, and the amendment or repeal of the resolution 4070  
is ratified, in accordance with this division, to amend or abolish 4071  
the fees, the schedule of fees is amended or abolished in an 4072  
amended plan of the district approved under section 3734.521 or 4073  
division (A) or (D) of section 3734.56 of the Revised Code, or the 4074  
schedule of fees is amended or abolished through an amendment to 4075  
the district's plan under division (E) of section 3734.56 of the 4076  
Revised Code; the notification of the amendment or abolishment of 4077  
the fees has been given in accordance with this division; and 4078  
collection of the amended fees so established commences, or 4079  
collection of the fees ceases, in accordance with this division. 4080

Prior to the approval of the solid waste management plan of 4081  
the district under section 3734.55 of the Revised Code, the solid 4082  
waste management policy committee of a district may levy fees 4083  
under this division by adopting a resolution establishing the 4084  
proposed amount of the fees. Upon adopting the resolution, the 4085  
committee shall deliver a copy of the resolution to the board of 4086  
county commissioners of each county forming the district and to 4087  
the legislative authority of each municipal corporation and 4088  
township under the jurisdiction of the district and shall prepare 4089  
and publish the resolution and a notice of the time and location 4090  
where a public hearing on the fees will be held. Upon adopting the 4091  
resolution, the committee shall deliver written notice of the 4092  
adoption of the resolution; of the amount of the proposed fees; 4093  
and of the date, time, and location of the public hearing to the 4094  
director and to the fifty industrial, commercial, or institutional 4095

generators of solid wastes within the district that generate the 4096  
largest quantities of solid wastes, as determined by the 4097  
committee, and to their local trade associations. The committee 4098  
shall make good faith efforts to identify those generators within 4099  
the district and their local trade associations, but the 4100  
nonprovision of notice under this division to a particular 4101  
generator or local trade association does not invalidate the 4102  
proceedings under this division. The publication shall occur at 4103  
least thirty days before the hearing. After the hearing, the 4104  
committee may make such revisions to the proposed fees as it 4105  
considers appropriate and thereafter, by resolution, shall adopt 4106  
the revised fee schedule. Upon adopting the revised fee schedule, 4107  
the committee shall deliver a copy of the resolution doing so to 4108  
the board of county commissioners of each county forming the 4109  
district and to the legislative authority of each municipal 4110  
corporation and township under the jurisdiction of the district. 4111  
Within sixty days after the delivery of a copy of the resolution 4112  
adopting the proposed revised fees by the policy committee, each 4113  
such board and legislative authority, by ordinance or resolution, 4114  
shall approve or disapprove the revised fees and deliver a copy of 4115  
the ordinance or resolution to the committee. If any such board or 4116  
legislative authority fails to adopt and deliver to the policy 4117  
committee an ordinance or resolution approving or disapproving the 4118  
revised fees within sixty days after the policy committee 4119  
delivered its resolution adopting the proposed revised fees, it 4120  
shall be conclusively presumed that the board or legislative 4121  
authority has approved the proposed revised fees. 4122

In the case of a county district or a joint district formed 4123  
by two or three counties, the committee shall declare the proposed 4124  
revised fees to be ratified as the fee schedule of the district 4125  
upon determining that the board of county commissioners of each 4126  
county forming the district has approved the proposed revised fees 4127  
and that the legislative authorities of a combination of municipal 4128

corporations and townships with a combined population within the 4129  
district comprising at least sixty per cent of the total 4130  
population of the district have approved the proposed revised 4131  
fees, provided that in the case of a county district, that 4132  
combination shall include the municipal corporation having the 4133  
largest population within the boundaries of the district, and 4134  
provided further that in the case of a joint district formed by 4135  
two or three counties, that combination shall include for each 4136  
county forming the joint district the municipal corporation having 4137  
the largest population within the boundaries of both the county in 4138  
which the municipal corporation is located and the joint district. 4139  
In the case of a joint district formed by four or more counties, 4140  
the committee shall declare the proposed revised fees to be 4141  
ratified as the fee schedule of the joint district upon 4142  
determining that the boards of county commissioners of a majority 4143  
of the counties forming the district have approved the proposed 4144  
revised fees; that, in each of a majority of the counties forming 4145  
the joint district, the proposed revised fees have been approved 4146  
by the municipal corporation having the largest population within 4147  
the county and the joint district; and that the legislative 4148  
authorities of a combination of municipal corporations and 4149  
townships with a combined population within the joint district 4150  
comprising at least sixty per cent of the total population of the 4151  
joint district have approved the proposed revised fees. 4152

For the purposes of this division, only the population of the 4153  
unincorporated area of a township shall be considered. For the 4154  
purpose of determining the largest municipal corporation within 4155  
each county under this division, a municipal corporation that is 4156  
located in more than one solid waste management district, but that 4157  
is under the jurisdiction of one county or joint solid waste 4158  
management district in accordance with division (A) of section 4159  
3734.52 of the Revised Code shall be considered to be within the 4160  
boundaries of the county in which a majority of the population of 4161

the municipal corporation resides. 4162

The committee may amend the schedule of fees levied pursuant 4163  
to a resolution or amended resolution adopted and ratified under 4164  
this division by adopting a resolution establishing the proposed 4165  
amount of the amended fees. The committee may abolish the fees 4166  
levied pursuant to such a resolution or amended resolution by 4167  
adopting a resolution proposing to repeal them. Upon adopting such 4168  
a resolution, the committee shall proceed to obtain ratification 4169  
of the resolution in accordance with this division. 4170

Not later than fourteen days after declaring the fees or 4171  
amended fees to be ratified under this division, the committee 4172  
shall notify by certified mail the owner or operator of each solid 4173  
waste disposal facility that is required to collect the fees of 4174  
the ratification and the amount of the fees. Collection of any 4175  
fees or amended fees ratified on or after March 24, 1992, shall 4176  
commence on the first day of the second month following the month 4177  
in which notification is sent to the owner or operator. 4178

Not later than fourteen days after declaring the repeal of 4179  
the district's schedule of fees to be ratified under this 4180  
division, the committee shall notify by certified mail the owner 4181  
or operator of each facility that is collecting the fees of the 4182  
repeal. Collection of the fees shall cease on the first day of the 4183  
second month following the month in which notification is sent to 4184  
the owner or operator. 4185

Not later than fourteen days after the director issues an 4186  
order approving a district's solid waste management plan under 4187  
section 3734.55 of the Revised Code or amended plan under division 4188  
(A) or (D) of section 3734.56 of the Revised Code that establishes 4189  
or amends a schedule of fees levied by the district, or the 4190  
ratification of an amendment to the district's approved plan or 4191  
amended plan under division (E) of section 3734.56 of the Revised 4192  
Code that establishes or amends a schedule of fees, as 4193

appropriate, the committee shall notify by certified mail the 4194  
owner or operator of each solid waste disposal facility that is 4195  
required to collect the fees of the approval of the plan or 4196  
amended plan, or the amendment to the plan, as appropriate, and 4197  
the amount of the fees or amended fees. In the case of an initial 4198  
or amended plan approved under section 3734.521 of the Revised 4199  
Code in connection with a change in district composition, other 4200  
than one involving the withdrawal of a county from a joint 4201  
district, that establishes or amends a schedule of fees levied 4202  
under divisions (B)(1) to (3) of this section by a district 4203  
resulting from the change, the committee, within fourteen days 4204  
after the change takes effect pursuant to division (G) of that 4205  
section, shall notify by certified mail the owner or operator of 4206  
each solid waste disposal facility that is required to collect the 4207  
fees that the change has taken effect and of the amount of the 4208  
fees or amended fees. Collection of any fees set forth in a plan 4209  
or amended plan approved by the director on or after April 16, 4210  
1993, or an amendment of a plan or amended plan under division (E) 4211  
of section 3734.56 of the Revised Code that is ratified on or 4212  
after April 16, 1993, shall commence on the first day of the 4213  
second month following the month in which notification is sent to 4214  
the owner or operator. 4215

Not later than fourteen days after the director issues an 4216  
order approving a district's plan under section 3734.55 of the 4217  
Revised Code or amended plan under division (A) or (D) of section 4218  
3734.56 of the Revised Code that abolishes the schedule of fees 4219  
levied under divisions (B)(1) to (3) of this section, or an 4220  
amendment to the district's approved plan or amended plan 4221  
abolishing the schedule of fees is ratified pursuant to division 4222  
(E) of section 3734.56 of the Revised Code, as appropriate, the 4223  
committee shall notify by certified mail the owner or operator of 4224  
each facility that is collecting the fees of the approval of the 4225  
plan or amended plan, or the amendment of the plan or amended 4226

plan, as appropriate, and the abolishment of the fees. In the case 4227  
of an initial or amended plan approved under section 3734.521 of 4228  
the Revised Code in connection with a change in district 4229  
composition, other than one involving the withdrawal of a county 4230  
from a joint district, that abolishes the schedule of fees levied 4231  
under divisions (B)(1) to (3) of this section by a district 4232  
resulting from the change, the committee, within fourteen days 4233  
after the change takes effect pursuant to division (G) of that 4234  
section, shall notify by certified mail the owner or operator of 4235  
each solid waste disposal facility that is required to collect the 4236  
fees that the change has taken effect and of the abolishment of 4237  
the fees. Collection of the fees shall cease on the first day of 4238  
the second month following the month in which notification is sent 4239  
to the owner or operator. 4240

Except as otherwise provided in this division, if the 4241  
schedule of fees that a district is levying under divisions (B)(1) 4242  
to (3) of this section pursuant to a resolution or amended 4243  
resolution adopted and ratified under this division, the solid 4244  
waste management plan of the district approved under section 4245  
3734.55 of the Revised Code, an amended plan approved under 4246  
division (A) or (D) of section 3734.56 of the Revised Code, or an 4247  
amendment to the district's approved plan or amended plan under 4248  
division (E) of section 3734.56 of the Revised Code, is amended by 4249  
the adoption and ratification of an amendment to the resolution or 4250  
amended resolution or an amendment of the district's approved plan 4251  
or amended plan, the fees in effect immediately prior to the 4252  
approval of the plan or the amendment of the resolution, amended 4253  
resolution, plan, or amended plan, as appropriate, shall continue 4254  
to be collected until collection of the amended fees commences 4255  
pursuant to this division. 4256

If, in the case of a change in district composition involving 4257  
the withdrawal of a county from a joint district, the director 4258

completes the actions required under division (G)(1) or (3) of 4259  
section 3734.521 of the Revised Code, as appropriate, forty-five 4260  
days or more before the beginning of a calendar year, the policy 4261  
committee of each of the districts resulting from the change that 4262  
obtained the director's approval of an initial or amended plan in 4263  
connection with the change, within fourteen days after the 4264  
director's completion of the required actions, shall notify by 4265  
certified mail the owner or operator of each solid waste disposal 4266  
facility that is required to collect the district's fees that the 4267  
change is to take effect on the first day of January immediately 4268  
following the issuance of the notice and of the amount of the fees 4269  
or amended fees levied under divisions (B)(1) to (3) of this 4270  
section pursuant to the district's initial or amended plan as so 4271  
approved or, if appropriate, the abolishment of the district's 4272  
fees by that initial or amended plan. Collection of any fees set 4273  
forth in such a plan or amended plan shall commence on the first 4274  
day of January immediately following the issuance of the notice. 4275  
If such an initial or amended plan abolishes a schedule of fees, 4276  
collection of the fees shall cease on that first day of January. 4277

If, in the case of a change in district composition involving 4278  
the withdrawal of a county from a joint district, the director 4279  
completes the actions required under division (G)(1) or (3) of 4280  
section 3734.521 of the Revised Code, as appropriate, less than 4281  
forty-five days before the beginning of a calendar year, the 4282  
director, on behalf of each of the districts resulting from the 4283  
change that obtained the director's approval of an initial or 4284  
amended plan in connection with the change proceedings, shall 4285  
notify by certified mail the owner or operator of each solid waste 4286  
disposal facility that is required to collect the district's fees 4287  
that the change is to take effect on the first day of January 4288  
immediately following the mailing of the notice and of the amount 4289  
of the fees or amended fees levied under divisions (B)(1) to (3) 4290  
of this section pursuant to the district's initial or amended plan 4291



as so approved or, if appropriate, the abolishment of the 4292  
district's fees by that initial or amended plan. Collection of any 4293  
fees set forth in such a plan or amended plan shall commence on 4294  
the first day of the second month following the month in which 4295  
notification is sent to the owner or operator. If such an initial 4296  
or amended plan abolishes a schedule of fees, collection of the 4297  
fees shall cease on the first day of the second month following 4298  
the month in which notification is sent to the owner or operator. 4299

In the case of a change in district composition, the schedule 4300  
of fees that the former districts that existed prior to the change 4301  
were levying under divisions (B)(1) to (3) of this section 4302  
pursuant to a resolution or amended resolution adopted and 4303  
ratified under this division, the solid waste management plan of a 4304  
former district approved under section 3734.521 or 3734.55 of the 4305  
Revised Code, an amended plan approved under section 3734.521 or 4306  
division (A) or (D) of section 3734.56 of the Revised Code, or an 4307  
amendment to a former district's approved plan or amended plan 4308  
under division (E) of section 3734.56 of the Revised Code, and 4309  
that were in effect on the date that the director completed the 4310  
actions required under division (G)(1) or (3) of section 3734.521 4311  
of the Revised Code shall continue to be collected until the 4312  
collection of the fees or amended fees of the districts resulting 4313  
from the change is required to commence, or if an initial or 4314  
amended plan of a resulting district abolishes a schedule of fees, 4315  
collection of the fees is required to cease, under this division. 4316  
Moneys so received from the collection of the fees of the former 4317  
districts shall be divided among the resulting districts in 4318  
accordance with division (B) of section 343.012 of the Revised 4319  
Code and the agreements entered into under division (B) of section 4320  
343.01 of the Revised Code to establish the former and resulting 4321  
districts and any amendments to those agreements. 4322

For the purposes of the provisions of division (B) of this 4323

section establishing the times when newly established or amended 4324  
fees levied by a district are required to commence and the 4325  
collection of fees that have been amended or abolished is required 4326  
to cease, "fees" or "schedule of fees" includes, in addition to 4327  
fees levied under divisions (B)(1) to (3) of this section, those 4328  
levied under section 3734.573 or 3734.574 of the Revised Code. 4329

(C) For the purposes of defraying the added costs to a 4330  
municipal corporation or township of maintaining roads and other 4331  
public facilities and of providing emergency and other public 4332  
services, and compensating a municipal corporation or township for 4333  
reductions in real property tax revenues due to reductions in real 4334  
property valuations resulting from the location and operation of a 4335  
solid waste disposal facility within the municipal corporation or 4336  
township, a municipal corporation or township in which such a 4337  
solid waste disposal facility is located may levy a fee of not 4338  
more than twenty-five cents per ton on the disposal of solid 4339  
wastes at a solid waste disposal facility located within the 4340  
boundaries of the municipal corporation or township regardless of 4341  
where the wastes were generated. 4342

The legislative authority of a municipal corporation or 4343  
township may levy fees under this division by enacting an 4344  
ordinance or adopting a resolution establishing the amount of the 4345  
fees. Upon so doing the legislative authority shall mail a 4346  
certified copy of the ordinance or resolution to the board of 4347  
county commissioners or directors of the county or joint solid 4348  
waste management district in which the municipal corporation or 4349  
township is located or, if a regional solid waste management 4350  
authority has been formed under section 343.011 of the Revised 4351  
Code, to the board of trustees of that regional authority, the 4352  
owner or operator of each solid waste disposal facility in the 4353  
municipal corporation or township that is required to collect the 4354  
fee by the ordinance or resolution, and the director of 4355

environmental protection. Although the fees levied under this 4356  
division are levied on the basis of tons as the unit of 4357  
measurement, the legislative authority, in its ordinance or 4358  
resolution levying the fees under this division, may direct that 4359  
the fees be levied on the basis of cubic yards as the unit of 4360  
measurement based upon a conversion factor of three cubic yards 4361  
per ton generally or one cubic yard per ton for baled wastes. 4362

Not later than five days after enacting an ordinance or 4363  
adopting a resolution under this division, the legislative 4364  
authority shall so notify by certified mail the owner or operator 4365  
of each solid waste disposal facility that is required to collect 4366  
the fee. Collection of any fee levied on or after March 24, 1992, 4367  
shall commence on the first day of the second month following the 4368  
month in which notification is sent to the owner or operator. 4369

(D)(1) The fees levied under divisions (A), (B), and (C) of 4370  
this section do not apply to the disposal of solid wastes that: 4371

(a) Are disposed of at a facility owned by the generator of 4372  
the wastes when the solid waste facility exclusively disposes of 4373  
solid wastes generated at one or more premises owned by the 4374  
generator regardless of whether the facility is located on a 4375  
premises where the wastes are generated; 4376

(b) Are disposed of at facilities that exclusively dispose of 4377  
wastes that are generated from the combustion of coal, or from the 4378  
combustion of primarily coal in combination with scrap tires, that 4379  
is not combined in any way with garbage at one or more premises 4380  
owned by the generator. 4381

(2) Except as provided in section 3734.571 of the Revised 4382  
Code, any fees levied under division (B)(1) of this section apply 4383  
to solid wastes originating outside the boundaries of a county or 4384  
joint district that are covered by an agreement for the joint use 4385  
of solid waste facilities entered into under section 343.02 of the 4386

Revised Code by the board of county commissioners or board of 4387  
directors of the county or joint district where the wastes are 4388  
generated and disposed of. 4389

(3) When solid wastes, other than solid wastes that consist 4390  
of scrap tires, are burned in a disposal facility that is an 4391  
incinerator or energy recovery facility, the fees levied under 4392  
divisions (A), (B), and (C) of this section shall be levied upon 4393  
the disposal of the fly ash and bottom ash remaining after burning 4394  
of the solid wastes and shall be collected by the owner or 4395  
operator of the sanitary landfill where the ash is disposed of. 4396

(4) When solid wastes are delivered to a solid waste transfer 4397  
facility, the fees levied under divisions (A), (B), and (C) of 4398  
this section shall be levied upon the disposal of solid wastes 4399  
transported off the premises of the transfer facility for disposal 4400  
and shall be collected by the owner or operator of the solid waste 4401  
disposal facility where the wastes are disposed of. 4402

(5) The fees levied under divisions (A), (B), and (C) of this 4403  
section do not apply to sewage sludge that is generated by a waste 4404  
water treatment facility holding a national pollutant discharge 4405  
elimination system permit and that is disposed of through 4406  
incineration, land application, or composting or at another 4407  
resource recovery or disposal facility that is not a landfill. 4408

(6) The fees levied under divisions (A), (B), and (C) of this 4409  
section do not apply to solid wastes delivered to a solid waste 4410  
composting facility for processing. When any unprocessed solid 4411  
waste or compost product is transported off the premises of a 4412  
composting facility and disposed of at a landfill, the fees levied 4413  
under divisions (A), (B), and (C) of this section shall be 4414  
collected by the owner or operator of the landfill where the 4415  
unprocessed waste or compost product is disposed of. 4416

(7) When solid wastes that consist of scrap tires are 4417

processed at a scrap tire recovery facility, the fees levied under 4418  
divisions (A), (B), and (C) of this section shall be levied upon 4419  
the disposal of the fly ash and bottom ash or other solid wastes 4420  
remaining after the processing of the scrap tires and shall be 4421  
collected by the owner or operator of the solid waste disposal 4422  
facility where the ash or other solid wastes are disposed of. 4423

(E) The fees levied under divisions (B) and (C) of this 4424  
section shall be collected by the owner or operator of the solid 4425  
waste disposal facility where the wastes are disposed of as a 4426  
trustee for the county or joint district and municipal corporation 4427  
or township where the wastes are disposed of. Moneys from the fees 4428  
levied under division (B) of this section shall be forwarded to 4429  
the board of county commissioners or board of directors of the 4430  
district in accordance with rules adopted under division (H) of 4431  
this section. Moneys from the fees levied under division (C) of 4432  
this section shall be forwarded to the treasurer or such other 4433  
officer of the municipal corporation as, by virtue of the charter, 4434  
has the duties of the treasurer or to the clerk of the township, 4435  
as appropriate, in accordance with those rules. 4436

(F) Moneys received by the treasurer or such other officer of 4437  
the municipal corporation under division (E) of this section shall 4438  
be paid into the general fund of the municipal corporation. Moneys 4439  
received by the clerk of the township under that division shall be 4440  
paid into the general fund of the township. The treasurer or such 4441  
other officer of the municipal corporation or the clerk, as 4442  
appropriate, shall maintain separate records of the moneys 4443  
received from the fees levied under division (C) of this section. 4444

(G) Moneys received by the board of county commissioners or 4445  
board of directors under division (E) of this section or section 4446  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 4447  
shall be paid to the county treasurer, or other official acting in 4448  
a similar capacity under a county charter, in a county district or 4449

to the county treasurer or other official designated by the board 4450  
of directors in a joint district and kept in a separate and 4451  
distinct fund to the credit of the district. If a regional solid 4452  
waste management authority has been formed under section 343.011 4453  
of the Revised Code, moneys received by the board of trustees of 4454  
that regional authority under division (E) of this section shall 4455  
be kept by the board in a separate and distinct fund to the credit 4456  
of the district. Moneys in the special fund of the county or joint 4457  
district arising from the fees levied under division (B) of this 4458  
section and the fee levied under division (A) of section 3734.573 4459  
of the Revised Code shall be expended by the board of county 4460  
commissioners or directors of the district in accordance with the 4461  
district's solid waste management plan or amended plan approved 4462  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 4463  
exclusively for the following purposes: 4464

(1) Preparation of the solid waste management plan of the 4465  
district under section 3734.54 of the Revised Code, monitoring 4466  
implementation of the plan, and conducting the periodic review and 4467  
amendment of the plan required by section 3734.56 of the Revised 4468  
Code by the solid waste management policy committee; 4469

(2) Implementation of the approved solid waste management 4470  
plan or amended plan of the district, including, without 4471  
limitation, the development and implementation of solid waste 4472  
recycling or reduction programs; 4473

(3) Providing financial assistance to boards of health within 4474  
the district, if solid waste facilities are located within the 4475  
district, for enforcement of this chapter and rules, orders, and 4476  
terms and conditions of permits, licenses, and variances adopted 4477  
or issued under it, other than the hazardous waste provisions of 4478  
this chapter and rules adopted and orders and terms and conditions 4479  
of permits issued under those provisions; 4480

(4) Providing financial assistance to each county within the 4481

district to defray the added costs of maintaining roads and other 4482  
public facilities and of providing emergency and other public 4483  
services resulting from the location and operation of a solid 4484  
waste facility within the county under the district's approved 4485  
solid waste management plan or amended plan; 4486

(5) Pursuant to contracts entered into with boards of health 4487  
within the district, if solid waste facilities contained in the 4488  
district's approved plan or amended plan are located within the 4489  
district, for paying the costs incurred by those boards of health 4490  
for collecting and analyzing samples from public or private water 4491  
wells on lands adjacent to those facilities; 4492

(6) Developing and implementing a program for the inspection 4493  
of solid wastes generated outside the boundaries of this state 4494  
that are disposed of at solid waste facilities included in the 4495  
district's approved solid waste management plan or amended plan; 4496

(7) Providing financial assistance to boards of health within 4497  
the district for the enforcement of section 3734.03 of the Revised 4498  
Code or to local law enforcement agencies having jurisdiction 4499  
within the district for enforcing anti-littering laws and 4500  
ordinances; 4501

(8) Providing financial assistance to boards of health of 4502  
health districts within the district that are on the approved list 4503  
under section 3734.08 of the Revised Code to defray the costs to 4504  
the health districts for the participation of their employees 4505  
responsible for enforcement of the solid waste provisions of this 4506  
chapter and rules adopted and orders and terms and conditions of 4507  
permits, licenses, and variances issued under those provisions in 4508  
the training and certification program as required by rules 4509  
adopted under division (L) of section 3734.02 of the Revised Code; 4510

(9) Providing financial assistance to individual municipal 4511  
corporations and townships within the district to defray their 4512

added costs of maintaining roads and other public facilities and 4513  
of providing emergency and other public services resulting from 4514  
the location and operation within their boundaries of a 4515  
composting, energy or resource recovery, incineration, or 4516  
recycling facility that either is owned by the district or is 4517  
furnishing solid waste management facility or recycling services 4518  
to the district pursuant to a contract or agreement with the board 4519  
of county commissioners or directors of the district; 4520

(10) Payment of any expenses that are agreed to, awarded, or 4521  
ordered to be paid under section 3734.35 of the Revised Code and 4522  
of any administrative costs incurred pursuant to that section. In 4523  
the case of a joint solid waste management district, if the board 4524  
of county commissioners of one of the counties in the district is 4525  
negotiating on behalf of affected communities, as defined in that 4526  
section, in that county, the board shall obtain the approval of 4527  
the board of directors of the district in order to expend moneys 4528  
for administrative costs incurred. 4529

Prior to the approval of the district's solid waste 4530  
management plan under section 3734.55 of the Revised Code, moneys 4531  
in the special fund of the district arising from the fees shall be 4532  
expended for those purposes in the manner prescribed by the solid 4533  
waste management policy committee by resolution. 4534

Notwithstanding division (G)(6) of this section as it existed 4535  
prior to October 29, 1993, or any provision in a district's solid 4536  
waste management plan prepared in accordance with division 4537  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 4538  
prior to that date, any moneys arising from the fees levied under 4539  
division (B)(3) of this section prior to January 1, 1994, may be 4540  
expended for any of the purposes authorized in divisions (G)(1) to 4541  
(10) of this section. 4542

(H) The director shall adopt rules in accordance with Chapter 4543  
119. of the Revised Code prescribing procedures for collecting and 4544



forwarding the fees levied under divisions (B) and (C) of this 4545  
section to the boards of county commissioners or directors of 4546  
county or joint solid waste management districts and to the 4547  
treasurers or other officers of municipal corporations or to the 4548  
clerks of townships. The rules also shall prescribe the dates for 4549  
forwarding the fees to the boards and officials and may prescribe 4550  
any other requirements the director considers necessary or 4551  
appropriate to implement and administer divisions (A), (B), and 4552  
(C) of this section. Collection of the fees levied under division 4553  
(A)(1) of this section shall commence on July 1, 1993. Collection 4554  
of the fees levied under division (A)(2) of this section shall 4555  
commence on January 1, 1994. 4556

**Sec. 3769.021.** The state racing commission shall appoint a 4557  
secretary, who shall serve during the pleasure of the commission. 4558  
The secretary shall devote ~~his~~ full time to the duties of the 4559  
office and shall not hold any other office or employment. To be 4560  
eligible for appointment as secretary, a person ~~must~~ shall meet 4561  
the qualifications required of a commissioner under section 4562  
3769.02 of the Revised Code, ~~and the~~ except that the secretary 4563  
shall be a qualified elector and resident of the state and does 4564  
not need to additionally satisfy the qualification of a 4565  
commissioner to be a resident of this state for not less than five 4566  
years immediately preceding appointment. The secretary is subject 4567  
to the restrictions applying to a commissioner under that section. 4568

The secretary shall be paid a salary fixed pursuant to 4569  
section 124.14 of the Revised Code and shall be allowed actual and 4570  
necessary traveling expenses when on commission business. The 4571  
salary and expenses shall be paid out of the state racing 4572  
commission operating fund created by section 3769.03 of the 4573  
Revised Code. 4574

The secretary shall attend all meetings of the commission. ~~He~~ 4575

The secretary shall keep a complete record of its proceedings and 4576  
preserve, at its general office, all books, maps, documents, and 4577  
papers entrusted to its care. 4578

~~He~~ The secretary shall be the executive officer of the 4579  
commission and be responsible for keeping all commission records 4580  
and the carrying out of the rules and orders of the commission. ~~He~~ 4581  
The secretary shall perform ~~such~~ any other duties ~~as~~ the 4582  
commission prescribes. 4583

**Sec. 3769.087.** (A) In addition to the commission of eighteen 4584  
per cent retained by each permit holder as provided in section 4585  
3769.08 of the Revised Code, each permit holder shall retain an 4586  
additional amount equal to four per cent of the total of all 4587  
moneys wagered on each racing day on all wagering pools other than 4588  
win, place, and show, of which amount retained an amount equal to 4589  
three per cent of the total of all moneys wagered on each racing 4590  
day on those pools shall be paid by check, draft, or money order 4591  
to the tax commissioner, as a tax. Subject to the restrictions 4592  
contained in divisions (B), (C), and (M) of section 3769.08 of the 4593  
Revised Code, from such additional moneys paid to the tax 4594  
commissioner: 4595

(1) Four-sixths shall be allocated to fund distribution as 4596  
provided in division (M) of section 3769.08 of the Revised Code. 4597

(2) One-twelfth shall be paid into the Ohio fairs fund 4598  
created by section 3769.082 of the Revised Code. 4599

(3) One-twelfth of the additional moneys paid to the tax 4600  
commissioner by thoroughbred racing permit holders shall be paid 4601  
into the Ohio thoroughbred race fund created by section 3769.083 4602  
of the Revised Code. 4603

(4) One-twelfth of the additional moneys paid to the tax 4604  
commissioner by harness horse racing permit holders shall be paid 4605

to the Ohio standardbred development fund created by section 4606  
3769.085 of the Revised Code. 4607

(5) One-twelfth of the additional moneys paid to the tax 4608  
commissioner by quarter horse racing permit holders shall be paid 4609  
to the Ohio quarter horse development fund created by section 4610  
3769.086 of the Revised Code. 4611

(6) One-sixth shall be paid into the state racing commission 4612  
operating fund created by section 3769.03 of the Revised Code. 4613

The remaining one per cent that is retained of the total of 4614  
all moneys wagered on each racing day on all pools other than win, 4615  
place, and show, shall be retained by racing permit holders, and, 4616  
except as otherwise provided in section 3769.089 of the Revised 4617  
Code, racing permit holders shall use one-half for purse money and 4618  
retain one-half. 4619

(B) In addition to the commission of eighteen per cent 4620  
retained by each permit holder as provided in section 3769.08 of 4621  
the Revised Code and the additional amount retained by each permit 4622  
holder as provided in division (A) of this section, each permit 4623  
holder shall retain an additional amount equal to one-half of one 4624  
per cent of the total of all moneys wagered on each racing day on 4625  
all wagering pools other than win, place, and show. Except as 4626  
provided in division (C) of this section, from the additional 4627  
amount retained under this division, each permit holder shall 4628  
retain an amount equal to one-quarter of one per cent of the total 4629  
of all moneys wagered on each racing day on all pools other than 4630  
win, place, and show and shall pay that amount by check, draft, or 4631  
money order to the tax commissioner, as a tax. The tax 4632  
commissioner shall pay the amount of the tax received under this 4633  
division to the state racing commission operating fund created by 4634  
section 3769.03 of the Revised Code. 4635

Except as provided in division (C) of this section, the 4636

remaining one-quarter of one per cent that is retained from the 4637  
total of all moneys wagered on each racing day on all pools other 4638  
than win, place, and show shall be retained by the permit holder, 4639  
and the permit holder shall use one-half for purse money and 4640  
retain one-half. 4641

(C) During the period commencing on July 1, 2003, and ending 4642  
on and including June 30, ~~2004~~ 2005, the additional amount 4643  
retained by each permit holder under division (B) of this section 4644  
shall be paid by check, draft, or money order to the tax 4645  
commissioner, as a tax. The tax commissioner shall pay the amount 4646  
of the tax received under this division to the state racing 4647  
commission operating fund created by section 3769.03 of the 4648  
Revised Code. 4649

**Sec. 3781.19.** There is hereby established in the department 4650  
of commerce a board of building appeals consisting of five members 4651  
who shall be appointed by the governor with the advice and consent 4652  
of the senate. Terms of office shall be for four years, commencing 4653  
on the fourteenth day of October and ending on the thirteenth day 4654  
of October. Each member shall hold office from the date of ~~his~~ 4655  
appointment until the end of the term for which ~~he~~ the member was 4656  
appointed. Any member appointed to fill a vacancy occurring prior 4657  
to the expiration of the term for which ~~his~~ the member's 4658  
predecessor was appointed shall hold office for the remainder of 4659  
such term. Any member shall continue in office subsequent to the 4660  
expiration date of ~~his~~ the member's term until ~~his~~ a successor 4661  
takes office, or until a period of sixty days has elapsed, 4662  
whichever occurs first. One member shall be an attorney-at-law, 4663  
admitted to the bar of this state and of the remaining members, 4664  
one shall be a registered architect and one shall be a 4665  
professional engineer, each of whom shall be duly licensed to 4666  
practice their respective professions in this state, one shall be 4667  
a fire prevention officer qualified under section 3737.66 of the 4668

Revised Code, and one shall be a person with recognized ability in 4669  
the plumbing or pipefitting profession. No member of the board of 4670  
building standards shall be a member of the board of building 4671  
appeals. Each member shall be paid an amount fixed pursuant to 4672  
Chapter 124. of the Revised Code per diem. The department shall 4673  
provide and assign to the board such employees as are required by 4674  
the board to perform its functions. The board may adopt its own 4675  
rules of procedure not inconsistent with sections 3781.06 to 4676  
3781.18 and 3791.04 of the Revised Code, and may change them in 4677  
its discretion. The board may establish reasonable fees, based on 4678  
actual costs for administration of filing and processing, not to 4679  
exceed ~~one~~ two hundred dollars, for the costs of filing and 4680  
processing appeals. A full and complete record of all proceedings 4681  
of the board shall be kept and be open to public inspection. 4682

In the enforcement by any department of the state or any 4683  
political subdivision of this chapter and Chapter 3791., and 4684  
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.44, 4104.45, 4685  
4105.011, and 4105.11 of the Revised Code and any rule made 4686  
thereunder, such department is the agency referred to in sections 4687  
119.07, 119.08, and 119.10 of the Revised Code. 4688

The appropriate municipal or county board of appeals, where 4689  
one exists, certified pursuant to section 3781.20 of the Revised 4690  
Code shall conduct the adjudication hearing referred to in 4691  
sections 119.09 to 119.13 and required by section 3781.031 of the 4692  
Revised Code. If there is no certified municipal or county board 4693  
of appeals, the board of building appeals shall conduct the 4694  
adjudication hearing. If the adjudication hearing concerns section 4695  
3781.111 of the Revised Code or any rule made thereunder, 4696  
reasonable notice of the time, date, place, and subject of the 4697  
hearing shall be given to any local corporation, association, or 4698  
other organization composed of or representing handicapped 4699  
persons, as defined in section 3781.111 of the Revised Code, or if 4700

there is no local organization, then to any statewide corporation, 4701  
association, or other organization composed of or representing 4702  
handicapped persons. 4703

In addition to the provisions of Chapter 119. of the Revised 4704  
Code, the municipal, county, or state board of building appeals, 4705  
as the agency conducting the adjudication hearing, may reverse or 4706  
modify the order of the enforcing agency if it finds that the 4707  
order is contrary to this chapter and Chapters 3791. and 4104., 4708  
and sections 3737.41, 3737.42, 4105.011 and 4105.11 of the Revised 4709  
Code and any rule made thereunder or to a fair interpretation or 4710  
application of such laws or any rule made thereunder, or that a 4711  
variance from the provisions of such laws or any rule made 4712  
thereunder, in the specific case, will not be contrary to the 4713  
public interest where a literal enforcement of such provisions 4714  
will result in unnecessary hardship. 4715

The state board of building appeals or a certified municipal 4716  
or county board of appeals shall render its decision within thirty 4717  
days after the date of the adjudication hearing. Following the 4718  
adjudication hearing, any municipal or county officer, official 4719  
municipal or county board, or person who was a party to the 4720  
hearing before the municipal or county board of appeals may apply 4721  
to the state board of appeals for a de novo hearing before the 4722  
state board, or may appeal directly to the court of common pleas 4723  
pursuant to section 3781.031 of the Revised Code. 4724

In addition, any local corporation, association, or other 4725  
organization composed of or representing handicapped persons as 4726  
defined in section 3781.111 of the Revised Code, or, if no local 4727  
corporation, association, or organization exists, then any 4728  
statewide corporation, association, or other organization composed 4729  
of or representing handicapped persons may apply for the de novo 4730  
hearing or appeal to the court of common pleas from any decision 4731  
of a certified municipal or county board of appeals interpreting, 4732

applying, or granting a variance from section 3781.111 of the Revised Code and any rule made thereunder. Application for a de novo hearing before the state board shall be made no later than thirty days after the municipal or county board renders its decision.

The state board of building appeals or the appropriate certified local board of building appeals shall grant variances and exemptions from the requirements of section 3781.108 of the Revised Code in accordance with rules adopted by the board of building standards pursuant to division (J) of section 3781.10 of the Revised Code.

The state board of building appeals or the appropriate certified local board of building appeals shall, in granting a variance or exemption from section 3781.108 of the Revised Code, in addition to any other considerations the state or the appropriate local board determines appropriate, consider the architectural and historical significance of the building.

**Sec. 4701.03.** (A) The accountancy board annually shall elect a president, secretary, and treasurer from its members. The board may adopt and amend rules for the orderly conduct of its affairs and for the administration of this chapter. The board may adopt and amend rules defining the practice of public accounting, rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in registrants and certificate holders under this chapter, and rules regulating the sole proprietorship, partnership, limited liability company, professional association, corporation-for-profit, or other legal entity practice of public accounting. A majority of the board shall constitute a quorum for the transaction of business.

(B) The board shall keep and hold open for public inspection all records of its proceedings.

(C) The board may employ any clerks that are necessary to 4764  
assist it in the performance of its duties and the keeping of its 4765  
records. If the board employs an executive director, the executive 4766  
director shall be paid in accordance with pay range 18 of ~~salary~~ 4767  
schedule E-1 ~~listed in~~ of section 124.152 of the Revised Code, or, 4768  
if the director was employed and being paid on June 28, 2003, in 4769  
accordance with step 7 in pay range 18 of schedule E-1 of former 4770  
section 124.152 of the Revised Code and continued to be so paid on 4771  
June 29, 2003, the executive director shall be paid in accordance 4772  
with pay range 18 of salary schedule E-1 for step seven only of 4773  
section 124.152 of the Revised Code. 4774

**Sec. 4707.05.** Except as otherwise provided in section 4707.25 4775  
of the Revised Code, all fees and charges collected by the 4776  
department of agriculture pursuant to this chapter shall be paid 4777  
into the state treasury to the credit of the auctioneers fund, 4778  
which is hereby created. All expenses incurred by the department 4779  
in administering this chapter shall be paid out of the fund. The 4780  
total expenses incurred by the department in the administration of 4781  
this chapter shall not exceed the total fees, charges, fines, and 4782  
penalties imposed under sections 4707.08, 4707.10, and 4707.99 of 4783  
the Revised Code and paid to the treasurer of state. The 4784  
department may conduct education programs for the enlightenment 4785  
and benefit of all auctioneers who have paid fees pursuant to 4786  
sections 4707.08 and 4707.10 of the Revised Code. 4787

Out of the moneys credited pursuant to this section, the fund 4788  
shall be assessed a proportionate share of the administrative 4789  
costs of the department in accordance with procedures prescribed 4790  
by the director of agriculture and approved by the director of 4791  
budget and management. The assessment shall be paid from the 4792  
auctioneers fund to the division of administration fund. 4793

At the end of each fiscal year, if the balance of the fund is 4794



greater than three hundred thousand dollars, the director of 4795  
agriculture shall request the director of budget and management 4796  
to, and the director of budget and management shall, transfer 4797  
twenty-five per cent of the balance that is in excess of three 4798  
hundred thousand dollars to the auction recovery fund created in 4799  
section 4707.25 of the Revised Code. 4800

**Sec. 4758.20.** (A) The chemical dependency professionals board 4801  
shall adopt rules to establish, specify, or provide for all of the 4802  
following: 4803

(1) Fees for the purposes authorized by section 4758.21 of 4804  
the Revised Code; 4805

(2) For the purpose of section 4758.23 of the Revised Code, 4806  
codes of ethical practice and professional conduct for individuals 4807  
who hold a license or certificate issued under this chapter; 4808

(3) For the purpose of section 4758.24 of the Revised Code, 4809  
all of the following: 4810

(a) Good moral character requirements for an individual who 4811  
seeks or holds a license or certificate issued under this chapter; 4812

(b) The documents that an individual seeking such a license 4813  
or certificate must submit to the board; 4814

(c) Requirements to obtain the license or certificate that 4815  
are in addition to the requirements established under sections 4816  
4758.40, 4758.41, 4758.42, 4758.43, 4758.44, and 4758.45 of the 4817  
Revised Code. The additional requirements may include 4818  
preceptorships. 4819

(4) Procedures for renewal of a chemical dependency counselor 4820  
I license under section 4758.27 of the Revised Code; 4821

(5) For the purpose of section 4758.28 of the Revised Code, 4822  
requirements for approval of continuing education courses of study 4823  
for individuals who hold a license or certificate issued under 4824

this chapter;	4825
(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual holding a license or certificate issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;	4826 4827 4828 4829 4830
(7) Requirements governing reinstatement of a suspended or revoked license or certificate under division (B) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement;	4831 4832 4833 4834 4835
(8) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation;	4836 4837 4838
(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code;	4839 4840 4841
(10) For the purpose of division (A)(1) of section 4758.40 of the Revised Code, course requirements for a <del>master's</del> degree in behavioral sciences that shall, at a minimum, include at least sixty quarter hours, or the equivalent number of semester hours, in all of the following courses:	4842 4843 4844 4845 4846
(a) Theories of counseling and psychotherapy;	4847
(b) Counseling procedures;	4848
(c) Group process and techniques;	4849
(d) Relationship therapy;	4850
(e) Research methods and statistics;	4851
(f) Fundamentals of assessment and diagnosis, including measurement and appraisal;	4852 4853

(g) Psychopathology;	4854
(h) Human development;	4855
(i) Cultural competence in counseling;	4856
(j) Ethics.	4857
(11) For the purpose of division (A)(3) of section 4758.40,	4858
division (A)(3) of section 4758.41, and division (A)(3) of section	4859
4758.42, training requirements for chemical dependency that shall,	4860
at a minimum, include qualifications for the individuals who	4861
provide the training and instruction in all of the following	4862
courses:	4863
(a) Theories of addiction;	4864
(b) Counseling procedures and strategies with addicted	4865
populations;	4866
(c) Group process and techniques working with addicted	4867
populations;	4868
(d) Assessment and diagnosis of addiction;	4869
(e) Relationship counseling with addicted populations;	4870
(f) Pharmacology;	4871
(g) Prevention strategies;	4872
(h) Treatment planning;	4873
(i) Legal and ethical issues.	4874
(12) For the purpose of division (B)(2)(b) of section 4758.40	4875
and division (B)(2) of section 4758.41 of the Revised Code,	4876
requirements for the forty clock hours of training on the version	4877
of the diagnostic and statistical manual of mental disorders that	4878
is current at the time of the training, including the number of	4879
the clock hours that must be on substance-related disorders and	4880
the number of the clock hours that must be on awareness of other	4881

mental and emotional disorders;	4882
(13) For the purpose of division (A)(1) of section 4758.41 of the Revised Code, course requirements for a bachelor's degree in behavioral sciences;	4883 4884 4885
(14) For the purpose of division (A) of section 4758.43 of the Revised Code, training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in one or more of the courses listed in division (A)(11) of this section as selected by the individual seeking the chemical dependency counselor assistant certificate;	4886 4887 4888 4889 4890 4891 4892
(15) For the purpose of division (A)(3) of section 4758.44, division (A)(3) of section 4758.45, and division (A)(2) of section 4758.53 of the Revised Code, requirements for prevention-related education;	4893 4894 4895 4896
(16) For the purpose of section 4758.51 of the Revised Code, continuing education requirements for individuals who hold a license or certificate issued under this chapter;	4897 4898 4899
(17) For the purpose of section 4758.51 of the Revised Code, the number of hours of continuing education that an individual must complete to have an expired license or certificate restored under section 4758.26 of the Revised Code;	4900 4901 4902 4903
(18) For the purpose of section 4758.53 of the Revised Code, the requirements an individual holding a registered applicant certificate must complete to take an examination administered pursuant to section 4758.22 of the Revised Code to obtain a prevention specialist II certificate or prevention specialist I certificate and the documentation the individual must submit to the board showing that the individual has completed the requirements;	4904 4905 4906 4907 4908 4909 4910 4911
(19) The method of determining the amount of time an	4912

individual must wait to apply to the board for a new registered 4913  
applicant certificate under division (B) of section 4758.53 of the 4914  
Revised Code; 4915

(20) The duties of an independent chemical dependency 4916  
counselor licensed under this chapter who supervises a chemical 4917  
dependency counselor III under section 4758.56~~7~~i; independent 4918  
chemical dependency counselor or chemical dependency counselor III 4919  
licensed under this chapter who supervises a chemical dependency 4920  
counselor assistant under section 4758.59~~7~~i or prevention 4921  
specialist II or prevention specialist I certified under this 4922  
chapter or independent chemical dependency counselor, chemical 4923  
dependency counselor III, or chemical dependency counselor II 4924  
licensed under this chapter who supervises a registered applicant 4925  
under section 4758.61 of the Revised Code. The duties may differ. 4926

(21) Anything else necessary to administer this chapter. 4927

(B) All rules adopted under this section shall be adopted in 4928  
accordance with Chapter 119. of the Revised Code and any 4929  
applicable federal laws and regulations. Initial rules shall be 4930  
adopted not later than nine months after ~~the effective date of~~ 4931  
~~this section~~ December 23, 2002. 4932

(C) When it adopts rules under this section, the board may 4933  
consider standards established by any national association or 4934  
other organization representing the interests of those involved in 4935  
chemical dependency counseling or alcohol and other drug 4936  
prevention services. 4937

**Sec. 4758.40.** An individual seeking an independent chemical 4938  
dependency counselor license shall meet either of the following 4939  
requirements: 4940

(A) Meet all of the following requirements: 4941

(1) Hold from an accredited educational institution at least 4942

a master's degree in behavioral sciences that meets the course	4943
requirements specified in rules adopted under section 4758.20 of	4944
the Revised Code;	4945
(2) Have not less than four thousand hours of compensated	4946
work experience in either of the following, not less than eight	4947
hundred hours of which are in chemical dependency counseling:	4948
(a) Chemical dependency services, substance abuse services,	4949
or both types of services;	4950
(b) The practice of psychology, as defined in section 4732.01	4951
of the Revised Code, or the practice of professional counseling or	4952
the practice of social work, both as defined in section 4757.01 of	4953
the Revised Code.	4954
(3) Have a minimum of two hundred seventy hours of training	4955
in chemical dependency that meets the requirements specified in	4956
rules adopted under section 4758.20 of the Revised Code;	4957
(4) Pass one or more examinations administered pursuant to	4958
section 4758.22 of the Revised Code for the purpose of determining	4959
competence to practice as an independent chemical dependency	4960
counselor.	4961
(B) Meet both of the following requirements:	4962
(1) Hold, on <del>the effective date of this section</del> <u>December 23,</u>	4963
<u>2002</u> , a certificate or credentials that were accepted under	4964
section 3793.07 of the Revised Code as authority to practice as a	4965
certified chemical dependency counselor III or certified chemical	4966
dependency counselor III-E;	4967
(2) Meet one of the following requirements:	4968
(a) Hold the degree described in division (A)(1) of this	4969
section;	4970
(b) Have held a chemical dependency counselor III, II, or I	4971
certificate for at least eight consecutive years and have not less	4972

than forty clock hours of training on the version of the 4973  
diagnostic and statistical manual of mental disorders that is 4974  
current at the time of the training. The training must meet the 4975  
requirements specified in rules adopted under section 4758.20 of 4976  
the Revised Code and have been provided by an individual 4977  
authorized under Chapter 4731. of the Revised Code to practice 4978  
medicine and surgery or osteopathic medicine and surgery, a 4979  
psychologist licensed under Chapter 4732. of the Revised Code, ~~or~~ 4980  
a professional clinical counselor or independent social worker 4981  
licensed under Chapter 4757. of the Revised Code, or an 4982  
independent chemical dependency counselor licensed under this 4983  
chapter. 4984

**Sec. 4758.41.** An individual seeking a chemical dependency 4985  
counselor III license shall meet any of the following 4986  
requirements: 4987

(A) Meet all of the following requirements: 4988

(1) Hold from an accredited educational institution a 4989  
bachelor's degree in a behavioral science that meets the course 4990  
requirements specified in rules adopted under section 4758.20 of 4991  
the Revised Code; 4992

(2) Have not less than four thousand hours of compensated 4993  
work experience in either of the following, not less than eight 4994  
hundred work hours of which are in chemical dependency counseling: 4995

(a) Chemical dependency services, substance abuse services, 4996  
or both types of services; 4997

(b) The practice of psychology, as defined in section 4732.01 4998  
of the Revised Code, or the practice of professional counseling or 4999  
the practice of social work, both as defined in section 4757.01 of 5000  
the Revised Code. 5001

(3) Have a minimum of two hundred seventy hours of training 5002

in chemical dependency that meets the requirements specified in 5003  
rules adopted under section 4758.20 of the Revised Code; 5004

(4) Pass one or more examinations administered pursuant to 5005  
section 4758.22 of the Revised Code for the purpose of determining 5006  
competence to practice as a chemical dependency counselor III. 5007

(B) Meet both of the following requirements: 5008

(1) Hold, on ~~the effective date of this section~~ December 23, 5009  
2002, a certificate or credentials that were accepted under 5010  
section 3793.07 of the Revised Code as authority to practice as a 5011  
certified chemical dependency counselor III or certified chemical 5012  
dependency counselor III-E; 5013

(2) Have not less than forty clock hours of training on the 5014  
version of the diagnostic and statistical manual of mental 5015  
disorders that is current at the time of the training. The 5016  
training must meet the requirements specified in rules adopted 5017  
under section 4758.20 of the Revised Code and have been provided 5018  
by an individual authorized under Chapter 4731. of the Revised 5019  
Code to practice medicine and surgery or osteopathic medicine and 5020  
surgery, a psychologist licensed under Chapter 4732. of the 5021  
Revised Code, ~~or~~ a professional clinical counselor or independent 5022  
social worker licensed under Chapter 4757. of the Revised Code, or 5023  
an independent chemical dependency counselor licensed under this 5024  
chapter. 5025

(C) Meet all of the following requirements: 5026

(1) Hold, on ~~the effective date of this section~~ December 23, 5027  
2002, a certificate or credentials that were accepted under 5028  
section 3793.07 of the Revised Code as authority to practice as a 5029  
certified chemical dependency counselor II; 5030

(2) Meet the requirement of division (B)(2) of this section; 5031

(3) Hold a bachelor's degree in a behavioral science. 5032



Sec. 4758.42. An individual seeking a chemical dependency counselor II license shall meet either of the following requirements:	5033 5034 5035
(A) Meet all of the following requirements:	5036
(1) Hold from an accredited educational institution an associate's degree in a behavioral science or a bachelor's degree in any field;	5037 5038 5039
(2)(a) If the individual holds an associate's degree, have not less than five thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in either of the following, not less than one thousand hours of which are in chemical dependency counseling:	5040 5041 5042 5043 5044
(i) Chemical dependency services, substance abuse services, or both types of services;	5045 5046
(ii) The practice of psychology, as defined in section 4732.01 of the Revised Code, or the practice of professional counseling or the practice of social work, both as defined in section 4757.01 of the Revised Code.	5047 5048 5049 5050
(b) If the individual holds a bachelor's degree, have not less than six thousand hours of compensated or volunteer work, field placement, intern, or practicum experience in either of the following, not less than one thousand two hundred hours of which are in chemical dependency counseling:	5051 5052 5053 5054 5055
(i) Chemical dependency services, substance abuse services, or both types of services;	5056 5057
(ii) The practice of psychology, as defined in section 4732.01 of the Revised Code, or the practice of professional counseling or the practice of social work, both as defined in section 4757.01 of the Revised Code.	5058 5059 5060 5061

(3) Have a minimum of two hundred seventy hours of training in chemical dependency that meets the requirements specified in rules adopted under section 4758.20 of the Revised Code;

(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.

(B) Meet both of the following requirements:

(1) ~~Hold~~ Unless the individual files a written application for the chemical dependency counselor II license under section 4758.35 of the Revised Code before the date that is one year after the effective date of this amendment, hold a degree described in division (A)(1) of this section;

(2) Hold, on ~~the effective date of this section~~ December 23, 2002, a certificate or credentials that were accepted under section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II.

**Sec. 4758.55.** ~~An~~ In addition to practicing chemical dependency counseling, an individual holding a valid independent chemical dependency counselor license may do all of the following:

(A) Diagnose and treat chemical dependency conditions;

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;

(C) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

**Sec. 4758.56.** (A) ~~An~~ In addition to practicing chemical dependency counseling, an individual holding a valid chemical dependency counselor III license may do all of the following:

(1) Diagnose chemical dependency conditions under the supervision of any of the following:	5091 5092
(a) An independent chemical dependency counselor licensed under this chapter;	5093 5094
(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	5095 5096 5097
(c) A psychologist licensed under Chapter 4732. of the Revised Code;	5098 5099
(d) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, or independent social worker.	5100 5101 5102 5103 5104 5105
(2) Treat chemical dependency conditions;	5106
(3) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;	5107 5108 5109 5110
(4) Refer individuals with nonchemical dependency conditions to appropriate sources of help.	5111 5112
(B) A chemical dependency counselor III may not practice as an individual practitioner.	5113 5114
<b>Sec. 4758.57.</b> (A) <del>An</del> <u>In addition to practicing chemical dependency counseling, an</u> individual holding a valid chemical dependency counselor II license may do both of the following:	5115 5116 5117
(1) Perform <u>treatment planning</u> , assessment, crisis intervention, individual and group counseling, case management,	5118 5119

and education services as they relate to abuse of and dependency 5120  
on alcohol and other drugs; 5121

(2) Refer individuals with nonchemical dependency conditions 5122  
to appropriate sources of help. 5123

(B) A chemical dependency counselor II may not practice as an 5124  
individual practitioner. 5125

**Sec. 4758.58.** (A) Until six years after ~~the effective date of~~ 5126  
~~this section~~ December 23, 2002, an individual holding a valid 5127  
chemical dependency counselor I certificate may do both of the 5128  
following in addition to practicing chemical dependency 5129  
counseling: 5130

(1) Perform treatment planning, assessment, crisis 5131  
intervention, individual and group counseling, case management, 5132  
and education services as they relate to abuse of and dependency 5133  
on alcohol and other drugs; 5134

(2) Refer individuals with nonchemical dependency conditions 5135  
to appropriate sources of help. 5136

(B) A chemical dependency counselor I may not practice as an 5137  
individual practitioner. 5138

**Sec. 4758.59.** (A) Subject to division (B) of this section, an 5139  
individual holding a valid chemical dependency counselor assistant 5140  
certificate may do both of the following in addition to practicing 5141  
chemical dependency counseling: 5142

(1) Perform treatment planning, assessment, crisis 5143  
intervention, individual and group counseling, case management, 5144  
and education services as they relate to abuse of or dependency on 5145  
alcohol and other drugs; 5146

(2) Refer individuals with nonchemical dependency conditions 5147  
to appropriate sources of help. 5148

(B) An individual holding a valid chemical dependency counselor assistant certificate may practice chemical dependency counseling and perform the tasks specified in division (A) of this section only while under the supervision of any of the following:

(1) An independent chemical dependency counselor or chemical dependency counselor III licensed under this chapter;

(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(3) A psychologist licensed under Chapter 4732. of the Revised Code;

(4) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, or independent social worker.

(C) A chemical dependency counselor assistant may not practice as an individual practitioner.

**Sec. 4758.61.** An individual who holds a valid registered applicant certificate issued under this chapter may engage in the practice of alcohol and other drug prevention services under the supervision of an individual holding a valid prevention specialist II certificate ~~or~~ prevention specialist I certificate, independent chemical dependency counselor license, chemical dependency counselor III license, or chemical dependency counselor II license issued under this chapter.

**Sec. 5101.27.** (A) Except as permitted by this section, section 5101.28 or 5101.29 of the Revised Code, or the rules

adopted under division (A) of section 5101.30 of the Revised Code, 5178  
or required by federal law, no person or government entity shall 5179  
solicit, disclose, receive, use, or knowingly permit, or 5180  
participate in the use of any information regarding a public 5181  
assistance recipient for any purpose not directly connected with 5182  
the administration of a public assistance program. 5183

(B) To the extent permitted by federal law, the department of 5184  
job and family services and county agencies shall do ~~both~~ all of 5185  
the following: 5186

(1) Release information regarding a public assistance 5187  
recipient for purposes directly connected to the administration of 5188  
the program to a government entity responsible for administering 5189  
that public assistance program; 5190

(2) Provide information regarding a public assistance 5191  
recipient to a law enforcement agency for the purpose of any 5192  
investigation, prosecution, or criminal or civil proceeding 5193  
relating to the administration of that public assistance program; 5194

(3) Provide, for purposes directly connected to the 5195  
administration of a program that assists needy individuals with 5196  
the costs of public utility services, information regarding a 5197  
recipient of financial assistance provided under a program 5198  
administered by the department or a county agency pursuant to 5199  
Chapter 5107. or 5108. of the Revised Code or sections 5115.01 to 5200  
5115.07 of the Revised Code to an entity administering the public 5201  
utility services program. 5202

(C) To the extent permitted by federal law and section 5203  
1347.08 of the Revised Code, the department and county agencies 5204  
shall provide access to information regarding a public assistance 5205  
recipient to all of the following: 5206

(1) The recipient; 5207

(2) The authorized representative; 5208

(3) The legal guardian of the recipient;	5209
(4) The attorney of the recipient, if the attorney has written authorization that complies with section 5101.271 of the Revised Code from the recipient.	5210 5211 5212
(D) To the extent permitted by federal law and subject to division (E) of this section, the department and county agencies may do both of the following:	5213 5214 5215
(1) Release information about a public assistance recipient if the recipient gives voluntary, written authorization that complies with section 5101.271 of the Revised Code;	5216 5217 5218
(2) Release information regarding a public assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need or for the purpose of protecting children to a government entity responsible for administering a children's protective services program.	5219 5220 5221 5222 5223 5224
(E) Except when the release is required by division (B), (C), or (D)(2) of this section, the department or county agency shall release the information only in accordance with the authorization. The department or county agency shall provide, at no cost, a copy of each written authorization to the individual who signed it.	5225 5226 5227 5228 5229
(F) The department or county agency may release information under division (D) of this section concerning the receipt of medical assistance provided under a public assistance program only if all of the following conditions are met:	5230 5231 5232 5233
(1) The release of information is for purposes directly connected to the administration of or provision of medical assistance provided under a public assistance program;	5234 5235 5236
(2) The information is released to persons or government entities that are subject to standards of confidentiality and	5237 5238

safeguarding information substantially comparable to those 5239  
established for medical assistance provided under a public 5240  
assistance program; 5241

(3) The department or county agency has obtained an 5242  
authorization consistent with section 5101.271 of the Revised 5243  
Code. 5244

(G) Information concerning the receipt of medical assistance 5245  
provided under a public assistance program may be released only if 5246  
the release complies with this section and rules adopted by the 5247  
department pursuant to section 5101.30 of the Revised Code or, if 5248  
more restrictive, the Health Insurance Portability and 5249  
Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1955, 5250  
42 U.S.C. 1320d, et seq., as amended, and regulations adopted by 5251  
the United States department of health and human services to 5252  
implement the act. 5253

(H) The department of job and family services may adopt rules 5254  
defining "authorized representative" for purposes of division 5255  
(C)(2) of this section. 5256

**Sec. 5111.022.** (A) As used in this section: 5257

(1) "Community mental health facility" means a community 5258  
mental health facility that has a quality assurance program 5259  
accredited by the joint commission on accreditation of healthcare 5260  
organizations or is certified by the department of mental health 5261  
or department of job and family services. 5262

(2) "Mental health professional" means a person qualified to 5263  
work with mentally ill persons under the standards established by 5264  
the director of mental health pursuant to section 5119.611 of the 5265  
Revised Code. 5266

(B) The state medicaid plan shall include provision of the 5267  
following mental health services when provided by community mental 5268



health facilities:	5269
(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;	5270 5271 5272 5273 5274 5275
(2) Partial-hospitalization mental health services of three to fourteen hours per service day, rendered by persons directly supervised by a mental health professional;	5276 5277 5278
(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional;	5279 5280 5281
(4) Subject to receipt of federal approval, assertive community treatment and intensive home-based mental health services.	5282 5283 5284
(C) The comprehensive annual plan shall certify the availability of sufficient unencumbered community mental health state subsidy and local funds to match federal medicaid reimbursement funds earned by community mental health facilities.	5285 5286 5287 5288
(D) 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.	5289 5290 5291 5292
(E) Not later than <del>May 1</del> <u>July 21</u> , 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.	5293 5294 5295 5296
(F) On receipt of federal approval sought under division (E) of this section, the director of job and family services shall	5297 5298

adopt rules in accordance with Chapter 119. of the Revised Code 5299  
establishing ~~statewide access and acuity standards for partial~~ 5300  
~~hospitalization mental health services and for~~ assertive community 5301  
treatment and intensive home-based mental health services provided 5302  
under medicaid pursuant to this section. The director shall 5303  
consult with the department of mental health in adopting the 5304  
rules. 5305

**Sec. 5119.18.** There is hereby created in the state treasury 5306  
the department of mental health trust fund. Not later than the 5307  
first day of September of each year, the director of mental health 5308  
shall certify to the director of budget and management the amount 5309  
of all of the unexpended, unencumbered balances of general revenue 5310  
fund appropriations made to the department of mental health for 5311  
the previous fiscal year, excluding funds appropriated for rental 5312  
payments to the Ohio public facilities commission. On receipt of 5313  
the certification, the director of budget and management shall 5314  
transfer cash to the trust fund in an amount up to, but not 5315  
exceeding, the total of the amounts certified by the director of 5316  
mental health. 5317

In addition, the trust fund shall receive all amounts, 5318  
subject to any provisions in bond documents, received from the 5319  
sale or lease of lands and facilities by the department. 5320

All moneys in the trust fund shall be used by the department 5321  
of mental health for mental health purposes specified in division 5322  
(A) of section 5119.06 of the Revised Code. The use of moneys in 5323  
the trust fund pursuant to this section does not represent an 5324  
ongoing commitment to the continuation of the trust fund or to the 5325  
use of moneys in the trust fund. 5326

**Sec. 5123.352.** There is hereby created in the state treasury 5327  
the community mental retardation and developmental disabilities 5328

trust fund. The director of mental retardation and developmental 5329  
disabilities, not later than sixty days after the end of each 5330  
fiscal year, shall certify to the director of budget and 5331  
management the amount of all the unexpended, unencumbered balances 5332  
of general revenue fund appropriations made to the department of 5333  
mental retardation and developmental disabilities for the fiscal 5334  
year, excluding appropriations for rental payments to the Ohio 5335  
public facilities commission, and the amount of any other funds 5336  
held by the department in excess of amounts necessary to meet the 5337  
department's operating costs and obligations pursuant to this 5338  
chapter and Chapter 5126. of the Revised Code. On receipt of the 5339  
certification, the director of budget and management shall 5340  
transfer cash to the trust fund in an amount up to, but not 5341  
exceeding, the total of the amounts certified by the director of 5342  
mental retardation and developmental disabilities, except in cases 5343  
in which the transfer will involve more than twenty million 5344  
dollars. In such cases, the director of budget and management 5345  
shall notify the controlling board and must receive the board's 5346  
approval of the transfer prior to making the transfer. 5347

Except for expenses paid under division (C) of section 5348  
5123.353 of the Revised Code, all moneys in the trust fund shall 5349  
be distributed in accordance with section 5126.19 of the Revised 5350  
Code. 5351

**Sec. 5731.47.** The fees of the sheriff or other officers for 5352  
services performed under ~~Chapter 5731. of the Revised Code~~ this 5353  
chapter and the expenses of the county auditor shall be certified 5354  
by the county auditor by a report filed with the tax commissioner. 5355  
If the tax commissioner finds that ~~such~~ those fees and expenses 5356  
are correct and reasonable in amount, the tax commissioner shall 5357  
indicate approval of the fees and expenses in writing to the 5358  
county auditor. The county auditor shall pay ~~such~~ those fees and 5359  
expenses out of the ~~state's share of the undivided inheritance~~ 5360

~~taxes in the county treasury and undivided estate tax fund. The~~ 5361  
~~county auditor then shall deduct, from the amount required to be~~ 5362  
~~credited to each of the funds or boards of education listed or~~ 5363  
~~referred to in division (A) of section 5731.48 of the Revised~~ 5364  
~~Code, a pro rata share of the amount so paid. The pro rata share~~ 5365  
~~shall be computed on the basis of the proportions of the gross~~ 5366  
~~taxes levied and paid under this chapter that are required to be~~ 5367  
~~credited to the funds or boards of education listed or referred to~~ 5368  
~~under that section. The county auditor shall draw warrants payable~~ 5369  
~~from such those taxes on the county treasurer in favor of the fee~~ 5370  
~~funds or officers personally entitled thereto to the fees and~~ 5371  
~~expenses. If the fees and expenses approved by the tax~~ 5372  
~~commissioner exceed the amount of the state's share of undivided~~ 5373  
~~inheritance taxes in the county treasury, the county auditor shall~~ 5374  
~~certify the amount of the excess to the tax commissioner, who~~ 5375  
~~shall certify the amount to the director of budget and management.~~ 5376  
~~The director shall provide for payment of the excess from the~~ 5377  
~~general revenue fund to the county treasury, and the county~~ 5378  
~~auditor shall draw warrants on the county treasurer in favor of~~ 5379  
~~the appropriate fee funds or officers.~~ 5380

**Sec. 5731.48.** (A) If a decedent dies on or after July 1, 5381  
1989, and before January 1, 2001, sixty-four per cent of the gross 5382  
amount of taxes levied and paid under this chapter shall be for 5383  
the use of the municipal corporation or township in which the tax 5384  
originates, and shall be credited as provided in division (A)(1), 5385  
(2), or (3) of this section: 5386

(1) To the general revenue fund in the case of a city; 5387

(2) To the general revenue fund of a village or to the board 5388  
of education of a village, for school purposes, as the village 5389  
council by resolution may approve; 5390

(3) To the general revenue fund or to the board of education 5391

of the school district of which the township is a part, for school 5392  
purposes, as the board of township trustees by resolution may 5393  
approve, in the case of a township. 5394

The remainder of the taxes levied and paid shall be for the 5395  
use of the state and shall be credited to the general revenue fund 5396  
~~after any deduction for fees and costs charged under section~~ 5397  
~~5731.47 of the Revised Code.~~ 5398

(B) If a decedent dies on or after January 1, 2001, and 5399  
before January 1, 2002, seventy per cent of the gross amount of 5400  
taxes levied and paid under this chapter shall be for the use of 5401  
the municipal corporation or township in which the tax originates 5402  
and credited as provided in division (A)(1), (2), or (3) of this 5403  
section, and the remainder shall be for the use of the state and 5404  
credited to the general revenue fund ~~after any deduction for fees~~ 5405  
~~and costs charged under section 5731.47 of the Revised Code.~~ 5406

(C) If a decedent dies on or after January 1, 2002, eighty 5407  
per cent of the gross amount of taxes levied and paid under this 5408  
chapter, less any deduction from the municipal corporation's or 5409  
township's share of those taxes for fees or expenses charged under 5410  
section 5731.47 of the Revised Code, shall be for the use of the 5411  
municipal corporation or township in which the tax originates and 5412  
credited as provided in division (A)(1), (2), or (3) of this 5413  
section, and the remainder, less any deduction from the state's 5414  
share of those taxes for fees or expenses charged under section 5415  
5731.47 of the Revised Code, shall be for the use of the state and 5416  
shall be credited to the general revenue fund ~~after any deduction~~ 5417  
~~for fees and costs charged under section 5731.47 of the Revised~~ 5418  
~~Code.~~ 5419

(D) If a municipal corporation is in default with respect to 5420  
the principal or interest of any outstanding notes or bonds, one 5421  
half of the taxes distributed under this section shall be credited 5422  
to the sinking or bond retirement fund of the municipal 5423

corporation, and the residue shall be credited to the general 5424  
revenue fund. 5425

(E) The council, board of trustees, or other legislative 5426  
authority of a village or township may, by ordinance in the case 5427  
of a village, or by resolution in the case of a township, provide 5428  
that whenever there is money in the treasury of the village or 5429  
township from taxes levied under this chapter, not required for 5430  
immediate use, that money may be invested in federal, state, 5431  
county, or municipal bonds, upon which there has been no default 5432  
of the principal during the preceding five years. 5433

**Sec. 6301.03.** (A) In administering the "Workforce Investment 5434  
Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the 5435  
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 5436  
amended, the funds received pursuant to those acts, and the 5437  
workforce development system, the director of job and family 5438  
services may make allocations and payment of funds for the local 5439  
administration of the workforce development activities established 5440  
under this chapter. Pursuant to the "Workforce Investment Act of 5441  
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the governor 5442  
shall reserve not more than fifteen per cent of the amounts 5443  
allocated to the state under Title I of that act for adults, 5444  
dislocated workers, and youth for statewide activities, and not 5445  
more than twenty-five per cent of funds allocated for dislocated 5446  
workers under Title I of that act for statewide rapid response 5447  
activities. 5448

(B) The director shall allocate to local areas all funds 5449  
required to be allocated to local areas pursuant to the "Workforce 5450  
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 5451  
amended. The director shall make allocations only with funds 5452  
available ~~and in accordance with all of the following:~~ 5453

~~(1) If a board of county commissioners administering 5454~~

~~workforce development activities at the local level designates the 5455  
county department of job and family services as its workforce 5456  
development agency, the director shall allocate the funds to that 5457  
county department. That county department shall deposit all funds 5458  
received pursuant to this section into the county public 5459  
assistance fund. 5460~~

~~(2) If a board of county commissioners administering 5461  
workforce development activities at the local level designates as 5462  
its workforce development agency an entity for which the board 5463  
maintains responsibility or control, but which is not the county 5464  
department of job and family services, the board. Local areas, as 5465  
defined by either section 101 of the "Workforce Investment Act of 5466  
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, or section 5467  
6301.01 of the Revised Code, and subrecipients of a local area 5468  
shall establish a ~~county~~ workforce development fund, and the 5469  
entity receiving the funds shall deposit all funds received under 5470  
this section into the ~~county~~ workforce development fund. All 5471  
expenditures for activities funded under this section shall be 5472  
made from the ~~county~~ workforce development fund. 5473~~

~~(3) If a board of county commissioners administering 5474  
workforce development activities at the local level designates as 5475  
its workforce development agency an entity other than one 5476  
described in divisions (B)(1) and (2) of this section, the board 5477  
shall designate a fiscal agent to receive and be responsible for 5478  
the funds. Any entity designated by the board as the fiscal agent 5479  
shall be an agency supervised by the director or the county 5480  
auditor. 5481~~

~~(4) If a municipal corporation administering workforce 5482  
development activities at the local level is designated to receive 5483  
funds under this section, the municipal corporation shall place 5484  
all funds received under this section into a special fund and all 5485  
expenditures for workforce development activities shall be made 5486~~

~~from that fund. The municipal corporation may use the funds in~~ 5487  
~~that fund only for the workforce development activities for which~~ 5488  
~~the funds are appropriated.~~ 5489

(C) The use of funds, reporting requirements, and other 5490  
administrative and operational requirements governing the use of 5491  
funds received by the director pursuant to this section shall be 5492  
governed by internal management rules adopted by the director 5493  
pursuant to section 111.15 of the Revised Code. 5494

(D) To the extent permitted by state or federal law, the 5495  
director, local areas, counties, and municipal corporations 5496  
authorized to administer workforce development activities may 5497  
assess a fee for specialized services requested by an employer. 5498  
The director shall adopt rules pursuant to Chapter 119. of the 5499  
Revised Code governing the nature and amount of those types of 5500  
fees. 5501

**Section 2.** That existing sections 9.24, 102.02, 123.01, 5502  
123.10, 124.15, 124.152, 124.181, 124.183, 124.382, 126.32, 5503  
152.09, 175.21, 3311.059, 3327.01, 3334.01, 3383.09, 3701.881, 5504  
3712.09, 3734.02, 3734.18, 3734.57, 3769.021, 3769.087, 3781.19, 5505  
4701.03, 4707.05, 4758.20, 4758.40, 4758.41, 4758.42, 4758.55, 5506  
4758.56, 4758.57, 4758.58, 4758.59, 4758.61, 5101.27, 5111.022, 5507  
5119.18, 5123.352, 5731.47, 5731.48, and 6301.03 and sections 5508  
152.101 and 901.85 of the Revised Code are hereby repealed. 5509

**Section 3.** All items set forth in Sections 3.01 to 3.04 of 5510  
this act are hereby appropriated out of any moneys in the General 5511  
Revenue Fund (GRF) that are not otherwise appropriated: 5512

Reappropriations

<b>Section 3.01.</b> DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			5513
CAP-773 Governor's Residence Restoration	\$	4,705	5514
CAP-786 Rural Areas Community Improvements	\$	440,000	5515



CAP-804	Day Care Centers	\$	6,472	5516
CAP-817	Urban Areas Community Improvements	\$	1,058,900	5517
Total Department of Administrative Services		\$	1,510,077	5518

RURAL AREAS COMMUNITY IMPROVEMENTS 5519

From the foregoing appropriation item CAP-786, Rural Areas 5520  
Community Improvements, grants shall be made for the following 5521  
projects: \$20,000 for the Smith Field Memorial Foundation; 5522  
\$200,000 for the Champaign YMCA; \$75,000 for the Bellepoint Bridge 5523  
Reconstruction; \$100,000 for the Mentor Fire & Police Headquarters 5524  
Relocation; \$20,000 for the Red Mill Creek Water Retention Basin; 5525  
and \$25,000 for the Lawrence County Water Projects. 5526

URBAN AREAS COMMUNITY IMPROVEMENTS 5527

From the foregoing appropriation item CAP-817, Urban Areas 5528  
Community Improvements, grants shall be made for the following 5529  
projects: \$100,000 for the Maumee Youth Center; \$25,000 for the 5530  
Columbus Civic Arena Development Planning; \$50,000 for the Brown 5531  
Senior Center Renovations; \$100,000 for Project AHEAD Facility 5532  
Improvements; \$75,000 for the J. Frank-Troy Senior Citizens 5533  
Center; \$15,000 for the Victorian Village Society; \$50,000 for the 5534  
Beech Acres Family Center; \$23,900 for the Canton Jewish Women's 5535  
Center; \$450,000 for the Gateway Social Services Building; \$50,000 5536  
for the Loew Field Improvements; \$20,000 for the Harvard Community 5537  
Services Center Renovation & Expansion; \$20,000 for the Collinwood 5538  
Community Service Center Repair & Renovation; and \$80,000 for 5539  
Bowman Park - City of Toledo. 5540

Reappropriations

**Section 3.02. AFC ARTS AND SPORTS FACILITIES COMMISSION 5541**

CAP-819	Cooper Stadium Relocation Feasibility Study	\$	350,000	5542
Total Arts and Sports Facilities Commission		\$	350,000	5543

COOPER STADIUM RELOCATION FEASIBILITY STUDY	5544
Notwithstanding division (F) of section 3383.07 of the	5545
Revised Code, all or a portion of the foregoing appropriation item	5546
CAP-819, Cooper Stadium Relocation Feasibility Study, may be	5547
expended for the cost of preparing a financial and development	5548
plan or feasibility study, renovation, and purchasing engineering	5549
and architectural services, designs, plans, specifications,	5550
surveys, and estimates of costs for Cooper Stadium. Any amount	5551
expended for that purpose from the appropriation shall count	5552
toward the maximum 15 per cent of the construction cost of the	5553
sports facility to be paid from state funds.	5554

Reappropriations

<b>Section 3.03. OHS OHIO HISTORICAL SOCIETY</b>	5555
CAP-745 Historic Sites/Museums - Emergency	\$ 30,721 5556
Repair	
Total Ohio Historical Society	\$ 30,721 5557

Reappropriations

<b>Section 3.04. DNR DEPARTMENT OF NATURAL RESOURCES</b>	5559
CAP-245 Millcreek Valley Conservancy District	\$ 230,503 5560
CAP-702 Upgrade Underground Fuel Tanks	\$ 296,963 5561
CAP-703 Cap Abandoned Water Wells	\$ 357,481 5562
CAP-823 Cost Sharing-Pollution Abatement	\$ 33,614 5563
CAP-847 Assistance to Local Governments for	\$ 25,000 5564
Conservation Works of Improvement	
CAP-848 Hazardous Dam Repair	\$ 91,521 5565
CAP-875 Ohio River Access	\$ 100,000 5566
CAP-929 Hazardous Waste/Asbestos Abatement	\$ 286,154 5567
CAP-931 Wastewater/Water Systems Upgrades	\$ 32,205 5568
CAP-932 Wetlands/Waterfront Development and	\$ 32,460 5569
Acquisition	

CAP-942	Local Parks Projects	\$	5,225	5570
CAP-969	Frost-Parker Wetlands Preserve	\$	4,760	5571
CAP-999	Geographic Information Management System	\$	1,085	5572
Total Department of Natural Resources		\$	1,496,971	5573
TOTAL GRF General Revenue Fund		\$	3,387,769	5574

**Section 3.05.** No expenditures shall be made from any of the 5576  
items appropriated from the General Revenue Fund in Sections 3.01 5577  
to 3.04 of this act until the funds are released by the 5578  
Controlling Board. 5579

**Section 4.** All items set forth in this section are hereby 5580  
appropriated out of any moneys in the state treasury to the credit 5581  
of the Wildlife Fund (Fund 015) that are not otherwise 5582  
appropriated: 5583

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES				5584
CAP-015	Highlandtown Wildlife Area	\$	2,768	5585
CAP-117	Cooper Hollow Wildlife Area	\$	4,815	5586
CAP-161	Tranquility Wildlife Area	\$	1,286	5587
CAP-216	Killbuck Creek Wildlife Area	\$	550	5588
CAP-387	Access Development	\$	3,204,333	5589
CAP-702	Upgrade Underground Fuel Tanks	\$	84,945	5590
CAP-703	Cap Abandoned Water Wells	\$	50,000	5591
CAP-732	Mosquito Creek Wildlife Area	\$	300	5592
CAP-754	Tiffin River Wildlife Area	\$	1,000	5593
CAP-764	Fire Lookout & Radio Tower Inspection	\$	7,215	5594
CAP-785	K.H. Butler Ohio River Access	\$	978	5595
CAP-795	Headlands Beach State Park	\$	90,958	5596
CAP-804	Lake La Su An Wildlife Area	\$	400	5597
CAP-834	Appraisal Fees - Statewide	\$	51,995	5598
CAP-852	Wildlife Area Building	\$	3,489,530	5599
Development/Renovation				

CAP-881	Dam Rehabilitation	\$	500,000	5600
CAP-995	Boundary Protection	\$	50,000	5601
Total Department of Natural Resources		\$	7,541,073	5602
TOTAL Wildlife Fund		\$	7,541,073	5603

**Section 5.** The items set forth in this section are hereby 5605  
appropriated out of any moneys in the state treasury to the credit 5606  
of the Public School Building Fund (Fund 021) that are not 5607  
otherwise appropriated: 5608

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 5609

CAP-622	Public School Buildings	\$	26,998,886	5610
CAP-778	Exceptional Needs	\$	1,440,286	5611
CAP-783	Emergency School Building Assistance	\$	15,000,000	5612
Total School Facilities Commission		\$	43,439,172	5613
TOTAL Public School Building Fund		\$	43,439,172	5614

PUBLIC SCHOOL BUILDINGS 5615

The amount reappropriated for the foregoing appropriation 5616  
item CAP-622, Public School Buildings, is \$349,622 plus the sum of 5617  
the unencumbered and unallotted balances as of June 30, 2004, for 5618  
appropriation item CAP-622, Public School Buildings. 5619

**Section 6.** The items set forth in this section are hereby 5620  
appropriated out of any moneys in the state treasury to the credit 5621  
of the Highway Safety Fund (Fund 036) that are not otherwise 5622  
appropriated: 5623

Reappropriations

DHS DEPARTMENT OF PUBLIC SAFETY 5624

CAP-045	Platform Scales Improvements	\$	400,000	5625
CAP-059	Patrol Post ADA Compliance	\$	250,000	5626
CAP-065	Replace Windows at the Academy	\$	79,000	5627
CAP-071	Construct Georgetown Patrol Post	\$	41,240	5628

CAP-072	Patrol Academy Infrastructure Improvements	\$	41,355	5629
CAP-074	Construct Warren District Blue Title Facility	\$	39,585	5630
CAP-077	Van Wert Patrol Post	\$	1,700,000	5631
	Total Department of Public Safety	\$	2,551,180	5632
	TOTAL Highway Safety Fund	\$	2,551,180	5633

**Section 7.** All items set forth in this section are hereby 5635  
appropriated out of any moneys in the state treasury to the credit 5636  
of the Waterways Safety Fund (Fund 086) that are not otherwise 5637  
appropriated: 5638

Reappropriations

	DNR DEPARTMENT OF NATURAL RESOURCES			5639
CAP-324	Cooperative Funding for Boating Facilities	\$	7,375,543	5640
CAP-390	State Park Maintenance Facility Development - Middle Bass Island	\$	1,821,093	5641
CAP-807	Hocking Technical College Ramp	\$	30,643	5642
CAP-844	Put-in-Bay Township Port Authority	\$	6,466	5643
CAP-858	Clendening Lake Ramp	\$	2,736	5644
CAP-871	Village of Montezuma Ramp	\$	13,519	5645
CAP-874	Recreational Harbor Evaluation Project	\$	357,789	5646
CAP-905	City of Ironton Boat Launch	\$	168,007	5647
CAP-934	Operations Facilities Development	\$	762,508	5648
	Total Department of Natural Resources	\$	10,538,304	5649
	TOTAL Waterways Safety Fund	\$	10,538,304	5650

**Section 8.** All items set forth in this section are hereby 5652  
appropriated out of any moneys in the state treasury to the credit 5653  
of the Underground Parking Garage Operating Fund (Fund 208) that 5654  
are not otherwise appropriated: 5655

Reappropriations

	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD		5656
CAP-003	Renovate Garage Offices	\$ 127,194	5657
CAP-004	Emergency Generator and Lighting System	\$ 200,000	5658
CAP-007	Garage Elevator Upgrades	\$ 5,670	5659
CAP-008	Install Garage Oil Interceptor System	\$ 60,000	5660
CAP-009	Garage Fire Suppression System	\$ 1,050,000	5661
	Total Capitol Square Review and Advisory Board	\$ 1,442,864	5662
	TOTAL Underground Parking Garage Operating Fund	\$ 1,442,864	5663

UNDERGROUND PARKING GARAGE FIRE SUPPRESSION SYSTEM 5664

Appropriation item CAP-009, Garage Fire Suppression System, 5665  
in the Underground Parking Garage Operating Fund (Fund 208), shall 5666  
be used for completion of the second and final phase of a fire 5667  
suppression system in the Statehouse garage. Notwithstanding any 5668  
section of the Revised Code, any transfer or disbursement of 5669  
moneys from appropriation items CAP-009, Garage Fire Suppression, 5670  
and CAP-011, Statehouse Security Improvements, for this purpose 5671  
shall be subject to Controlling Board approval. 5672

**Section 9.** All items set forth in this section are hereby 5673  
appropriated out of any moneys in the state treasury to the credit 5674  
of the Army National Guard Service Contract Fund (Fund 342) that 5675  
are not otherwise appropriated: 5676

Reappropriations

	ADJ ADJUTANT GENERAL		5677
CAP-065	Local Armory Construction/Federal	\$ 16,200,000	5678
	Total Adjutant General	\$ 16,200,000	5679
	TOTAL Army National Guard Service Contract Fund	\$ 16,200,000	5680

**Section 10.** All items set forth in this section are hereby 5682  
appropriated out of any moneys in the state treasury to the credit 5683  
of the Special Administrative Fund (Fund 4A9) that are not 5684  
otherwise appropriated: 5685

	Reappropriations	
JFS DEPARTMENT OF JOB AND FAMILY SERVICES		5686
CAP-702 Central Office Building Renovations	\$ 16,000,000	5687
Total Department of Job and Family Services	\$ 16,000,000	5688
TOTAL Special Administrative Fund	\$ 16,000,000	5689
CENTRAL OFFICE BUILDING RENOVATIONS SPENDING AND REPAYMENT		5690
PLAN		5691
Funds appropriated in the foregoing appropriation item		5692
CAP-702, Central Office Building Renovations, are to be released		5693
for expenditure only after approval of the Unemployment		5694
Compensation Advisory Council created under section 4141.08 of the		5695
Revised Code. The amount to be released shall be based on a		5696
spending plan, which may include a repayment schedule, approved by		5697
the Council. Once approval is received, the Director of Job and		5698
Family Services shall request the Director of Budget and		5699
Management or the Controlling Board to release the appropriation.		5700
<b>Section 11.</b> All items set forth in this section are hereby		5701
appropriated out of any moneys in the state treasury to the credit		5702
of the Capital Donations Fund (Fund 5A1) that are not otherwise		5703
appropriated:		5704
	Reappropriations	
AFC ARTS AND SPORTS FACILITIES COMMISSION		5705
CAP-702 Capital Donations	\$ 254,557	5706
Total Arts and Sports Facilities Commission	\$ 254,557	5707
TOTAL Capital Donations Fund	\$ 254,557	5708
CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS		5709
The Executive Director of the Arts and Sports Facilities		5710
Commission shall certify to the Director of Budget and Management		5711
the amount of cash receipts and related investment income,		5712
irrevocable letters of credit from a bank, or certification of the		5713
availability of funds that have been received from a county or a		5714

city for deposit to the Capital Donations Fund and are related to 5715  
an anticipated project. These amounts are hereby appropriated to 5716  
appropriation item CAP-702, Capital Donations. Prior to certifying 5717  
these amounts to the Director, the Executive Director shall make a 5718  
written agreement with the participating entity on the necessary 5719  
cash flows required for the anticipated construction or equipment 5720  
acquisition project. 5721

**Section 12.** The items set forth in this section are hereby 5722  
appropriated out of any moneys in the state treasury to the credit 5723  
of the Community Match Armories Fund (Fund 5U8) that are not 5724  
otherwise appropriated: 5725

ADJUTANT GENERAL 5726

CAP-066	Armory Construction/Local	\$	8,600,000	5727
	Total Adjutant General	\$	8,600,000	5728
	TOTAL Community Match Armories Fund	\$	8,600,000	5729

**Section 13.** The items set forth in this section are hereby 5731  
appropriated out of any moneys in the state treasury to the credit 5732  
of the State Fire Marshal Fund (Fund 546) that are not otherwise 5733  
appropriated: 5734

DEPARTMENT OF COMMERCE 5735

CAP-013	Land Acquisition	\$	100,000	5736
CAP-014	Office & Dorm Addition	\$	1,800,000	5737
	Total Department of Commerce	\$	1,900,000	5738
	TOTAL State Fire Marshal Fund	\$	1,900,000	5739

**Section 14.** The items set forth in this section are hereby 5741  
appropriated out of any moneys in the state treasury to the credit 5742  
of the Veterans' Home Improvement Fund (Fund 604) that are not 5743  
otherwise appropriated: 5744

Reappropriations

OVH OHIO VETERANS' HOME 5745



CAP-755	Secrest Security System Improvement	\$	65,000	5746
CAP-760	Security System Improvement	\$	22,832	5747
CAP-762	Renovate Secrest Bath Floor/Wall	\$	43,621	5748
CAP-765	Warehouse Freezer	\$	15,500	5749
CAP-766	Secrest Motor Coordinators	\$	33,000	5750
CAP-769	Water and Air Balance	\$	190,000	5751
CAP-771	Elevator Griffin	\$	190,000	5752
CAP-773	Emergency Generator	\$	26,500	5753
CAP-774	Fire Alarm System	\$	595,000	5754
Total Ohio Veterans' Home		\$	1,181,453	5755
TOTAL Veterans' Home Improvement Fund		\$	1,181,453	5756

**Section 15.** All items set forth in this section are hereby 5758  
appropriated out of any moneys in the state treasury to the credit 5759  
of the Education Facilities Trust Fund (Fund N87) that are not 5760  
otherwise appropriated: 5761

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 5762

CAP-780	Classroom Facilities Assistance Program	\$	13,395,208	5763
CAP-784	Exceptional Needs Program	\$	4,138,923	5764
Total School Facilities Commission		\$	17,534,131	5765
TOTAL Education Facilities Trust Fund		\$	17,534,131	5766

CLASSROOM FACILITIES ASSISTANCE PROJECTS 5767

The amount reappropriated for the foregoing appropriation 5768  
item CAP-780, Classroom Facilities Assistance Program, is \$768,711 5769  
plus the sum of the unencumbered and unallotted balances as of 5770  
June 30, 2004, for appropriation item CAP-780, Classroom 5771  
Facilities Assistance Program. 5772

EXCEPTIONAL NEEDS PROGRAM 5773

The amount reappropriated for the foregoing appropriation 5774  
item CAP-784, Exceptional Needs Program, is \$761,146 plus the sum 5775  
of the unencumbered and unallotted balances as of June 30, 2004, 5776

for appropriation item CAP-784, Exceptional Needs Program. 5777

**Section 16.** All items set forth in this section are hereby 5778  
appropriated out of any moneys in the state treasury to the credit 5779  
of the Clean Ohio Revitalization Fund (Fund 003) that are not 5780  
otherwise appropriated: 5781

Reappropriations

DEV DEPARTMENT OF DEVELOPMENT 5782

CAP-001	Clean Ohio Revitalization	\$	444,008	5783
CAP-002	Clean Ohio Assistance	\$	16,564,467	5784
	Total Department of Development	\$	17,008,475	5785
	TOTAL Clean Ohio Revitalization Fund	\$	17,008,475	5786

**Section 17.** All items set forth in this section are hereby 5788  
appropriated out of any moneys in the state treasury to the credit 5789  
of the Highway Safety Building Fund (Fund 025) that are not 5790  
otherwise appropriated: 5791

Reappropriations

DHS DEPARTMENT OF PUBLIC SAFETY 5792

CAP-047	Public Safety Office Building	\$	2,710,400	5793
CAP-048	Statewide Communications System	\$	4,006,530	5794
CAP-068	Alum Creek Warehouse Renovations	\$	1,441,969	5795
CAP-069	Centre School Renovations	\$	20,219	5796
CAP-070	Canton One-Stop Shop	\$	731,000	5797
CAP-076	Investigative Unit MARCS Equipment	\$	15,877	5798
	Total Department of Public Safety	\$	8,925,995	5799
	TOTAL Highway Safety Building Fund	\$	8,925,995	5800

**Section 18.** All items set forth in Sections 18.01 to 18.16 of 5802  
this act are hereby appropriated out of any moneys in the state 5803  
treasury to the credit of the Administrative Building Fund (Fund 5804  
026) that are not otherwise appropriated: 5805

Reappropriations

<b>Section 18.01. ADJ ADJUTANT GENERAL</b>			5806
CAP-032	Upgrade Underground Storage Tanks	\$ 46,078	5807
CAP-034	Asbestos Abatement - Various Facilities	\$ 154,750	5808
CAP-036	Roof Replacement - Various Facilities	\$ 892,145	5809
CAP-038	Electrical System - Various Facilities	\$ 774,521	5810
CAP-039	Camp Perry Facility Improvements	\$ 530,239	5811
CAP-043	Renovate/Expand Existing Eaton Facility	\$ 800,498	5812
CAP-044	Replace Windows/Doors - Various Facilities	\$ 878,911	5813
CAP-045	Plumbing Renovations - Various Facilities	\$ 345,503	5814
CAP-046	Paving Renovations - Various Facilities	\$ 1,439,575	5815
CAP-050	HVAC Systems - Various Facilities	\$ 607,319	5816
CAP-052	Cincinnati Shadybrook Armory	\$ 2,149,705	5817
CAP-054	Construct Camp Perry Administration Building	\$ 6,540	5818
CAP-055	Hillsboro Armory Renovations	\$ 478,974	5819
CAP-056	Masonry Renovations - Various Facilities	\$ 395,599	5820
CAP-057	Sewer Improvement - Rickenbacker	\$ 1,300	5821
CAP-058	Construct Cincinnati Armory	\$ 283,775	5822
CAP-059	Construct Bowling Green Armory	\$ 357,411	5823
CAP-060	Facility Protection Measures	\$ 590,061	5824
CAP-061	Repair/Renovate Waste Water System	\$ 200,000	5825
CAP-062	Construct Coshocton Armory	\$ 950,600	5826
CAP-064	Bowling Green Armory Construction/Local	\$ 1,000,000	5827
Total Adjutant General		\$ 12,883,504	5828

NEW ARMORY CONSTRUCTION 5829

The foregoing appropriation item CAP-059, Construct Bowling 5830  
Green Armory, shall be used to fund the state's share of the cost 5831  
of building a basic armory in the Bowling Green area, including 5832  
the cost of site acquisition, site preparation, and planning and 5833  
design. Appropriations shall not be released for this item without 5834

a certification by the Adjutant General to the Director of Budget 5835  
and Management that sufficient moneys have been allocated for the 5836  
federal share of the cost of construction. 5837

Reappropriations

<b>Section 18.02. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>			5838
CAP-773	Governor's Residence Renovations	\$ 4,705	5839
CAP-809	Hazardous Substance Abatement	\$ 1,688,120	5840
CAP-811	Health/EPA Laboratory Facilities	\$ 20,840,003	5841
CAP-813	Heer Building Renovation	\$ 1,500,000	5842
CAP-822	Americans with Disabilities Act	\$ 1,535,675	5843
CAP-826	Office Services Building Renovation	\$ 1,250,000	5844
CAP-827	Statewide Communications System	\$ 72,787,285	5845
CAP-834	Capital Improvements Tracking System	\$ 407,600	5846
CAP-835	Energy Conservation Projects	\$ 1,817,260	5847
CAP-837	Major Computer Purchases	\$ 1,824,884	5848
CAP-838	SOCC Renovations	\$ 2,148,691	5849
CAP-844	Hamilton State/Local Government Center - Planning	\$ 57,500	5850
CAP-848	ODOT Building Boiler Replacement	\$ 155,981	5851
CAP-849	Facility Planning and Development	\$ 4,445,184	5852
CAP-850	Education Building Renovations	\$ 308,482	5853
CAP-852	North High Building Complex Renovations	\$ 2,689,102	5854
CAP-855	Office Space Planning	\$ 70,300	5855
CAP-859	eSecure Ohio	\$ 2,500,000	5856
CAP-860	Structured Cabling	\$ 397,155	5857
CAP-864	eGovernment Infrastructure	\$ 1,047,000	5858
CAP-865	DAS Building Security	\$ 78,100	5859
CAP-867	Lausche Building Connector	\$ 963,200	5860
Total Department of Administrative Services		\$ 118,516,627	5861

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 5862

The foregoing appropriation item CAP-809, Hazardous Substance 5863

Abatement, shall be used to fund the removal of asbestos, PCB, 5864  
radon gas, and other contamination hazards from state facilities. 5865

Prior to the release of funds for asbestos abatement, the 5866  
Department of Administrative Services shall review proposals from 5867  
state agencies to use these funds for asbestos abatement projects 5868  
based on criteria developed by the Department of Administrative 5869  
Services. Upon a determination by the Department of Administrative 5870  
Services that the requesting agency cannot fund the asbestos 5871  
abatement project or other toxic materials removal through 5872  
existing capital and operating appropriations, the department may 5873  
request the release of funds for such projects by the Controlling 5874  
Board. State agencies intending to fund asbestos abatement or 5875  
other toxic materials removal through existing capital and 5876  
operating appropriations shall notify the Director of 5877  
Administrative Services of the nature and scope prior to 5878  
commencing the project. 5879

Only agencies that have received appropriations for capital 5880  
projects from the Administrative Building Fund (Fund 026) are 5881  
eligible to receive funding from this item. Public school 5882  
districts are not eligible. 5883

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 5884

The foregoing appropriation item CAP-822, Americans with 5885  
Disabilities Act, shall be used to renovate state-owned facilities 5886  
to provide access for physically disabled persons in accordance 5887  
with Title II of the Americans with Disabilities Act. 5888

Prior to the release of funds for renovation, state agencies 5889  
shall perform self-evaluations of state-owned facilities 5890  
identifying barriers to access to service. State agencies shall 5891  
prioritize access barriers and develop a transition plan for the 5892  
removal of these barriers. The Department of Administrative 5893  
Services shall review proposals from state agencies to use these 5894

funds for Americans with Disabilities Act renovations. 5895

Only agencies that have received appropriations for capital 5896  
projects from Administrative Building Fund (Fund 026) are eligible 5897  
to receive funding from this item. Public school districts are not 5898  
eligible. 5899

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 5900

There is hereby continued a Multi-Agency Radio Communications 5901  
System (MARCS) Steering Committee consisting of the designees of 5902  
the Directors of Administrative Services, Public Safety, Natural 5903  
Resources, Transportation, Rehabilitation and Correction, and 5904  
Budget and Management. The Director of Administrative Services or 5905  
the director's designee shall chair the committee. The committee 5906  
shall provide assistance to the Director of Administrative 5907  
Services for effective and efficient implementation of the MARCS 5908  
system as well as develop policies for the ongoing management of 5909  
the system. Upon dates prescribed by the Directors of 5910  
Administrative Services and Budget and Management, the MARCS 5911  
Steering Committee shall report to the directors on the progress 5912  
of MARCS implementation and the development of policies related to 5913  
the system. 5914

The foregoing appropriation item CAP-827, Statewide 5915  
Communications System, shall be used to purchase or construct the 5916  
components of MARCS that are not specific to any one agency. The 5917  
equipment may include, but is not limited to, multi-agency 5918  
equipment at the Emergency Operations Center/Joint Dispatch 5919  
Facility, computer and telecommunication equipment used for the 5920  
functioning and integration of the system, communications towers, 5921  
tower sites, tower equipment, and linkages among towers and 5922  
between towers and the State of Ohio Network for Integrated 5923  
Communication (SONIC) system. The Director of Administrative 5924  
Services shall, with the concurrence of the MARCS Steering 5925  
Committee, determine the specific use of funds. 5926

Spending from this appropriation item shall not be subject to 5927  
 Chapters 123. and 153. of the Revised Code. 5928

ENERGY CONSERVATION PROJECTS 5929

The foregoing appropriation item CAP-835, Energy Conservation 5930  
 Projects, shall be used to perform energy conservation 5931  
 renovations, including the United States Environmental Protection 5932  
 Agency's Energy Star Program, in state-owned facilities. Prior to 5933  
 the release of funds for renovation, state agencies shall have 5934  
 performed a comprehensive energy audit for each project. The 5935  
 Department of Administrative Services shall review and approve 5936  
 proposals from state agencies to use these funds for energy 5937  
 conservation. Public school districts and state-supported and 5938  
 state-assisted institutions of higher education are not eligible 5939  
 for funding from this item. 5940

Reappropriations

**Section 18.03. AGE DEPARTMENT OF AGING 5941**

CAP-001 Renovate Martin Janis Center \$ 10,013 5942

Total Department of Aging \$ 10,013 5943

Reappropriations

**Section 18.04. AGR DEPARTMENT OF AGRICULTURE 5945**

CAP-025 Building Renovations \$ 15,197 5946

CAP-029 Administration Building Renovation \$ 203,950 5947

CAP-033 Site Electrical/Utility Improvement \$ 117,341 5948

CAP-037 Consumer Lab/Weights/Measures Equip. \$ 20,254 5949

CAP-043 Building and Grounds Renovation \$ 478,529 5950

CAP-044 Renovate Building 4 \$ 176,366 5951

CAP-048 Alkaline Hydrolysis Equip & Addition \$ 658,336 5952

Total Department of Agriculture \$ 1,669,973 5953

Reappropriations

<b>Section 18.05. AGO ATTORNEY GENERAL</b>			5955		
CAP-715	Expand/Renovate Richfield Lab	\$	12,359	5956	
CAP-717	HVAC Improvements OPOTA	\$	1,775,829	5957	
Total Attorney General			\$	1,788,188	5958

Reappropriations

<b>Section 18.06. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD</b>			5960		
CAP-010	Capitol Rotunda Renovations	\$	500,000	5961	
CAP-011	Statehouse Security Improvements	\$	34,316	5962	
CAP-014	Statehouse Grounds Repair/Improvements	\$	500,000	5963	
Total Capitol Square Review and Advisory Board			\$	1,034,316	5964

Reappropriations

<b>Section 18.07. COM DEPARTMENT OF COMMERCE</b>			5966		
CAP-012	Fire Academy Architectural Plan	\$	26,500	5967	
Total Department of Commerce			\$	26,500	5968

Reappropriations

<b>Section 18.08. EXP EXPOSITIONS COMMISSION</b>			5970	
CAP-037	Electric and Lighting Upgrade	\$	2,488,929	5971
CAP-046	Land Acquisition	\$	866,662	5972
CAP-051	Roof Renovations	\$	2,602	5973
CAP-052	Sewer Separation	\$	1,536,578	5974
CAP-053	Multipurpose Agricultural Center	\$	2,671	5975
CAP-056	Building Renovations - 2	\$	1,009,813	5976
CAP-057	HVAC Planning	\$	2,001	5977
CAP-063	Facility Improvements and Modernization Plan	\$	700,000	5978
CAP-064	Replacement of Water Lines	\$	16,209	5979
CAP-066	Stairtower Replacement	\$	1,427	5980
CAP-068	Masonry Renovations	\$	131,334	5981
CAP-069	Restroom Renovations	\$	502,060	5982
CAP-072	Emergency Renovations and Equipment	\$	501,578	5983



Replacement

Total Expositions Commission \$ 7,761,864 5984

Reappropriations

**Section 18.09. DEPARTMENT OF HEALTH** 5986

CAP-003 Building Renovation & Telecomm \$ 800,000 5987

Total Department of Health \$ 800,000 5988

Reappropriations

**Section 18.10. JSC JUDICIARY/SUPREME COURT** 5990

CAP-001 Ohio Courts Building Renovations \$ 1,381,580 5991

Total Judiciary/Supreme Court \$ 1,381,580 5992

**EXEMPT FROM PER CENT FOR ARTS PROGRAM** 5993

The foregoing appropriation item CAP-001, Ohio Courts 5994

Building Renovations, is exempt from section 3379.10 of the 5995

Revised Code, the Per Cent for Arts Program. 5996

**OHIO COURTS BUILDING** 5997

The amount reappropriated for the foregoing appropriation 5998

item CAP-001, Ohio Courts Building Renovations, shall be the sum 5999

of the unencumbered and unallotted balances as of June 30, 2004, 6000

in appropriation item CAP-001, Ohio Courts Building Renovations, 6001

plus the amount refunded to the Judiciary/Supreme Court for 6002

deposit into the Administrative Building Fund (Fund 026) in 6003

accordance with Section 92 of Am. Sub. H.B. 850 of the 122nd 6004

General Assembly. This amount shall be certified to the Director 6005

of Budget and Management. 6006

Reappropriations

**Section 18.11. DNR DEPARTMENT OF NATURAL RESOURCES** 6007

CAP-741 DNR Communications System \$ 51,894 6008

CAP-742 Fountain Square Building and Telephone \$ 1,003,878 6009

System Improvements

CAP-744	Multi-Agency Radio Communications Equipment	\$	3,062,468	6010
CAP-867	Reclamation Facility Renovation and Development	\$	225,000	6011
CAP-928	Handicapped Accessibility	\$	39,654	6012
CAP-934	District Office Renovations and Development	\$	868,025	6013
Total Department of Natural Resources		\$	5,250,919	6014

Reappropriations

**Section 18.12. DHS DEPARTMENT OF PUBLIC SAFETY** 6016

CAP-053	Construct EMA/EOC and Office Building	\$	6,605	6017
CAP-054	Multi-Agency Radio Communications System	\$	658,151	6018
CAP-056	Emergency Operations Center Equipment	\$	1,502	6019
CAP-067	VHF Radio System Improvements	\$	306,102	6020
CAP-078	Upgrade/Replacement - State EOC Equipment	\$	810,000	6021
Total Department of Public Safety		\$	1,782,360	6022

Reappropriations

**Section 18.13. OSB SCHOOL FOR THE BLIND** 6024

CAP-745	Roof Improvements on the School and Cottage	\$	295,657	6025
CAP-751	Upgrade Fire Alarm System	\$	73,878	6026
CAP-757	Bathroom Handicapped Accessibility	\$	20,956	6027
CAP-764	Electric System Improvements	\$	44,000	6028
CAP-772	Boiler Replacement	\$	449,220	6029
CAP-773	School Residential Hot Water	\$	605,000	6030
CAP-780	Residential Renovations	\$	17,580	6031
Total Ohio School for the Blind		\$	1,506,291	6032

ROOF IMPROVEMENT SCHOOL AND COTTAGE 6033

The amount reappropriated for appropriation item CAP-745, 6034

Roof Improvements on the School and Cottage, is \$49,011 plus the unencumbered and unallotted balances as of June 30, 2004, in appropriation item CAP-745, Roof Improvements on the School and Cottage.

**RESIDENTIAL RENOVATIONS**

The amount reappropriated for appropriation item CAP-780, Residential Renovations is \$10,537 plus the unencumbered and unallotted balances as of June 30, 2004 in appropriation items CAP-780 Residential Renovations and CAP-752 Equipment Storage Building.

Reappropriations

**Section 18.14. OSD SCHOOL FOR THE DEAF**

CAP-767	Roof Renovations	\$	1,046,802
CAP-774	Student Health Services Electrical Upgrade	\$	111,000
CAP-775	Staff Building Heat & Electrical Upgrade	\$	631,433
CAP-776	Dormitory Renovations	\$	443,375
Total Ohio School for the Deaf		\$	2,232,610

**DORMITORY RENOVATIONS**

The amount reappropriated for the foregoing appropriation item CAP-776, Dormitory Renovations, is \$23,225 plus the unencumbered and unallotted balances as of June 30, 2004, in appropriation items CAP-776, Dormitory Renovations, and CAP-785, Site Improvements.

Reappropriations

**Section 18.15. OVH OHIO VETERANS' HOME**

CAP-775	Emergency Generator	\$	600,000
Total Ohio Veterans' Home		\$	600,000

**Section 18.16. SOS SECRETARY OF STATE**

CAP-002	Voting Machines	\$	5,800,000	6062
	Total Secretary of State	\$	5,800,000	6063
	TOTAL Administrative Building Fund	\$	163,084,591	6064

VOTING MACHINES 6065

The foregoing appropriation item CAP-002, Voting Machines, 6066  
shall be used to purchase upgraded voting equipment. Appropriation 6067  
item CAP-002, Voting Machines, shall match federal funds provided 6068  
through the Help America Vote Act of 2002. 6069

**Section 19.** All items set forth in this section are hereby 6070  
appropriated out of any moneys in the state treasury to the credit 6071  
of the Adult Correctional Building Fund (Fund 027) that are not 6072  
otherwise appropriated: 6073

Reappropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION 6074

STATEWIDE AND CENTRAL OFFICE PROJECTS 6075

CAP-002	Local Jails	\$	24,107,550	6076
CAP-003	Community-Based Correctional Facilities	\$	16,839,357	6077
CAP-004	Site Renovations	\$	1,385,239	6078
CAP-007	Asbestos Removal	\$	1,093,777	6079
CAP-008	Powerhouse/Utility Improvements	\$	2,964,941	6080
CAP-009	Water System/Plant Improvements	\$	7,472,549	6081
CAP-010	Industrial Equipment - Statewide	\$	842,907	6082
CAP-011	Roof/Window Renovations - Statewide	\$	979,430	6083
CAP-012	Shower/Restroom Improvements	\$	1,506,660	6084
CAP-015	Underground Storage Tanks Improvements	\$	37,789	6085
CAP-017	Security Improvements - Statewide	\$	3,885,429	6086
CAP-026	Waste Water Treatment Facilities	\$	49,437	6087
CAP-028	Power House Improvements	\$	55,661	6088
CAP-041	Community Residential Program	\$	5,693,543	6089
CAP-043	Design/Construct/Parole Detention Centers	\$	149,288	6090

CAP-044	Lightening Protection Plan	\$	1,504	6091
CAP-087	Correctional Camp	\$	8,079	6092
CAP-105	Special Counsel - Coit Road	\$	77,417	6093
CAP-109	Statewide Fire Alarm Systems	\$	179,647	6094
CAP-111	General Building Renovations	\$	12,795,525	6095
CAP-129	Water Treatment Plants - Statewide	\$	651,500	6096
CAP-140	Boot Camp/Substance Abuse Offenders	\$	336,709	6097
CAP-141	Multi-Agency Radio System Equipment	\$	2,550,651	6098
CAP-142	Various Facility Medical Services	\$	837,716	6099
CAP-143	Perimeter Security, Lighting, Alarms, and Sallyports	\$	2,243,962	6100
CAP-186	Close Custody Prison and Camp	\$	5,000,000	6101
CAP-187	Mandown Alert Communication System - Statewide	\$	5,382,422	6102
CAP-188	Manufacturing/Storage Building Additions - Statewide	\$	159,300	6103
CAP-189	Tuck-pointing - Statewide	\$	124,847	6104
CAP-238	Electrical Systems Upgrades	\$	175,025	6105
CAP-239	Emergency Projects	\$	2,014,537	6106
CAP-240	State Match for Federal Prison Construction Funds	\$	1,787,819	6107
CAP-302	OPI Shops Renovation - Statewide	\$	75,000	6108
Total Statewide and Central Office Projects		\$	101,465,217	6109

GENERAL BUILDING RENOVATIONS 6110

The amount reappropriated for the foregoing appropriation 6111  
item CAP-111, General Building Renovations, is the unencumbered 6112  
and unallotted balance as of June 30, 2004, in appropriation item 6113  
CAP-111, General Building Renovations, plus \$1,170,818. 6114

ALLEN CORRECTIONAL INSTITUTION 6115

CAP-304	Lift Station By-pass - ACI	\$	189,546	6116
Total Allen Correctional Institution		\$	189,546	6117

BELMONT CORRECTIONAL INSTITUTION 6118

CAP-094	Belmont Correctional Institution	\$	223,493	6119
CAP-241	Inmate Health Services Renovations - BECI	\$	2,389,974	6120
Total Belmont Correctional Institution				6121
				6122
CHILLICOTHE CORRECTIONAL INSTITUTION				
CAP-045	Perimeter Fence Replacement	\$	31,423	6123
CAP-046	Showers/Restroom Renovations	\$	66,527	6124
CAP-048	Control Room Security Improvements	\$	3,270	6125
CAP-113	Fire Alarm, Egress System Improvements	\$	106,733	6126
CAP-114	Emergency Lighting Renovations	\$	94,574	6127
CAP-115	Roof Renovations	\$	141,311	6128
CAP-145	Plumbing Renovations	\$	216	6129
CAP-146	Renovate Food Service Area - CCI	\$	199,900	6130
CAP-177	Convert Warehouse to Dormitory	\$	596	6131
CAP-190	Utility Improvements	\$	125,700	6132
CAP-191	Life & Fire Safety Improvements - CCI	\$	171,749	6133
CAP-192	Hot Water System Improvements - CCI	\$	11,711	6134
CAP-254	Boiler House Renovations	\$	1,182,550	6135
CAP-255	Replace Windows and Doors	\$	591,125	6136
CAP-257	Emergency Generator Improvements	\$	392,174	6137
CAP-258	Sewer Upgrades	\$	287,002	6138
CAP-314	Emergency Tunnel Repair	\$	95,553	6139
Total Chillicothe Correctional Institution				6140
				6141
CORRECTIONAL RECEPTION CENTER				
CAP-320	Fire Alarm - CRC	\$	268,280	6142
Total Correctional Reception Center				6143
				6144
CORRECTIONS MEDICAL CENTER				
CAP-318	Fire Alarm - CMC	\$	129,045	6145
Total Corrections Medical Center				6146
				6147
CORRECTIONS TRAINING ACADEMY				
CAP-148	Roof Replacement	\$	21,110	6148
CAP-149	New Classroom Building	\$	816,962	6149
CAP-193	AT Building Roof Replacement	\$	141,132	6150

CAP-194	Construct Conference Center	\$	12,314	6151
	Total Corrections Training Academy	\$	991,518	6152
	DAYTON CORRECTIONAL INSTITUTION			6153
CAP-195	Hot Water System Improvements - DCI	\$	400,000	6154
CAP-242	Shower Renovations - DCI	\$	224,725	6155
CAP-319	Roof Renovations - DCI	\$	145,975	6156
	Total Dayton Correctional Institution	\$	770,700	6157
	FRANKLIN PRE-RELEASE CENTER			6158
CAP-316	Roof Renovation - FPRC	\$	41,672	6159
	Total Franklin Pre-Release Center	\$	41,672	6160
	GRAFTON CORRECTIONAL INSTITUTION			6161
CAP-196	Camp Egress System Improvements - GCI	\$	420,856	6162
	Total Grafton Correctional Institution	\$	420,856	6163
	HOCKING CORRECTIONAL FACILITY			6164
CAP-053	General Building Renovations	\$	3,414	6165
CAP-054	Water Tower Improvements	\$	3,000	6166
CAP-306	Parking Lot Improvements - HCF	\$	67,360	6167
	Total Hocking Correctional Facility	\$	73,774	6168
	LAKE ERIE CORRECTIONAL INSTITUTION			6169
CAP-144	Medium/Minimum Security Privatized Prison	\$	142,435	6170
	Total Lake Erie Correctional Institution	\$	142,435	6171
	LEBANON CORRECTIONAL INSTITUTION			6172
CAP-055	Institution Roof Replacement	\$	39,500	6173
CAP-056	Kitchen Renovations	\$	6,641	6174
CAP-057	Shower Pan/Drain Renovations	\$	7,289	6175
CAP-118	Water Tower Renovations	\$	25,878	6176
CAP-119	Masonry Improvements - LECI	\$	308,074	6177
CAP-197	Cell Door Lock Replacement - LECI	\$	321,100	6178
CAP-198	Water Treatment Plant - LECI	\$	1,329,823	6179
CAP-282	Emergency Electrical Upgrade - LECI	\$	28,614	6180
CAP-285	Bar Screen Replacement	\$	147,713	6181
CAP-300	Water Softener Replacement	\$	225,008	6182

Total Lebanon Correctional Institution	\$	2,439,640	6183
LONDON CORRECTIONAL INSTITUTION			6184
CAP-059 Convert Brush Factory to Dormitory	\$	809	6185
CAP-122 Master Plan Building/Renovations	\$	872,355	6186
CAP-157 London Camp Renovation Project	\$	14,955	6187
CAP-201 Water Treatment Plant Addition	\$	62,670	6188
CAP-245 Bridge Replacement - LOCI	\$	3,424	6189
CAP-261 Roof Replacement	\$	687,506	6190
CAP-283 Gas Boiler Installation - LOCI	\$	45,144	6191
CAP-308 Electric Upgrades - LOCI	\$	250,000	6192
CAP-309 Building Demolition - LOCI	\$	500	6193
Total London Correctional Institution	\$	1,937,363	6194
LORAIN CORRECTIONAL INSTITUTION			6195
CAP-303 Auger Replacement - LLORCL	\$	500	6196
Total Lorain Correctional Institution	\$	500	6197
MADISON CORRECTIONAL INSTITUTION			6198
CAP-176 Madison Classroom Renovation	\$	15,600	6199
CAP-263 Upgrade Emergency Electrical Service	\$	541,036	6200
CAP-264 Sewage Station Upgrade	\$	13,285	6201
CAP-286 Juvenile Unit Remodeling - Madison	\$	2,177	6202
CAP-288 Water Softener System - Madison	\$	40,372	6203
CAP-315 Roof Replacement - MACL	\$	206,750	6204
Total Madison Correctional Institution	\$	819,220	6205
MANSFIELD CORRECTIONAL INSTITUTION			6206
CAP-088 Mansfield Correctional Camp	\$	5,761	6207
CAP-123 Smoke Removal/Sprinkler System Improvements	\$	4,330	6208
CAP-159 Power Pole Replacement	\$	16,800	6209
CAP-305 Site Improvements - MNCI	\$	314,375	6210
CAP-307 Network Wiring - MNCI	\$	886,675	6211
Total Mansfield Correctional Institution	\$	1,227,941	6212
MARION CORRECTIONAL INSTITUTION			6213
CAP-033 Telephone System	\$	2,957	6214



CAP-065	Sewage Lift Station Renovations	\$	8,863	6215
CAP-067	Roof Replacement	\$	22,725	6216
CAP-124	Fire Sprinkler System Improvements	\$	130,344	6217
CAP-172	Marion Camp Shower Renovation	\$	1,313	6218
CAP-207	HVAC Improvements - Administration Building	\$	31,185	6219
CAP-208	Hot Water Tank Replacement	\$	953,766	6220
CAP-246	Exterior Window Replacement - MCI	\$	254,880	6221
CAP-247	Plumbing Upgrades - MCI	\$	193,142	6222
CAP-294	Asphalt Paving - MCI	\$	7,380	6223
CAP-295	Sanitary Manhole Sewer - MCI	\$	112,234	6224
Total Marion Correctional Institution		\$	1,718,789	6225
NORTH COAST CORRECTIONAL TREATMENT FACILITY				6226
CAP-001	New Prison Construction	\$	73,163	6227
Total North Coast Correctional Treatment Facility		\$	73,163	6228
NORTHEAST PRE-RELEASE CENTER				6229
CAP-209	Security Improvements - NEPRC	\$	117,462	6230
Total Northeast Pre-Release Center		\$	117,462	6231
OAKWOOD CORRECTIONAL FACILITY				6232
CAP-162	Renovate East Wing Plumbing	\$	21,969	6233
CAP-163	Install Positive Latching Devices	\$	74,977	6234
Total Oakwood Correctional Facility		\$	96,945	6235
OHIO REFORMATORY FOR WOMEN				6236
CAP-040	Dormitory Housing - ORW	\$	6,452	6237
CAP-074	Fire Alarm System Improvements	\$	5,798	6238
CAP-125	Replacement Dormitory	\$	11,669	6239
CAP-165	Master Plan Building/Renovations - ORW	\$	262,305	6240
CAP-210	Replacement Dormitory - ORW	\$	772,090	6241
CAP-211	Renovate J.G. Cottage	\$	8,880	6242
CAP-212	Powerhouse Renovation & Replumbing	\$	1,250,000	6243
CAP-216	Elevator Renovation	\$	26,109	6244
CAP-217	Perimeter Lighting Improvements	\$	53,566	6245
CAP-218	Rewire Harmon Building	\$	329,389	6246

CAP-219	Fire Alarm System Improvements	\$	112,955	6247
CAP-266	Construct New Medical and Food Services Building	\$	7,375,019	6248
CAP-267	Renovate ARN Dorms	\$	449,843	6249
CAP-268	Emergency Generator Improvements	\$	1,395,085	6250
CAP-289	Perimeter Sec Fence	\$	639,406	6251
CAP-296	Domestic Waterline Renovation	\$	51,491	6252
CAP-301	500 Car Parking/Road Design - ORW	\$	24,080	6253
CAP-317	Sanitary/Storm Sewer System Renovation - ORW	\$	332,050	6254
Total Ohio Reformatory for Women		\$	13,106,187	6255
OHIO STATE PENITENTIARY				6256
CAP-110	Construct Maximum Security Facility	\$	124,679	6257
CAP-291	New Exterior Recreation Units	\$	4,125,659	6258
Total Ohio State Penitentiary		\$	4,250,337	6259
PICKAWAY CORRECTIONAL INSTITUTION				6260
CAP-062	Meat Processing Operation	\$	199,883	6261
CAP-076	Laundry/Maintenance Shop/Farms Roof Renovation	\$	726	6262
CAP-077	Shower Renovations	\$	15,349	6263
CAP-222	Sludge Removal System Improvements	\$	897,118	6264
CAP-223	Replacement of Unit A Dorm	\$	517,387	6265
CAP-225	Water System Improvements	\$	85,876	6266
CAP-226	Milk Processing Plant	\$	31,912	6267
CAP-227	Roof Improvements	\$	393,306	6268
CAP-228	Power House Improvements	\$	10,545	6269
CAP-248	Replacement of Perimeter Fence - PCI	\$	152,495	6270
CAP-252	Construct Meat Processing Plant	\$	823,588	6271
CAP-269	Utility Tunnels Improvement	\$	382,729	6272
CAP-274	Replacement of Segregation Housing	\$	4,806,750	6273
CAP-292	Tunnel Renovation/Orient Complex	\$	30,139	6274
CAP-297	Steam Waterline Replacement - PCI	\$	820,996	6275
CAP-310	OPI Warehouse Addition - PCI	\$	1,537,241	6276

CAP-312	Waste Water Treatment Plant	\$	7,583,125	6277
	Total Pickaway Correctional Institution	\$	18,289,165	6278
	RICHLAND CORRECTIONAL INSTITUTION			6279
CAP-251	Construct Retaining Wall - RICI	\$	61,474	6280
CAP-293	Asphalt Parking - RICI	\$	9,161	6281
	Total Richland Correctional Institution	\$	70,634	6282
	ROSS CORRECTIONAL INSTITUTION			6283
CAP-147	Waste Water Treatment Plant	\$	6,120	6284
CAP-229	Waste Water Treatment Plant - RCI	\$	6,849,581	6285
CAP-276	Rubberized Roof Replacement	\$	200,104	6286
CAP-311	Water Tower Renovation - RCI	\$	175,000	6287
	Total Ross Correctional Institution	\$	7,230,805	6288
	SOUTHEASTERN CORRECTIONAL INSTITUTION			6289
CAP-133	Construct New Dining Hall	\$	8,822	6290
CAP-134	Wastewater Treatment Storage Addition	\$	579,365	6291
CAP-167	Master Plan Building/Renovations - SCI	\$	186,643	6292
CAP-183	Two Story Dorm - SCI	\$	92,327	6293
CAP-234	High Voltage Electrical System	\$	2,702,624	6294
CAP-235	Construct Warehouse & Utility Buildings	\$	1,315,406	6295
CAP-236	Construct Dining Hall - SCI	\$	682,650	6296
CAP-237	Power Plant Improvements	\$	39,341	6297
CAP-277	Powerhouse Boiler Improvements	\$	397,147	6298
CAP-313	Perimeter Fence Upgrade - SCI	\$	1,375,977	6299
	Total Southeastern Correctional Institution	\$	7,380,300	6300
	SOUTHERN OHIO CORRECTIONAL FACILITY			6301
CAP-034	Southern Ohio Telephone System	\$	9,943	6302
CAP-135	SOCF Renovation and Improvements	\$	148,445	6303
CAP-136	Waste Water Treatment Plant Improvements	\$	30,120	6304
CAP-230	Waste Water Treatment Plant	\$	3,410,347	6305
CAP-231	Gas Boiler Installation	\$	1,034,815	6306
CAP-279	Powerhouse Domestic Hot Water Replacement	\$	198,534	6307
CAP-287	Roof Renovations B Wing - SOCF	\$	18,494	6308

CAP-322	Water Tower Renovations - SOCF	\$	75,000	6309
Total Southern Ohio Correctional Facility		\$	4,925,698	6310
TOLEDO CORRECTIONAL INSTITUTION				6311
CAP-161	1000-Bed Close Security Prison	\$	1,118,383	6312
Total Toledo Correctional Institution		\$	1,118,383	6313
TRUMBULL CORRECTIONAL INSTITUTION				6314
CAP-280	Door Control Switch Renovation	\$	141,799	6315
CAP-281	Construct Psychiatric Residential Treatment Unit	\$	558,508	6316
Total Trumbull Correctional Institution		\$	700,306	6317
WARREN CORRECTIONAL INSTITUTION				6318
CAP-284	Compound Lighting Upgrade	\$	57,807	6319
CAP-290	Security Upgrades	\$	234,323	6320
Total Warren Correctional Institution		\$	292,131	6321
TOTAL Department of Rehabilitation and Correction		\$	174,827,327	6322
TOTAL Adult Correctional Building Fund		\$	176,403,594	6323

**Section 19.01. LOCAL JAILS** 6325

From the foregoing appropriation item, CAP-002, Local Jails, 6326  
the Department of Rehabilitation and Correction shall designate 6327  
the projects involving the construction and renovation of county, 6328  
multicounty, municipal-county, and multicounty-municipal jail 6329  
facilities and workhouses, including correctional centers 6330  
authorized under sections 153.61 and 307.93 of the Revised Code, 6331  
for which the Ohio Building Authority is authorized to issue 6332  
obligations. Notwithstanding any provisions to the contrary in 6333  
Chapter 152. or 153. of the Revised Code, the Department of 6334  
Rehabilitation and Correction may coordinate, review, and monitor 6335  
the drawdown and use of funds for the renovation or construction 6336  
of projects for which designated funds are provided. 6337

The funding authorized under this section shall not be 6338  
applied to any such facilities that are not designated by the 6339

Department of Rehabilitation and Correction. The amount of funding 6340  
authorized under this section that may be applied to a project 6341  
designated for initial funding after July 1, 2000, involving the 6342  
construction or renovation of a county, multicounty, 6343  
municipal-county, and multicounty-municipal jail facilities and 6344  
workhouses, including correctional centers authorized under 6345  
sections 153.61 and 307.93 of the Revised Code, shall not exceed 6346  
\$35,000 per bed of the total allowable cost of the project in the 6347  
case of construction of county and municipal-county jail 6348  
facilities, workhouses, and correctional centers, or multicounty 6349  
or multicounty-municipal jail facilities, workhouses, and 6350  
correctional centers and shall not exceed 30 per cent of the total 6351  
allowable cost of the project in the case of renovation of county, 6352  
multicounty, municipal-county, and multicounty-municipal jail 6353  
facilities, workhouses, and correctional centers. If a political 6354  
subdivision is in the planning phase of constructing a multicounty 6355  
or multicounty-municipal jail facility, workhouse, or correctional 6356  
center on or before the effective date of this section, the 6357  
Department of Rehabilitation and Correction shall fund that 6358  
facility at \$42,000 per bed. Multicounty or multicounty-municipal 6359  
jail facility construction projects initiated after the effective 6360  
date of this section may be considered for, but are not entitled 6361  
to be awarded, funding at \$42,000 per bed. The higher per bed 6362  
award is at the discretion of the Department of Rehabilitation and 6363  
Correction and is contingent upon available funds, the impact of 6364  
the project, and inclusion of at least three counties in the 6365  
project. 6366

The cost-per-bed funding authorized under this section that 6367  
may be applied to a construction project shall not exceed the 6368  
actual cost-per-bed of the project. The 30 per cent funding 6369  
authorized under this section that may be applied to a renovation 6370  
project shall not exceed \$35,000 per bed of the total allowable 6371  
cost of the project. 6372

The funding authorized under this section shall not be applied to any project involving the construction of a county, multicounty, municipal-county, or multicounty-municipal jail facility or workhouse, including a correctional center established under sections 153.61 and 307.93 of the Revised Code, unless the facility, workhouse, or correctional center will be built in compliance with "The Minimum Standards for Jails in Ohio" and the plans have been approved under section 5120.10 of the Revised Code. In addition, the funding authorized under this section shall not be applied to any project involving the renovation of a county, multicounty, municipal-county, or multicounty-municipal jail facility or workhouse, including a correctional center established under sections 153.61 and 307.93 of the Revised Code, unless the renovation is for the purpose of bringing the facility, workhouse, or correctional center into compliance with "The Minimum Standards for Jails in Ohio" and the plans have been approved under section 5120.10 of the Revised Code.

**Section 19.02. COMMUNITY-BASED CORRECTIONAL FACILITIES**

The Department of Rehabilitation and Correction may designate to the Ohio Building Authority the sites of, and, notwithstanding any provisions to the contrary in Chapter 152. or 153. of the Revised Code, may review the renovation or construction of the single county and district community-based correctional facilities funded by the foregoing appropriation item CAP-003, Community-Based Correctional Facilities.

**Section 19.03. COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS**

The foregoing appropriation item CAP-041, Community Residential Program, may be used by the Department of Rehabilitation and Correction, under sections 5120.103, 5120.104, and 5120.105 of the Revised Code, to provide for the construction

or renovation of halfway house facilities for offenders eligible 6403  
for community supervision by the Department of Rehabilitation and 6404  
Correction. 6405

**Section 20.** All items set forth in this section are hereby 6406  
appropriated out of any moneys in the state treasury to the credit 6407  
of the Juvenile Correctional Building Fund (Fund 028) that are not 6408  
otherwise appropriated: 6409

Reappropriations

DYS DEPARTMENT OF YOUTH SERVICES 6410

CAP-004	Cuyahoga Juvenile Court Detention	\$	5,459,404	6411
CAP-801	Fire Suppression/Safety/Security	\$	1,636,155	6412
CAP-803	General Institutional Renovations	\$	3,787,255	6413
CAP-812	Community Rehabilitation Centers	\$	916,913	6414
CAP-821	Construct Maximum Security Facility	\$	172,327	6415
CAP-828	Multi-Agency Radio System Equipment	\$	3,186	6416
CAP-829	Local Juvenile Detention Centers	\$	10,844,623	6417
CAP-831	Gym Expansion - Cuyahoga Hills Boys School	\$	649,290	6418
CAP-832	72-Bed Unit Housing Addition - Ohio River Valley Correctional Center	\$	2,000	6419
CAP-833	Security Renovations - Indian River	\$	1,996	6420
CAP-837	Sanitary Safety/Renovations Indian River	\$	3,736,500	6421
Total Department of Youth Services		\$	27,209,649	6422
TOTAL Juvenile Correctional Building Fund		\$	27,209,649	6423

**Section 20.01.** GENERAL INSTITUTIONAL RENOVATIONS 6425

The amount reappropriated for the foregoing appropriation 6426  
item CAP-803, General Institutional Renovations, is the 6427  
unencumbered and unallotted balance as of June 30, 2004, in 6428  
appropriation item CAP-803, General Institutional Renovations, 6429  
plus \$788,000. 6430

**Section 20.02.** COMMUNITY REHABILITATION CENTERS 6431

From the foregoing appropriation item CAP-812, Community 6432  
Rehabilitation Centers, the Department of Youth Services shall 6433  
designate the projects involving the construction and renovation 6434  
of single county and multicounty community corrections facilities 6435  
for which the Ohio Building Authority is authorized to issue 6436  
obligations. 6437

The Department of Youth Services is authorized to review and 6438  
approve the renovation and construction of projects for which 6439  
funds are provided. The proceeds of any obligations authorized 6440  
under this section shall not be applied to any such facilities 6441  
that are not designated and approved by the Department of Youth 6442  
Services. 6443

The Department of Youth Services shall adopt guidelines to 6444  
accept and review applications and designate projects. The 6445  
guidelines shall require the county or counties to justify the 6446  
need for the facility and to comply with timelines for the 6447  
submission of documentation pertaining to the site, program, and 6448  
construction. 6449

For purposes of this section, "community corrections 6450  
facilities" has the same meaning as in section 5139.36 of the 6451  
Revised Code. 6452

**Section 20.03.** LOCAL JUVENILE DETENTION CENTERS 6453

From the foregoing appropriation item CAP-829, Local Juvenile 6454  
Detention Centers, the Department of Youth Services shall 6455  
designate the projects involving the construction and renovation 6456  
of county and multicounty juvenile detention centers for which the 6457  
Ohio Building Authority is authorized to issue obligations. 6458

The Department of Youth Services is authorized to review and 6459



approve the renovation and construction of projects for which 6460  
funds are provided. The proceeds of any obligations authorized 6461  
under this section shall not be applied to any such facilities 6462  
that are not designated by the Department of Youth Services. 6463

The Department of Youth Services shall comply with the 6464  
guidelines set forth in this section, accept and review 6465  
applications, designate projects, and determine the amount of 6466  
state match funding to be applied to each project. The department 6467  
shall, with the advice of the county or counties participating in 6468  
a project, determine the funded design capacity of the detention 6469  
centers that are designated to receive funding. Notwithstanding 6470  
any provisions to the contrary contained in Chapter 152. or 153. 6471  
of the Revised Code, the Department of Youth Services may 6472  
coordinate, review, and monitor the drawdown and use of funds for 6473  
the renovation and construction of projects for which designated 6474  
funds are provided. 6475

(A) The Department of Youth Services shall develop a weighted 6476  
numerical formula to determine the amount, if any, of state match 6477  
that may be provided to a single or multicounty detention center 6478  
project. The formula shall include the factors specified below in 6479  
division (A)(1) of this section and may include the factors 6480  
specified below in division (A)(2) of this section. The weight 6481  
assigned to the factors specified in division (A)(1) of this 6482  
section shall be not less than twice the weight assigned to 6483  
factors specified in division (A)(2) of this section. 6484

(1)(a) The number of detention center beds needed in the 6485  
county or group of counties, as estimated by the Department of 6486  
Youth Services, is significantly more than the number of beds 6487  
currently available; 6488

(b) Any existing detention center in the county or group of 6489  
counties does not meet health, safety, or security standards for 6490  
detention centers as established by the Department of Youth 6491

Services;	6492
(c) The Department of Youth Services projects that the county or group of counties have a need for a sufficient number of detention beds to make the project economically viable.	6493 6494 6495
(2)(a) The percentage of children in the county or group of counties living below the poverty level is above the state average;	6496 6497 6498
(b) The per capita income in the county or group of counties is below the state average.	6499 6500
(B) The formula developed by the Department of Youth Services shall yield a percentage of state match ranging from 0 to 60 per cent based on the above factors. Notwithstanding the foregoing provisions, if a single county or multicounty system currently has no detention center beds, or if the projected need for detention center beds as estimated by the Department of Youth Services is greater than 120 per cent of current detention center bed capacity, then the percentage of state match shall be 60 per cent. To determine the dollar amount of the state match for new construction projects, the percentage of state match is multiplied by \$125,000 per bed for detention centers with a designated capacity of 99 beds or less, and by \$130,000 per bed for detention centers with a design capacity of 100 beds or more. To determine the dollar amount of the state match for renovation projects the percentage match shall be multiplied by the actual cost of the renovation, provided that the cost of the renovation does not exceed \$100,000 per bed. The funding authorized under this section that may be applied to a construction or renovation project shall not exceed the actual cost of the project.	6501 6502 6503 6504 6505 6506 6507 6508 6509 6510 6511 6512 6513 6514 6515 6516 6517 6518 6519
The funding authorized under this section shall not be applied to any project unless the detention center will be built in compliance with health, safety, and security standards for	6520 6521 6522

detention centers as established by the Department of Youth 6523  
 Services. In addition, the funding authorized under this section 6524  
 shall not be applied to the renovation of a detention center 6525  
 unless the renovation is for the purpose of increasing the number 6526  
 of beds in the center, or to meet health, safety, or security 6527  
 standards for detention centers as established by the Department 6528  
 of Youth Services. 6529

**Section 21.** All items set forth in this section are hereby 6530  
 appropriated out of any moneys in the state treasury to the credit 6531  
 of the Transportation Building Fund (Fund 029) that are not 6532  
 otherwise appropriated: 6533

		Reappropriations	
DOT DEPARTMENT OF TRANSPORTATION			6534
CAP-001	Transportation Buildings Capital	\$ 35,000	6535
	Improvements		
	Total Department of Transportation	\$ 35,000	6536
	TOTAL Transportation Building Fund	\$ 35,000	6537

**Section 22.** All items set forth in this section are hereby 6539  
 appropriated out of any moneys in the state treasury to the credit 6540  
 of the Arts and Sports Facilities Building Fund (Fund 030) that 6541  
 are not otherwise appropriated: 6542

		Reappropriations	
AFC ARTS AND SPORTS FACILITIES COMMISSION			6543
CAP-003	Center of Science and Industry - Toledo	\$ 12,268	6544
CAP-004	Valentine Theatre	\$ 1,111	6545
CAP-005	Center of Science and Industry -	\$ 181,636	6546
	Columbus		
CAP-010	Sandusky State Theatre Improvements	\$ 1,000,000	6547
CAP-017	Zion Center of the National	\$ 488,232	6548
	Afro-American Museum		
CAP-021	Ohio Historical Center - Archives and	\$ 2,395	6549

	Library Shelving			
CAP-033	Woodward Opera House Renovation	\$	1,050,000	6550
CAP-037	Canton Palace Theatre Renovations	\$	1,066,126	6551
CAP-038	Center Exhibit Replacement	\$	750,000	6552
CAP-041	Cleveland Playhouse	\$	500,000	6553
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	625,000	6554
CAP-043	Statewide Site Repairs	\$	454,000	6555
CAP-046	Cincinnati Museum Center Improvements	\$	500,000	6556
CAP-052	Akron Art Museum	\$	6,634,666	6557
CAP-053	Powers Auditorium Improvements	\$	200,000	6558
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	6559
CAP-057	Comprehensive Master Plan	\$	180,000	6560
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	6561
CAP-061	Statewide Arts Facilities Planning	\$	35,931	6562
CAP-063	Robins Theatre Renovations	\$	1,000,000	6563
CAP-064	Bramley Historic House	\$	75,000	6564
CAP-066	Delaware County Cultural Arts Center	\$	40,000	6565
CAP-068	Perry County Historical Society	\$	100,000	6566
CAP-069	Cleveland Institute of Art	\$	750,000	6567
CAP-071	Cleveland Institute of Music	\$	750,000	6568
CAP-072	West Side Arts Consortium	\$	138,000	6569
CAP-074	Stan Hywet Hall & Gardens	\$	250,000	6570
CAP-075	McKinley Museum Improvements	\$	125,000	6571
CAP-076	Spring Hill Historic Home	\$	125,000	6572
CAP-077	Western Reserve Ballet Improvements	\$	100,000	6573
CAP-078	Midland Theatre	\$	175,000	6574
CAP-079	Lorain Palace Civic Theatre	\$	200,000	6575
CAP-080	Great Lakes Historical Society	\$	150,000	6576
CAP-734	Hayes Presidential Center	\$	75,000	6577
CAP-745	Historic Sites and Museums	\$	750,000	6578
CAP-753	Buffington Island State Memorial	\$	91,500	6579

CAP-770	Serpent Mound State Memorial	\$	295,000	6580
CAP-784	Ohio Historical Center Rehabilitation	\$	673,700	6581
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000	6582
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	6583
CAP-791	Harrison Tomb and Site Renovations	\$	149,500	6584
CAP-796	Moundbuilders State Memorial	\$	530,000	6585
CAP-806	Grant Boyhood Home Improvements	\$	68,333	6586
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	6587
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000	6588
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	6589
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	6590
CAP-821	Lorain County Historical Society	\$	300,000	6591
CAP-822	Madison County Historic Schoolhouse	\$	40,000	6592
CAP-823	Marion Palace Theatre	\$	825,000	6593
CAP-824	McConnellsville Opera House	\$	75,000	6594
CAP-825	Secrest Auditorium	\$	75,000	6595
CAP-826	Renaissance Theatre	\$	50,000	6596
CAP-827	Trumpet in the Land	\$	100,000	6597
CAP-828	Becky Thatcher Showboat	\$	30,000	6598
CAP-829	Mid Ohio Valley Players	\$	50,000	6599
CAP-830	The Anchorage	\$	50,000	6600
CAP-831	Wayne County Historical Society	\$	300,000	6601
CAP-833	Promont House Museum	\$	200,000	6602
CAP-836	Fairfield Outdoor Theatre	\$	100,000	6603
CAP-837	Lake County Historical Society	\$	250,000	6604
CAP-839	Hancock Historical Society	\$	75,000	6605
CAP-840	Riversouth Development	\$	10,000,000	6606
CAP-841	Ft. Piqua Hotel	\$	200,000	6607
CAP-843	Marina District/Ice Arena Development	\$	4,000,000	6608
Total Arts and Sports Facilities Commission		\$	43,970,114	6609

TOTAL Arts and Sports Facilities Building Fund	\$ 43,970,114	6610
COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT		6611
CONTRACTS		6612
Notwithstanding division (A) of section 3383.07 of the		6613
Revised Code, the Ohio Arts and Sports Facilities Commission, with		6614
respect to the foregoing appropriation item CAP-005, Center of		6615
Science and Industry - Columbus, may administer all or part of		6616
capital facilities project contracts involving exhibit fabrication		6617
and installation as determined by the Department of Administrative		6618
Services, the Center of Science and Industry - Columbus, and the		6619
Ohio Arts and Sports Facilities Commission in review of the		6620
project plans. The Ohio Arts and Sports Facilities Commission		6621
shall enter into a contract with the Center of Science and		6622
Industry - Columbus to administer the exhibit fabrication and		6623
installation contracts and such contracts are not subject to		6624
Chapter 123. or 153. of the Revised Code.		6625
SPORTS FACILITIES IMPROVEMENTS - AKRON		6626
The amount reappropriated to the Arts and Sports Facilities		6627
Building Fund (Fund 030), CAP-024, Sports Facilities Improvements		6628
- Akron, is the unallotted and unencumbered balance in the Sports		6629
Facilities Building Fund (Fund 024), CAP-024, Sports Facilities		6630
Improvements - Akron.		6631
REDS HALL OF FAME		6632
The amount reappropriated to the Arts and Sports Facilities		6633
Building Fund (Fund 030), CAP-025, Reds Hall of Fame, is the		6634
unallotted and unencumbered balance in the Sports Facilities		6635
Building Fund (Fund 024), CAP-025, Reds Hall of Fame.		6636
MARINA DISTRICT/ICE ARENA DEVELOPMENT		6637
The amount reappropriated to the Arts and Sports Facilities		6638
Building Fund (Fund 030), CAP-843, Marina District/Ice Arena		6639

Development, is the unallotted and unencumbered balance in the 6640  
Sports Facilities Building Fund (Fund 024), CAP-073, Marina 6641  
District/Ice Arena Development. 6642

**Section 22.01.** The Ohio Building Authority is hereby 6643  
authorized to issue and sell, in accordance with Section 2i of 6644  
Article VIII, Ohio Constitution, and Chapter 152. and other 6645  
applicable sections of the Revised Code, original obligations in 6646  
an aggregate principal amount not to exceed \$1,000,000 in addition 6647  
to the original issuance of obligations heretofore authorized by 6648  
prior acts of the General Assembly. The authorized obligations 6649  
shall be issued, subject to applicable constitutional and 6650  
statutory limitations, to pay costs of capital facilities as 6651  
defined in division (A)(5) of section 152.09 of the Revised Code, 6652  
including construction as defined in division (H) of section 6653  
3383.01 of the Revised Code, of the Ohio arts facilities 6654  
designated in Section 15.01 of H.B. 675 of the 124th General 6655  
Assembly. 6656

**Section 23.** All items set forth in this section are hereby 6657  
appropriated out of any moneys in the state treasury to the credit 6658  
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 6659  
not otherwise appropriated: 6660

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 6661  
STATEWIDE AND LOCAL PROJECTS 6662

CAP-012	Land Acquisition	\$	958,039	6663
CAP-702	Upgrade Underground Fuel Storage Tanks	\$	999,294	6664
CAP-703	Cap Abandoned Water Wells	\$	189,482	6665
CAP-748	Local Parks Projects - Statewide	\$	3,406,183	6666
CAP-751	City of Portsmouth Launch Ramp	\$	15,989	6667
CAP-753	Project Planning	\$	118,360	6668
CAP-766	South Fork Licking Watershed Study	\$	600	6669

CAP-768	Grand River Wildlife Area	\$	2,700	6670
CAP-788	Community Recreation Projects	\$	60,000	6671
CAP-799	Village of Nelville Boat Ramp	\$	140,727	6672
CAP-800	City of Gallipolis Courtesy Dock	\$	8,700	6673
CAP-814	North of Rush Run Wildlife Area	\$	200	6674
CAP-834	Appraisal Fees - Statewide	\$	77,265	6675
CAP-844	Put-In-Bay Township Port Authority	\$	79,784	6676
CAP-868	New Philadelphia Office Relocation	\$	1,500,000	6677
CAP-881	Dam Rehabilitation	\$	14,998,701	6678
CAP-900	City of Huron Docks	\$	46,786	6679
CAP-928	Handicapped Accessibility	\$	743,285	6680
CAP-929	Hazardous Waste/Asbestos Abatement	\$	102,857	6681
CAP-931	Wastewater/Water Systems Upgrades	\$	9,439,572	6682
CAP-932	Wetlands/Waterfront Acquisition	\$	223,481	6683
CAP-934	Operations Facilities Development	\$	1,486,438	6684
CAP-963	Fairpoint Harbor Port Authority	\$	103,293	6685
CAP-995	Boundary Protection	\$	32,426	6686
CAP-999	Geographic Information Management System	\$	779,501	6687
Total Statewide and Local Projects		\$	35,513,663	6688
DIVISION OF CIVILIAN CONSERVATION				6689
CAP-750	Quilter CCC Camp	\$	900	6690
CAP-817	Riffe CCC Camp	\$	1,309	6691
CAP-835	Civilian Conservation Facilities	\$	1,847,074	6692
Total Division of Civilian Conservation		\$	1,849,283	6693
DIVISION OF FORESTRY				6694
CAP-021	Mohican State Forest	\$	1,200	6695
CAP-030	Shawnee State Forest	\$	1,300	6696
CAP-073	Brush Creek State Forest	\$	5,850	6697
CAP-146	Zaleski State Forest	\$	200	6698
CAP-213	Shade River State Forest	\$	200	6699
CAP-841	Operations and Maintenance Facility	\$	1,489,212	6700
	Development and Renovation			
CAP-977	Fernwood State Forest	\$	7,181	6701



Total Division of Forestry		\$	1,505,143	6702
DIVISION OF MINERAL RESOURCES MANAGEMENT				6703
CAP-867	Reclamation Facilities Renovation and Development	\$	19,500	6704
Total Division of Mineral Resources Management		\$	19,500	6705
DIVISION OF NATURAL AREAS AND PRESERVES				6706
CAP-006	Little Beaver Creek Nature Preserve	\$	1,500	6707
CAP-826	Natural Areas and Preserves Maintenance/Facility Development	\$	788,056	6708
CAP-831	Lake Katherine	\$	17,699	6709
CAP-870	Little Miami Scenic River	\$	4,800	6710
Total Division of Natural Areas		\$	812,055	6711
DIVISION OF PARKS AND RECREATION				6712
CAP-003	Barkcamp State Park	\$	3,025	6713
CAP-005	Cowan Lake State Park	\$	34,684	6714
CAP-010	East Harbor State Park	\$	41,329	6715
CAP-016	Hueston Woods State Park	\$	2,500	6716
CAP-017	Indian Lake State Park	\$	2,319	6717
CAP-018	Kelleys Island State Park	\$	5,700	6718
CAP-019	Lake Hope State Park	\$	500	6719
CAP-025	Punderson Lake State Park	\$	8,997	6720
CAP-026	Pymatuning State Park	\$	2,650	6721
CAP-032	West Branch State Park	\$	6,243	6722
CAP-037	Kiser Lake State Park	\$	10,616	6723
CAP-051	Buck Creek State Park	\$	500	6724
CAP-052	Buckeye Lake State Park	\$	74,746	6725
CAP-060	East Fork State Park	\$	1,709	6726
CAP-064	Geneva State Park	\$	750	6727
CAP-069	Hocking Hills State Park	\$	472	6728
CAP-089	Mosquito Lake State Park	\$	2,789	6729
CAP-093	Portage Lakes State Park	\$	44,676	6730
CAP-114	Beaver Creek State Park	\$	12,000	6731
CAP-119	Forked Run State Park	\$	5,123	6732

CAP-169	Lake White State Park	\$	3,100	6733
CAP-222	Wolf Run State Park	\$	205,787	6734
CAP-234	State Parks, Campgrounds, Lodges, and Cabins	\$	3,431,369	6735
CAP-305	Maumee Bay State Park	\$	900	6736
CAP-331	Park Boating Facilities	\$	5,411,873	6737
CAP-390	State Park Maintenance/Facility Development	\$	1,803,182	6738
CAP-718	Grand Lake St Marys State Park	\$	7,490	6739
CAP-719	Indian Lake State Park	\$	7,610	6740
CAP-758	Muskingum River Parkway Lock #7	\$	1,146	6741
CAP-795	Headlands Beach State Park	\$	25,160	6742
CAP-815	Mary Jane Thurston State Park	\$	4,700	6743
CAP-825	Marblehead Lighthouse State Park	\$	1,233	6744
CAP-829	Sycamore State Park	\$	500	6745
CAP-836	State Park Renovations/Upgrading	\$	3,254,137	6746
CAP-851	Cleveland Lakefront	\$	47,051	6747
CAP-916	Lake Milton State Park	\$	46,509	6748
Total Division of Parks and Recreation		\$	14,513,075	6749
DIVISION OF SOIL AND WATER CONSERVATION				6750
CAP-810	New Facilities at Farm Science Review	\$	500	6751
Total Division of Soil and Water Conservation		\$	500	6752
DIVISION OF WATER				6753
CAP-705	Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$	3,781,222	6754
CAP-730	Miami and Erie Canal	\$	700	6755
CAP-819	Rehabilitate/Automate - Ohio Ground Water Observation Well Network	\$	294,266	6756
CAP-820	Automated Stream, Lake, and Ground Water Data Collection	\$	509,396	6757
CAP-822	Flood Hazard Information Studies	\$	5,518	6758
CAP-848	Hazardous Dam Repair - Statewide	\$	267,000	6759
Total Division of Water		\$	4,858,102	6760

TOTAL Department of Natural Resources \$ 59,071,321 6761  
TOTAL Ohio Parks and Natural Resources Fund \$ 59,071,321 6762

**Section 23.01.** LAND ACQUISITION 6764

Of the foregoing appropriation item CAP-012, Land 6765  
Acquisition, \$300,000 shall be used by the City of Mentor to 6766  
purchase property for the Mentor Marsh. 6767

MIAMI AND ERIE CANAL IMPROVEMENTS 6768

Of the foregoing appropriation item CAP-705, Rehabilitate 6769  
Canals, Hydraulic Works, and Support Facilities, at least 6770  
\$1,250,000 shall be used for Miami and Erie Canal improvements. 6771

LOCAL PARKS PROJECTS - STATEWIDE 6772

The amount reappropriated for the foregoing appropriation 6773  
item CAP-748, Local Parks Projects - Statewide, is \$840,879 plus 6774  
the unencumbered and unallotted balance as of June 30, 2004, in 6775  
item CAP-748, Local Parks Projects - Statewide. The \$840,879 6776  
represents amounts that were previously appropriated, allocated to 6777  
counties pursuant to division (D) of section 1557.06 of the 6778  
Revised Code, and encumbered for local project grants. The 6779  
encumbrances for these local projects in the various counties 6780  
shall be canceled by the Director of Natural Resources or the 6781  
Director of Budget and Management. The Director of Natural 6782  
Resources shall allocate the \$840,879 to the same counties the 6783  
moneys were originally allocated to, in the amount of the canceled 6784  
encumbrances. 6785

DAM REHABILITATION 6786

Of the foregoing appropriation item CAP-881, Dam 6787  
Rehabilitation, up to \$5,000,000 shall be used to rehabilitate the 6788  
Muskingum River Locks and Dams. 6789

**Section 23.02.** For the projects appropriated in Section 24 of 6790

this act, the Ohio Department of Natural Resources shall 6791  
periodically prepare and submit to the Director of Budget and 6792  
Management the estimated design, planning, and engineering costs 6793  
of capital-related work to be done by the Department of Natural 6794  
Resources for each project. Based on the estimates, the Director 6795  
of Budget and Management may release appropriations from the 6796  
foregoing appropriation item CAP-753, Project Planning, to pay for 6797  
design, planning, and engineering costs incurred by the Department 6798  
of Natural Resources for such projects. Upon release of the 6799  
appropriations by the Director of Budget and Management, the 6800  
Department of Natural Resources shall pay for these expenses from 6801  
Fund 4S9, Capital Expenses, and be reimbursed by the Ohio Parks 6802  
and Natural Resources Fund (Fund 031) using an intrastate voucher. 6803

**Section 24.** All items set forth in this section are hereby 6804  
appropriated out of any moneys in the state treasury to the credit 6805  
of the School Building Program Assistance Fund (Fund 032) that are 6806  
not otherwise appropriated: 6807

		Reappropriations	
	SFC SCHOOL FACILITIES COMMISSION		6808
CAP-770	School Building Program Assistance	\$ 11,319,352	6809
CAP-779	Exceptional Needs	\$ 602,365	6810
	Total School Facilities Commission	\$ 11,921,717	6811
	TOTAL School Building Program Assistance Fund	\$ 11,921,717	6812

SCHOOL BUILDING PROGRAM ASSISTANCE 6813

The amount reappropriated for the foregoing appropriation 6814  
item CAP-770, School Building Program Assistance, is \$6,205,032, 6815  
plus the sum of the unencumbered and unallotted balances as of 6816  
June 30, 2004, for appropriation item CAP-770, School Building 6817  
Program Assistance. 6818

**Section 25.** All items set forth in Sections 25.01 to 25.03 of 6819

this act are hereby appropriated out of any moneys in the state 6820  
treasury to the credit of the Mental Health Facilities Improvement 6821  
Fund (Fund 033) that are not otherwise appropriated: 6822

Reappropriations

**Section 25.01.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 6823  
SERVICES 6824  
CAP-001 Renovate Rollman Center \$ 41,236 6825  
CAP-002 Community Assistance Projects \$ 3,560,104 6826  
CAP-003 Alcohol/Drug Addiction Center \$ 7,314 6827  
Total Department of Alcohol and Drug Addiction 6828  
Services \$ 3,608,654 6829

COMMUNITY ASSISTANCE PROJECTS 6830

Of the foregoing appropriation item CAP-002, Community 6831  
Assistance Projects, \$266,512 shall be used for the Oak House 6832  
Women's Residential Treatment Facility. 6833

Reappropriations

**Section 25.02.** DMH DEPARTMENT OF MENTAL HEALTH 6834  
STATEWIDE AND CENTRAL OFFICE PROJECTS 6835  
CAP-092 Hazardous Materials Abatement \$ 240,104 6836  
CAP-479 Community Assistance Projects \$ 1,281,313 6837  
CAP-906 Campus Consolidation-Automation \$ 307,487 6838  
CAP-946 Demolition \$ 126,012 6839  
CAP-976 Life Safety/Critical Plant Renovations \$ 147,387 6840  
CAP-977 Patient Care/Environment Improvement \$ 2,062,910 6841  
CAP-978 Infrastructure Renovations \$ 420,050 6842  
CAP-981 Emergency Improvements \$ 2,540,710 6843  
Total Department of Mental Health \$ 7,125,973 6844

COMMUNITY ASSISTANCE PROJECTS 6845

Of the foregoing appropriation item CAP-479, Community 6846  
Assistance Projects, \$250,000 shall be used for the Berea 6847

Children's Home.		6848
PATIENT CARE AND ENVIRONMENT IMPROVEMENTS		6849
The amount reappropriated for appropriation item CAP-977,		6850
Patient Care/Environment Improvement, is the unencumbered and		6851
unallotted balances as of June 30, 2004, in appropriation item		6852
CAP-977, Patient Care/Environment Improvement, plus \$371,199.		6853
PATIENT ENVIRONMENT IMPROVEMENT CONSOLIDATION		6854
The amount reappropriated for appropriation item CAP-984,		6855
Patient Environment Improvement/Consolidation, is the unencumbered		6856
and unallotted balance as of June 30, 2004, in appropriation item		6857
CAP-984, Patient Environment Improvement/Consolidation plus		6858
\$176,853.		6859
	Reappropriations	
<b>Section 25.03.</b> DMR DEPARTMENT OF MENTAL RETARDATION AND		6860
DEVELOPMENTAL DISABILITIES		6861
STATEWIDE PROJECTS		6862
CAP-001 Asbestos Abatement	\$ 1,324,722	6863
CAP-480 Community Assistance Projects	\$ 15,366,610	6864
CAP-901 Razing of Buildings	\$ 369,502	6865
CAP-912 Telecommunications Systems Improvement	\$ 208,417	6866
CAP-941 Emergency Generator Replacement	\$ 88,942	6867
CAP-955 Statewide Developmental Centers	\$ 4,496,148	6868
CAP-981 Emergency Improvements	\$ 266,017	6869
Total Statewide and Central Office Projects	\$ 22,120,358	6870
COMMUNITY ASSISTANCE PROJECTS		6871
The foregoing appropriation item CAP-480, Community		6872
Assistance Projects, may be used to provide community assistance		6873
funds for the construction or renovation of facilities for day		6874
programs or residential programs that provide services to persons		6875
eligible for services from the Department of Mental Retardation		6876

and Developmental Disabilities or county boards of mental 6877  
retardation and developmental disabilities. Any funds provided to 6878  
nonprofit agencies for the construction or renovation of 6879  
facilities for persons eligible for services from the Department 6880  
of Mental Retardation and Developmental Disabilities and county 6881  
boards of mental retardation and developmental disabilities are 6882  
subject to the prevailing wage provisions in section 176.05 of the 6883  
Revised Code. 6884

Of the foregoing appropriation item CAP-480, Community 6885  
Assistance Projects, \$150,000 shall be used for the Fostoria Area 6886  
Community Childhood and Family Center and \$1,000,000 shall be used 6887  
for the Bellefaire Jewish Children's Bureau. 6888

STATEWIDE DEVELOPMENTAL CENTERS 6889

APPLE CREEK DEVELOPMENTAL CENTER 6890

CAP-956	Apple Creek Developmental Center	\$	49,611	6891
CAP-790	Cortland Hall Renovation	\$	31,183	6892
CAP-791	Jonathan Hall Renovation	\$	417,107	6893
CAP-795	Ruby Hall Renovation	\$	277,500	6894
CAP-940	Sewage Treatment Plant Renovation	\$	55,307	6895
CAP-953	Door Replacements	\$	20,000	6896
	Total Apple Creek Developmental Center	\$	850,708	6897

CAMBRIDGE DEVELOPMENTAL CENTER 6898

CAP-711	Residential Renovations - CAMDC	\$	45,037	6899
CAP-910	HVAC Renovations - Residential Buildings	\$	53,550	6900
CAP-913	Cambridge HVAC Upgrade - Activity Center	\$	43,125	6901
CAP-969	Utility Upgrade Centerwide		50,000	6902
	Total Cambridge Developmental Center	\$	191,712	6903

COLUMBUS DEVELOPMENTAL CENTER 6904

CAP-852	Fire Alarm System Improvements	\$	39,295	6905
CAP-958	Columbus Developmental Center	\$	245,368	6906
	Total Columbus Developmental Center	\$	284,663	6907

GALLIPOLIS DEVELOPMENTAL CENTER 6908

CAP-959	Gallipolis Developmental Center	\$	160,000	6909
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Total Gallipolis Developmental Center	\$	160,000	6910
MONTGOMERY DEVELOPMENTAL CENTER			6911
CAP-960 Montgomery Developmental Center	\$	91,172	6912
Total Montgomery Developmental Center	\$	91,172	6913
MOUNT VERNON DEVELOPMENTAL CENTER			6914
CAP-080 Renovate Main Kitchen - Rian Hall	\$	71,143	6915
CAP-101 Rian Hall Residential Renovations	\$	105,742	6916
CAP-947 Replace Chiller	\$	67,865	6917
CAP-962 Mount Vernon Developmental Center	\$	239,039	6918
CAP-974 Pool/Gymnasium Renovation	\$	60,000	6919
Total Mount Vernon Developmental Center	\$	543,789	6920
NORTHWEST OHIO DEVELOPMENTAL CENTER			6921
CAP-963 Northwest Ohio Developmental Center	\$	409,409	6922
CAP-982 Cooling Tower Replacement	\$	50,000	6923
Total Northwest Ohio Developmental Center	\$	459,409	6924
SOUTHWEST OHIO DEVELOPMENTAL CENTER			6925
CAP-863 Residential Renovation - HVAC Upgrade	\$	30,838	6926
CAP-964 Southwest Ohio Developmental Center	\$	142,134	6927
CAP-976 Renovation Program and Support Services Building	\$	162,100	6928
Total Southwest Ohio Developmental Center	\$	335,072	6929
SPRINGVIEW DEVELOPMENTAL CENTER			6930
CAP-742 Administration Building Roof	\$	124,437	6931
CAP-977 Roof Replacement	\$	203,468	6932
Total Springview Developmental Center	\$	327,905	6933
TIFFIN DEVELOPMENTAL CENTER			6934
CAP-085 Roof Replacement - Dietary	\$	100,000	6935
CAP-086 Replace Boiler Feedwater Heating and Storage Unit	\$	88,738	6936
CAP-899 Utah & Nevada Buildings Renovation	\$	4,750	6937
CAP-931 Roof and Exterior Renovations	\$	184,825	6938
CAP-966 Tiffin Developmental Center	\$	192,528	6939



Total Tiffin Developmental Center	\$	570,841	6940
WARRENSVILLE DEVELOPMENTAL CENTER			6941
CAP-088 Exterior Lighting Replacement	\$	38,000	6942
CAP-867 Residential Renovations - WDC	\$	75,000	6943
CAP-900 Water Line Replacement - WDC	\$	77,922	6944
CAP-936 HVAC Renovations	\$	44,035	6945
CAP-950 ADA Compliance - WDC	\$	41,435	6946
CAP-951 Central Kitchen Improvements	\$	6,805	6947
CAP-967 Warrensville Developmental Center	\$	39,217	6948
Total Warrensville Developmental Center	\$	322,414	6949
TOTAL Department of Mental Retardation			6950
and Developmental Disabilities	\$	26,258,043	6951
TOTAL Mental Health Facilities Improvement Fund	\$	36,992,670	6952

**Section 25.04.** The foregoing appropriations for the 6954  
Department of Alcohol and Drug Addiction Services, CAP-002, 6955  
Community Assistance Projects; Department of Mental Health, 6956  
CAP-479, Community Assistance Projects; and Department of Mental 6957  
Retardation and Developmental Disabilities, CAP-480, Community 6958  
Assistance Projects, may be used on facilities constructed or to 6959  
be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 6960  
5126. of the Revised Code or the authority granted by section 6961  
154.20 of the Revised Code and the rules adopted pursuant to those 6962  
chapters and that section and shall be distributed by the 6963  
Department of Alcohol and Drug Addiction Services, the Department 6964  
of Mental Health, and the Department of Mental Retardation and 6965  
Developmental Disabilities, subject to Controlling Board approval. 6966

**Section 25.05.** (A) No capital improvement appropriations made 6967  
in Sections 26.01 to 26.03 of this act shall be released for 6968  
planning or for improvement, renovation, or construction or 6969  
acquisition of capital facilities if a governmental agency, as 6970  
defined in section 154.01 of the Revised Code, does not own the 6971

real property that constitutes the capital facilities or on which 6972  
the capital facilities are or will be located. This restriction 6973  
does not apply in any of the following circumstances: 6974

(1) The governmental agency has a long-term (at least fifteen 6975  
years) lease of, or other interest (such as an easement) in, the 6976  
real property. 6977

(2) In the case of an appropriation for capital facilities 6978  
that, because of their unique nature or location, will be owned or 6979  
be part of facilities owned by a separate nonprofit organization 6980  
and made available to the governmental agency for its use, the 6981  
nonprofit organization either owns or has a long-term (at least 6982  
fifteen years) lease of the real property or other capital 6983  
facility to be improved, renovated, constructed, or acquired and 6984  
has entered into a joint or cooperative use agreement, approved by 6985  
the Department of Mental Health, Department of Mental Retardation 6986  
and Developmental Disabilities, or Department of Alcohol and Drug 6987  
Addiction Services, whichever is applicable, with the governmental 6988  
agency for that agency's use of and right to use the capital 6989  
facilities to be financed and, if applicable, improved, the value 6990  
of such use or right to use being, as determined by the parties, 6991  
reasonably related to the amount of the appropriation. 6992

(B) In the case of capital facilities referred to in division 6993  
(A)(2) of this section, the joint or cooperative use agreement 6994  
shall include, as a minimum, provisions that: 6995

(1) Specify the extent and nature of that joint or 6996  
cooperative use, extending for no fewer than fifteen years, with 6997  
the value of such use or right to use to be, as determined by the 6998  
parties and approved by the applicable department, reasonably 6999  
related to the amount of the appropriation; 7000

(2) Provide for pro rata reimbursement to the state should 7001  
the arrangement for joint or cooperative use by a governmental 7002

agency be terminated; 7003

(3) Provide that procedures to be followed during the capital 7004  
improvement process will comply with appropriate applicable state 7005  
statutes and rules, including provisions of this act. 7006

**Section 26.** All items set forth in Sections 26.01 to 26.56 of 7007  
this act are hereby appropriated out of any moneys in the state 7008  
treasury to the credit of the Higher Education Improvement Fund 7009  
(Fund 034) that are not otherwise appropriated: 7010

Reappropriations

**Section 26.01.** OEB OHIO EDUCATIONAL TELECOMMUNICATIONS 7011  
NETWORK COMMISSION 7012

CAP-001 Educational Television and Radio \$ 1,650,617 7013  
Equipment

CAP-002 Educational Broadcasting Fiber Optic \$ 51,748 7014  
Network

Total Ohio Educational Telecommunications 7015

Network Commission \$ 1,702,365 7016

EDUCATIONAL TELEVISION AND RADIO EQUIPMENT 7017

The foregoing appropriation item CAP-001, Educational 7018  
Television and Radio Equipment, shall be used to provide 7019  
broadcasting, transmission, and production equipment to Ohio 7020  
public radio and television stations, radio reading services, and 7021  
the Ohio Educational Telecommunications Network Commission. 7022

EDUCATIONAL BROADCASTING FIBER OPTIC NETWORK 7023

The foregoing appropriation item CAP-002, Educational 7024  
Broadcasting Fiber Optic Network, shall be used to link the Ohio 7025  
public radio and television stations, radio reading services, and 7026  
the Ohio Educational Broadcasting Network for the reception and 7027  
transmission of digital communications through fiber optic cable 7028  
or other technology. 7029

Reappropriations

<b>Section 26.02. BOR BOARD OF REGENTS</b>			7030
CAP-032	Research Facility Investment	\$ 3,581,226	7031
	Loans/Grants		
CAP-033	Child Care Facility - Matching Grants	\$ 742,695	7032
CAP-060	Technology Initiatives	\$ 1,183,398	7033
CAP-061	Central State Rehabilitation	\$ 207,012	7034
CAP-062	Non Credit Job Training Facility Grants	\$ 5,985,000	7035
CAP-068	Third Frontier Project	\$ 54,360,000	7036
CAP-071	Center for Transitional and Applied	\$ 500,000	7037
	Genomics		
CAP-072	Cleveland Clinic Heart Center	\$ 1,000,000	7038
	Infrastructure		
CAP-073	Technology Incubator for Market-Ready	\$ 2,000,000	7039
	Applications		
Total Board of Regents		\$ 69,559,331	7040

**Section 26.03. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS** 7042

The foregoing appropriation item CAP-032, Research Facility 7043  
 Action and Investment Funds, shall be used for a program of grants 7044  
 to be administered by the Board of Regents to provide timely 7045  
 availability of capital facilities for research programs and 7046  
 research-oriented instructional programs at or involving 7047  
 state-supported and state-assisted institutions of higher 7048  
 education. 7049

The Board of Regents shall adopt rules under Chapter 119. of 7050  
 the Revised Code relative to the application for and approval of 7051  
 projects funded from appropriation item CAP-032, Research Facility 7052  
 Action and Investment Funds. The rules shall be reviewed and 7053  
 approved by the Legislative Committee on Education Oversight. The 7054  
 Board of Regents shall inform the President of the Senate and the 7055

Speaker of the House of Representatives of each project 7056  
application for funding received. Each project receiving a 7057  
commitment for funding by the Board of Regents under the rules 7058  
shall be reported to the President of the Senate and the Speaker 7059  
of the House of Representatives. 7060

**Section 26.04.** REPAYMENT OF RESEARCH FACILITY ACTION AND 7061  
INVESTMENT FUNDS MONEYS 7062

Notwithstanding any provision of law to the contrary, all 7063  
repayments of Research Facility Action and Investment Funds loans 7064  
shall be made to the Bond Service Account in the Higher Education 7065  
Bond Service Trust Fund. 7066

Institutions of higher education shall make timely repayments 7067  
of Research Facility Action and Investment Funds loans, according 7068  
to the schedule established by the Board of Regents. In the case 7069  
of late payments, the Board of Regents may deduct from an 7070  
institution's periodic subsidy distribution an amount equal to the 7071  
amount of the overdue payment for that institution, transfer such 7072  
amount to the Bond Service Trust Fund, and credit the appropriate 7073  
institution for the repayment. 7074

**Section 26.05.** CHILD CARE FACILITY - MATCHING GRANTS 7075

The foregoing appropriation item CAP-033, Child Care Facility 7076  
- Matching Grants, shall be used by the Board of Regents to make 7077  
grants to state-supported or state-assisted institutions of higher 7078  
education for projects to expand, construct, renovate space, or 7079  
equip child care centers. All grants shall be awarded on a 50 per 7080  
cent match basis. In making grant awards, the Board of Regents 7081  
shall give priority to: 7082

(A) Projects located at state-supported or state-assisted 7083  
institutions without child care facilities; 7084

(B) Projects for which the principal clients are children of 7085

students enrolled at the institution; and 7086

(C) Projects where the facility will be used as a 7087  
classroom/training lab for child care/preschool certification 7088  
programs. 7089

**Section 26.06. TECHNOLOGY INITIATIVES** 7090

The foregoing appropriation item CAP-060, Technology 7091  
Initiatives, shall be used by the Board of Regents to support 7092  
collaborative initiatives to improve the quality and efficiency of 7093  
instruction, services, and program offerings at Ohio's 7094  
state-assisted colleges and universities. 7095

**Section 26.07. THIRD FRONTIER PROJECT** 7096

The foregoing appropriation item CAP-068, Third Frontier 7097  
Project, shall be used to acquire, renovate, or construct 7098  
facilities and purchase equipment for research programs, 7099  
technology development, product development, and commercialization 7100  
programs at or involving state-supported and state-assisted 7101  
institutions of higher education. The funds shall be used to make 7102  
grants awarded on a competitive basis, and shall be administered 7103  
by the Third Frontier Commission. Expenditure of these funds shall 7104  
comply with Section 2n of Article VIII, Ohio Constitution, and 7105  
section 151.01 and 151.04 of the Revised Code for the period 7106  
beginning July 1, 2004, and ending June 30, 2006. 7107

The Third Frontier Commission shall develop guidelines 7108  
relative to the application for and selection of projects funded 7109  
from appropriation item CAP-068, Third Frontier Project. The 7110  
commission may develop these guidelines in consultation with other 7111  
interested parties. The Board of Regents and all state-assisted 7112  
and state-supported institutions of higher education shall take 7113  
all actions necessary to implement grants awarded by the Third 7114  
Frontier Commission. 7115

The foregoing appropriation item CAP-068, Third Frontier Project, for which an appropriation is made from the Higher Education Improvement Fund (Fund 034), is determined to consist of capital improvements and capital facilities for state-supported and state-assisted institutions of higher education, and is designated for the capital facilities to which proceeds of obligations in the Higher Education Improvement Fund (Fund 034) are to be applied.

**Section 26.08. TECHNOLOGY INCUBATOR FOR MARKET-READY APPLICATIONS**

The amount reappropriated for the foregoing appropriation item CAP-073, Technology Incubator for Market-Ready Applications, is the unencumbered and unallotted balance as of June 30, 2004, in Youngstown State University's appropriation item CAP-128, Technology Incubator for Market-Ready Applications, and CAP-116, Technology Incubator for Market-Ready Applications.

**Section 26.09. REIMBURSEMENT FOR PROJECT COSTS**

Appropriations made in Sections 26.02 to 26.56 of this act for purposes of the costs of capital facilities for the interim financing of which the particular institution has previously issued its own obligations anticipating the possibility of future state appropriations to pay all or a portion of such costs, as contemplated in division (B) of section 3345.12 of the Revised Code, shall be paid directly to the institution or the paying agent for those outstanding obligations in the full principal amount of those obligations then to be paid from the anticipated appropriation, and shall be timely applied to the retirement of a like principal amount of the institution's obligations.

Appropriations made in Sections 26.02 to 26.56 of this act for purposes of the costs of capital facilities, all or a portion

of which costs the particular institution has paid from the 7146  
institution's moneys that were temporarily available and which 7147  
expenditures were reasonably expected at the time of the advance 7148  
by the institution and the state to be reimbursed from the 7149  
proceeds of obligations issued by the state, shall be directly 7150  
paid to the institution in the full amounts of those payments and 7151  
shall be timely applied to the reimbursement of those temporarily 7152  
available moneys. All reimbursements are subject to review and 7153  
approval through the capital release process. 7154

Reappropriations

<b>Section 26.10. UAK UNIVERSITY OF AKRON</b>			7155
CAP-008	Basic Renovations	\$ 3,394,867	7156
CAP-047	Polsky Building Renovation	\$ 577,185	7157
CAP-049	Basic Renovations - Wayne	\$ 270,316	7158
CAP-054	Auburn Science/Whitby Rehabilitation	\$ 4,099,600	7159
CAP-061	Asbestos Abatement	\$ 29,650	7160
CAP-063	Child Care Facility	\$ 149,998	7161
CAP-075	Infrastructure Materials/Rehabilitation	\$ 102,932	7162
CAP-076	Supercritical Fluid Technology	\$ 17,500	7163
CAP-080	UAK/Medina Technology Link	\$ 43,307	7164
CAP-081	Classroom/Office Building - Arts/Sciences	\$ 21,710	7165
CAP-091	Student Affairs Building	\$ 1,235,626	7166
CAP-095	Online Math	\$ 29,305	7167
CAP-097	Ohio NMR Consortium	\$ 96,500	7168
CAP-098	Guzzetta Hall Addition	\$ 7,784,808	7169
CAP-099	D Wing Expansion	\$ 243,750	7170
CAP-100	Classroom Office Addition-Design	\$ 120,120	7171
CAP-101	National Polymer Processing Center	\$ 1,000,000	7172
CAP-102	Scanning Raman Spectrometer	\$ 635	7173
CAP-104	Nanoscale Polymers Manufacturing	\$ 237,500	7174
CAP-105	Hydrogen Production and Storage	\$ 169,000	7175



CAP-107	Stan Hywet Hall and Gardens	\$	500,000	7176
CAP-108	Weathervane Theatre, Akron	\$	100,000	7177
CAP-109	Case Barlow Farm, Hudson	\$	100,000	7178
CAP-110	Springfield HS/UAK Distance Learning Project	\$	382,000	7179
Total University of Akron		\$	20,706,309	7180

Reappropriations

<b>Section 26.11. BGU BOWLING GREEN STATE UNIVERSITY</b>				7182
CAP-009	Basic Renovations	\$	6,290,012	7183
CAP-060	Basic Renovations - Firelands	\$	267,550	7184
CAP-074	Instructional and Data Processing Equipment	\$	1,586,263	7185
CAP-078	Asbestos Abatement	\$	1,584	7186
CAP-088	ADA Modifications	\$	329,896	7187
CAP-091	Child Care Facility	\$	49,406	7188
CAP-093	Pedestrian Mall Project	\$	20,766	7189
CAP-094	Materials Network	\$	90,981	7190
CAP-104	Jerome Library Renovations	\$	89,146	7191
CAP-105	Administration Building Elevators	\$	25,003	7192
CAP-108	Tunnel Upgrade - Phase II	\$	98,820	7193
CAP-109	Cedar Point Community Center	\$	862,684	7194
CAP-110	Hannah Hall Rehabilitation	\$	2,005,522	7195
CAP-112	Biology Lab Renovation	\$	1,199,595	7196
CAP-113	Campus-Wide Paving/Sidewalk Upgrade	\$	352,700	7197
CAP-114	Student Learning	\$	128,920	7198
CAP-115	Video Teaching Network	\$	33,627	7199
CAP-117	Administration Building Chiller	\$	2,475	7200
CAP-118	Kinetic Spectrometry Consortium	\$	187,798	7201
CAP-119	Admissions Visitor Center	\$	3,000,000	7202
CAP-120	Theatre/Performing Arts Complex	\$	8,750,000	7203
CAP-121	University Hall Rehabilitation	\$	1,174,981	7204
CAP-122	Convocation Center	\$	50,000	7205

Total Bowling Green State University \$ 26,597,729 7206

BASIC RENOVATIONS 7207

The amount reappropriated for the foregoing appropriation 7208  
item CAP-009, Basic Renovations, is the sum of the unencumbered 7209  
and unallotted balances as of June 30, 2004, in appropriation 7210  
items CAP-009, Basic Renovations; CAP-066, South Hall Replacement; 7211  
and CAP-106, LSC Stairwell/MSC Exterior Steps. 7212

Reappropriations

**Section 26.12. CSU CENTRAL STATE UNIVERSITY** 7213

CAP-022 Basic Renovations \$ 862,299 7214

CAP-068 Instructional and Data Processing \$ 16,002 7215  
Replacement

CAP-075 ADA Modifications \$ 51,645 7216

CAP-078 Brown Library Roof Replacement \$ 21,479 7217

CAP-081 Campus Rehabilitation \$ 236,907 7218

CAP-083 Master Plan/Supplemental Renovations \$ 91,278 7219

CAP-084 Academic Facility - Phase 1 \$ 7,144,745 7220

CAP-085 Green Hall Rehabilitation \$ 50,406 7221

CAP-088 Capacity Grant \$ 28,609 7222

CAP-090 Emery Hall Roof Rehabilitation \$ 632,500 7223

CAP-091 Carnegie Hall Roof Rehabilitation \$ 76,503 7224

CAP-092 Page Hall Rehabilitation \$ 1,000,000 7225

CAP-095 Williamson Hall HVAC \$ 126,110 7226

CAP-096 Lane Hall Rehabilitation \$ 3,700,000 7227

CAP-097 Campus-wide Master Plan \$ 11,366 7228

CAP-098 Web Instruction \$ 888 7229

Total Central State University \$ 14,050,737 7230

Reappropriations

**Section 26.13. UCN UNIVERSITY OF CINCINNATI** 7232

CAP-009 Basic Renovations \$ 6,003,233 7233

CAP-018	Basic Renovations - Clermont	\$	227,093	7234
CAP-054	Raymond Walters Renovations	\$	146,415	7235
CAP-115	Hazardous Waste	\$	6,648	7236
CAP-122	Infrastructure Assessment	\$	1,639	7237
CAP-125	Supplemental Renovations - Interior Spaces	\$	15,223	7238
CAP-128	Science and Allied Health Building - Walters	\$	248,614	7239
CAP-137	MSB Otolaryngology	\$	1,228	7240
CAP-141	ADA Modifications	\$	239,535	7241
CAP-142	ADA Modifications - Clermont	\$	6,039	7242
CAP-143	ADA Modifications - Walters	\$	2,101	7243
CAP-156	CFC Unit Replacement	\$	2,173	7244
CAP-158	Molecular Components/Simulation Network	\$	14,154	7245
CAP-171	Asbestos - Rieveschl Hall	\$	298,057	7246
CAP-173	Surface Engineering	\$	69,428	7247
CAP-174	Classroom/Teaching Lab Renovations	\$	55,965	7248
CAP-176	Network Expansion	\$	19,000	7249
CAP-177	Critical Building Component Renovations	\$	422,700	7250
CAP-179	Rieveschl Rehabilitation	\$	27,240	7251
CAP-180	Rapid Prototype Process	\$	72,043	7252
CAP-182	Elevator - Critical Building Components	\$	33,271	7253
CAP-187	MSB Small Group Learning Spaces	\$	1,125	7254
CAP-188	HPB/Wherry Service Entrances	\$	24,454	7255
CAP-193	Nano Particles	\$	1,103	7256
CAP-194	Transgenic Core Capacity	\$	1,633	7257
CAP-195	Thin Film Analysis	\$	110,452	7258
CAP-196	Electronic Reconstruction	\$	1,784	7259
CAP-197	Med Center Technology	\$	1,546	7260
CAP-198	TC/Dyer Rehabilitation Phase 1A	\$	8,532	7261
CAP-200	Braustein Rehabilitation Phase 1	\$	301	7262
CAP-201	WC Faculty Media Center	\$	7,275	7263
CAP-202	Baldwin Hall Rehabilitation - Phase I	\$	8,360	7264

CAP-203	Zimmer Plaza & Auditorium Rehabilitation	\$	5,919	7265
CAP-205	Medical Science Building Rehabilitation	\$	7,481,108	7266
CAP-206	One Stop Services Center	\$	1,221,776	7267
CAP-207	Central Campus Infrastructure	\$	327,727	7268
CAP-208	Security System Upgrade	\$	54,483	7269
CAP-209	Library Renovations	\$	900,500	7270
CAP-211	Cincinnati Symphony Facility	\$	500,000	7271
CAP-212	Roof Replacement - MSB Complex	\$	24,906	7272
CAP-218	Creation of a P3 Facility	\$	500	7273
CAP-223	Teachers College/Dyer Hall Rehabilitation Phase 2	\$	3,073,015	7274
CAP-224	Van Wormer Administrative Building Rehabilitation	\$	642,423	7275
CAP-226	Holocaust Archives at Hebron Union College	\$	250,000	7276
CAP-227	Old Chemistry Roof and Masonry	\$	99,049	7277
CAP-228	Medical Science Building Level G, 1 & 2 Lab Upgrades	\$	2,117	7278
CAP-232	Expression Technology	\$	52,979	7279
CAP-237	Biomedical Engineering	\$	231,816	7280
CAP-244	Pulse Detonation Engine	\$	140,050	7281
CAP-250	Student Services	\$	97,898	7282
CAP-251	Information Technology	\$	15,972	7283
CAP-252	Surgery Research Renovation Level G & 1	\$	3,566	7284
CAP-253	Electron Photo Reagents	\$	62,055	7285
CAP-254	Elevator Modernization - Sanders	\$	232,372	7286
CAP-257	Micro and Nano-materials Consortium	\$	160,000	7287
CAP-258	Genome Research	\$	176,439	7288
CAP-259	Ohio NMR Consortium	\$	114,500	7289
CAP-260	Environmental Technology Consortium	\$	50,000	7290
CAP-262	Central Campus Renovations	\$	8,442	7291
CAP-264	McMicken Window Replacement	\$	66,882	7292
CAP-265	Rieveschl/Crosley Rehab/Expansion	\$	285,633	7293

CAP-266	Muntz Rehab Phase 2	\$	77,623	7294
CAP-267	Muntz Classroom/Office Upgrades	\$	16,297	7295
CAP-269	Raymond Walters Veterinary College	\$	400,000	7296
CAP-270	CAS HVAC Upgrades	\$	294,680	7297
CAP-272	French West	\$	557	7298
CAP-273	Help Phones	\$	43,754	7299
CAP-276	Health Professionals Building G44E Renovation	\$	25,428	7300
CAP-277	Rieveschl 800 Lab Reloc.	\$	705,147	7301
CAP-278	Structural Biology	\$	500,000	7302
CAP-279	Developmental Neurobiology	\$	500,000	7303
CAP-283	College of Applied Science	\$	154,000	7304
CAP-284	Mechanistic Modeling Tools	\$	60,000	7305
CAP-285	Medical Science Building Library Computer Lab Renovation	\$	63,003	7306
CAP-286	CAS Fire Alarm Upgrade	\$	618,174	7307
CAP-287	Classroom Security System	\$	71,696	7308
CAP-288	Doped Electroluminescent Devices	\$	100,000	7309
CAP-289	Medical Science Building Data Electronic RM Walls	\$	29,965	7310
CAP-290	Mainframe Computing Alliance	\$	104,727	7311
CAP-291	Proteomics in the Post Genome Era	\$	1,000,000	7312
CAP-292	Nanoscale Hybrid Materials	\$	600,287	7313
CAP-293	Accelerated Maturation of Materials	\$	250,000	7314
CAP-294	Hydrogen Production & Storage	\$	206,000	7315
CAP-295	Edwards Corridors Tile	\$	26,801	7316
Total University of Cincinnati		\$	30,208,640	7317
BASIC RENOVATIONS				7318
The amount reappropriated for the foregoing appropriation				7319
item CAP-009, Basic Renovations, is the sum of the unencumbered				7320
and unallotted balance as of June 30, 2004, in appropriation item				7321
CAP-009, Basic Renovations, plus \$14,860.				7322

SCIENCE AND ALLIED HEALTH BUILDING - WALTERS 7323

The amount reappropriated for the foregoing appropriation 7324  
item CAP-128, Science and Allied Health Building - Walters, is the 7325  
sum of the unencumbered and unallotted balance as of June 30, 7326  
2004, in appropriation item CAP-128, Science and Allied Health 7327  
Building - Walters, plus \$81,931. 7328

CLASSROOM/TEACHING LAB RENOVATIONS 7329

The amount reappropriated for the foregoing appropriation 7330  
item CAP-174, Classroom/Teaching Lab Renovations, is the sum of 7331  
the unencumbered and unallotted balance as of June 30, 2004, in 7332  
appropriation item CAP-174, Classroom/Teaching Lab Renovations, 7333  
plus \$698. 7334

ELEVATOR - CRITICAL BUILDING COMPONENTS 7335

The amount reappropriated for the foregoing appropriation 7336  
item CAP-182, Elevator - Critical Building Components, is the sum 7337  
of the unencumbered and unallotted balance as of June 30, 2004, in 7338  
appropriation item CAP-182, Elevator - Critical Building 7339  
Components, plus \$45,048. 7340

MSB SMALL GROUP LEARNING SPACES 7341

The amount reappropriated for the foregoing appropriation 7342  
item CAP-187, MSB Small Group Learning Spaces, is the sum of the 7343  
unencumbered and unallotted balance as of June 30, 2004, in 7344  
appropriation item CAP-187, MSB Small Group Learning Spaces, plus 7345  
\$1,125. 7346

TC/DYER REHABILITATION PHASE 1A 7347

The amount reappropriated for the foregoing appropriation 7348  
item CAP-198, TC/DYER Rehabilitation Phase 1A, is the sum of the 7349  
unencumbered and unallotted balance as of June 30, 2004, in 7350  
appropriation item CAP-198, TC/DYER Rehabilitation Phase 1A, plus 7351  
\$2,406. 7352

BRAUSTEIN REHABILITATION PHASE 1	7353
The amount reappropriated for the foregoing appropriation	7354
item CAP-200, Braustein Rehabilitation Phase 1, is the sum of the	7355
unencumbered and unallotted balance as of June 30, 2004, in	7356
appropriation item CAP-200, Braustein Rehabilitation Phase 1, plus	7357
\$301.	7358
BALDWIN HALL REHABILITATION - PHASE 1	7359
The amount reappropriated for the foregoing appropriation	7360
item CAP-202, Baldwin Hall Rehabilitation - Phase 1, is the sum of	7361
the unencumbered and unallotted balance as of June 30, 2004, in	7362
appropriation item CAP-202, Baldwin Hall Rehabilitation - Phase 1,	7363
plus \$8,360.	7364
MEDICAL SCIENCE BUILDING REHABILITATION	7365
The amount reappropriated for the foregoing appropriation	7366
item CAP-205, Medical Science Building Rehabilitation, is the sum	7367
of the unencumbered and unallotted balance as of June 30, 2004, in	7368
appropriation item CAP-205, Medical Science Building	7369
Rehabilitation, plus \$274.	7370
ONE STOP SERVICES CENTER	7371
The amount reappropriated for the foregoing appropriation	7372
item CAP-206, One Stop Services Center, is the sum of the	7373
unencumbered and unallotted balance as of June 30, 2004, in	7374
appropriation item CAP-206, One Stop Services Center, plus \$1,260.	7375
CREATION OF A P3 FACILITY	7376
The amount reappropriated for the foregoing appropriation	7377
item CAP-218, Creation of a P3 Facility, is the sum of the	7378
unencumbered and unallotted balance as of June 30, 2004, in	7379
appropriation item CAP-218, Creation of a P3 Facility, plus \$500.	7380

	<b>Section 26.14. CLS CLEVELAND STATE UNIVERSITY</b>		7381
CAP-007	Stilwell Hall Completion	\$ 25,160	7382
CAP-023	Basic Renovations	\$ 4,173,262	7383
CAP-067	17th - 18th Street Block	\$ 164,026	7384
CAP-069	Great Lakes Museum for Science, Environment, and Technology	\$ 200,000	7385
CAP-088	Asbestos Abatement	\$ 1,636,687	7386
CAP-092	Handicapped Requirements	\$ 17,148	7387
CAP-101	Classroom Building Conversion	\$ 50,000	7388
CAP-109	Classroom Upgrade	\$ 533,031	7389
CAP-112	Land Acquisitions	\$ 16,803	7390
CAP-114	Geographic Information Systems	\$ 77,738	7391
CAP-117	Landscaping/Sidewalks/Stairs	\$ 29,350	7392
CAP-118	Structural Concrete Rehabilitation	\$ 36,893	7393
CAP-125	College of Education Building	\$ 9,386,384	7394
CAP-126	Electrical System Upgrades Phase 2	\$ 1,072,619	7395
CAP-127	Fire Alarm System Upgrade	\$ 400,000	7396
CAP-128	Property Acquisition	\$ 2,886,556	7397
CAP-130	WVIZ Technology Center	\$ 1,000,000	7398
CAP-135	Law Building Stair Renovation	\$ 6,669	7399
CAP-136	University Center HVAC Phase 1	\$ 3,843	7400
CAP-137	University Center Elevator Upgrades	\$ 26,545	7401
CAP-138	Student Services	\$ 142,174	7402
CAP-139	Landscape, Sidewalk Replacement	\$ 5,845	7403
CAP-142	Rhodes Tower Library Roof Replacement	\$ 1,170,372	7404
CAP-143	Cleveland Food Bank	\$ 500,000	7405
CAP-144	Rhodes Tower Plaza Renovation Phase 2	\$ 1,300,000	7406
CAP-145	Cleveland Manufactures Technology Complex	\$ 500,000	7407
CAP-146	Rhodes Tower Exterior Renovation	\$ 56,709	7408
	Total Cleveland State University	\$ 25,417,813	7409
	BASIC RENOVATIONS		7410



The amount reappropriated for the foregoing appropriation 7411  
item CAP-023, Basic Renovations, is the unencumbered and 7412  
unallotted balance as of June 30, 2004, in appropriation item 7413  
CAP-023, Basic Renovations, plus \$9,122. 7414

Reappropriations

<b>Section 26.15. KSU KENT STATE UNIVERSITY</b>			7415
CAP-022	Basic Renovations	\$ 4,061,411	7416
CAP-098	Trumbull Branch Addition	\$ 13,972	7417
CAP-105	Basic Renovations - East Liverpool	\$ 171,174	7418
CAP-106	Basic Renovations - Geauga	\$ 93,274	7419
CAP-107	Basic Renovations - Salem	\$ 178,129	7420
CAP-108	Basic Renovations - Stark	\$ 397,489	7421
CAP-110	Basic Renovations - Ashtabula	\$ 249,026	7422
CAP-111	Basic Renovations - Trumbull	\$ 618,878	7423
CAP-112	Basic Renovations - Tuscarawas	\$ 2,198	7424
CAP-122	Faculty Office Addition - Salem	\$ 12,072	7425
CAP-126	HVAC Renovations - Ashtabula	\$ 5,545	7426
CAP-128	Roof Renovations - Ashtabula	\$ 1,435	7427
CAP-137	LCI/Materials Science Building	\$ 24,730	7428
CAP-139	Science Building - Stark	\$ 54,890	7429
CAP-140	Road Improvements - Trumbull	\$ 12,282	7430
CAP-143	Liquid Crystals	\$ 450,884	7431
CAP-146	Williams Hall Medium Voltage	\$ 13,816	7432
CAP-154	Separation Science	\$ 1,497	7433
CAP-156	Boiler Plant Controls and Building Alterations	\$ 36,932	7434
CAP-157	Moulton Hall Rehabilitation	\$ 30,772	7435
CAP-159	Electrical Substation/Fiber Optic Network	\$ 51,993	7436
CAP-161	Addition to Cunningham Hall	\$ 80,149	7437
CAP-162	Science and Technology Building - Trumbull	\$ 125,374	7438

CAP-164	ADA Modifications - Ashtabula	\$	6,772	7439
CAP-166	ADA Modifications - Geauga	\$	440	7440
CAP-167	ADA Modifications - Salem	\$	5,312	7441
CAP-168	ADA Modifications - Stark	\$	620	7442
CAP-173	Child Care Facility	\$	18,650	7443
CAP-176	Midway Drive Utilities Tunnel - II	\$	100,087	7444
CAP-177	Corporate Education and Conference Center, Phase 2 Stark	\$	28,556	7445
CAP-179	New Power Plant	\$	125,445	7446
CAP-184	Distributed Computation/Visualization	\$	33,833	7447
CAP-188	Child Care Funds - East Liverpool	\$	90,000	7448
CAP-189	Child Care Funds - Tuscarawas	\$	19,847	7449
CAP-190	Child Care Funds - Ashtabula	\$	12,500	7450
CAP-194	Child Care - Salem	\$	100,000	7451
CAP-195	Child Care - Geauga	\$	20,666	7452
CAP-196	Technology Improvements - Ashtabula	\$	282,331	7453
CAP-197	Technology Improvements - Geauga	\$	6,044	7454
CAP-198	Technology Improvements - Salem	\$	5,648	7455
CAP-199	Technology Improvements - Trumbull	\$	72,860	7456
CAP-200	Technology Improvements - Tuscarawas	\$	18,638	7457
CAP-202	Utility Tunnel Upgrade	\$	133,929	7458
CAP-206	Child Care Facility	\$	2,637	7459
CAP-207	Kent Hall Planning and Addition	\$	1,650,674	7460
CAP-210	Rooftop Air Handler	\$	600	7461
CAP-212	Technology Building and Parking	\$	1,700,333	7462
CAP-213	Electric Distribution Renovation	\$	36,396	7463
CAP-214	Stark Selective Interior Renovation	\$	10,549	7464
CAP-218	Henderson Hall Roof Replace/Masonry	\$	56,385	7465
CAP-219	Campus Electrical Infrastructure Improvements	\$	22,181	7466
CAP-220	Campus Steam System Evaluation & Upgrade	\$	297,556	7467
CAP-221	Organic Semiconductor Facility	\$	60,000	7468
CAP-225	MPA Based Template	\$	15,078	7469

CAP-227	3D Microscopy Imaging	\$	287,100	7470
CAP-228	Exterior Site Improvements	\$	2,159	7471
CAP-231	Organic Semiconductor Consortium	\$	52,863	7472
CAP-232	Ohio NMR Consortium	\$	80,800	7473
CAP-233	Environmental Technology Consortium	\$	56,850	7474
CAP-234	Terrace Drive Heating Plant Rehabilitation I	\$	2,254,722	7475
CAP-235	Rehabilitation of Franklin Hall - Planning	\$	1,815,000	7476
CAP-237	Classroom Building Interior Renovation - Tuscarawas	\$	1,015,746	7477
CAP-238	Roof Replacement, Classroom Building	\$	169,002	7478
CAP-239	Classroom Building Roof, Coping, Fascia Restoration	\$	581,919	7479
CAP-240	Roadway Parking Lot Improvements Phase 1	\$	250,000	7480
CAP-241	Main Hall Selective Interior Renovations - Phase 1	\$	146,547	7481
CAP-243	Classroom Building Interior Renovations - East Liverpool	\$	804,594	7482
CAP-244	Fine Arts Building Addition	\$	1,300,000	7483
CAP-245	Rockwell Hall Sprinkler System	\$	1,018	7484
CAP-246	Tuscarawas Wing C Penthouse Roof Replacement	\$	83,745	7485
CAP-248	Mary Patterson Building Boiler Replacement	\$	119,631	7486
CAP-250	Rockwell Hall Tunnel Waterproofing	\$	16,707	7487
CAP-251	Hydrogen Production & Storage	\$	185,000	7488
CAP-252	Ohio Organic Semiconductor	\$	250,000	7489
Total Kent State University		\$	21,095,892	7490
BOILER PLANT CONTROLS AND BUILDING ALTERATIONS				7491
The amount reappropriated for the foregoing appropriation				7492
item CAP-156, Boiler Plant Controls and Building Alterations, is				7493

the unencumbered and unallotted balance as of June 30, 2004, in 7494  
 appropriation item CAP-156, Boiler Plant Controls and Building 7495  
 Alterations, plus \$6,738. 7496

ELECTRICAL SUBSTATION/FIBER OPTIC NETWORK 7497

The amount reappropriated for the foregoing appropriation 7498  
 item CAP-159, Electrical Substation/Fiber Optic Network, is the 7499  
 unencumbered and unallotted balance as of June 30, 2004, in 7500  
 appropriation item CAP-159, Electrical Substation/Fiber Optic 7501  
 Network, plus \$6,526. 7502

MIDWAY DRIVE UTILITIES TUNNEL - II 7503

The amount reappropriated for the foregoing appropriation 7504  
 item CAP-176, Midway Drive Utilities Tunnel - II, is the 7505  
 unencumbered and unallotted balance as of June 30, 2004, in 7506  
 appropriation item CAP-176, Midway Drive Utilities Tunnel - II, 7507  
 plus \$1,522. 7508

Reappropriations

**Section 26.16. MUN MIAMI UNIVERSITY 7509**

CAP-018	Basic Renovations	\$	4,352,129	7510
CAP-064	Land Restoration - Hamilton	\$	11,466	7511
CAP-066	Basic Renovations - Hamilton	\$	438,175	7512
CAP-069	Basic Renovations - Middletown	\$	552,927	7513
CAP-070	Chilled Water System	\$	358,075	7514
CAP-072	Hiestand Hall Renovations	\$	782	7515
CAP-081	Cooperative Regional Library Depository	\$	2,546	7516
	SW			
CAP-083	Campus Avenue Building Renovation	\$	43,612	7517
CAP-085	Alumni Hall Rehabilitation - Phase I	\$	972	7518
CAP-088	Hoyt Hall Rehabilitation	\$	7,785	7519
CAP-089	High Voltage Electric	\$	735,266	7520
CAP-092	Science Building - Middletown	\$	271,261	7521
CAP-096	McGuffey Hall Rehabilitation	\$	137,677	7522

CAP-098	Computer Network Installation	\$	23,259	7523
CAP-099	King Library Rehabilitation	\$	3,001,865	7524
CAP-101	ADA Modifications	\$	963	7525
CAP-102	ADA Modifications - Hamilton	\$	686	7526
CAP-103	ADA Modifications - Middletown	\$	2,798	7527
CAP-105	Plant Response/Environmental Stress	\$	72,641	7528
CAP-107	Gas Phase Chemistry of Ions	\$	34,740	7529
CAP-109	Molecular Microbial Biology	\$	67,500	7530
CAP-110	Micromachining Technology	\$	510,553	7531
CAP-111	Roudebush Hall Rehabilitation	\$	291,058	7532
CAP-112	Chilled Water Loop Phase I - Hamilton	\$	45,291	7533
CAP-113	Special Academic/Administrative Projects - Hamilton	\$	508,381	7534
CAP-114	Chilled Water Loop Phase I - Middletown	\$	47,553	7535
CAP-115	Special Academic/Administrative Projects - Middletown	\$	1,607,518	7536
CAP-116	Hughes Hall Rehabilitation - Phase 2	\$	15,008	7537
CAP-117	North Campus Refrigeration/Chilled Water	\$	26,698	7538
CAP-120	Cole Service Building Addition	\$	15,206	7539
CAP-121	Southwestern Book Depository	\$	178,821	7540
CAP-123	Phillips Hall Rehabilitation	\$	86,743	7541
CAP-126	Collaboration to Improve Learning	\$	28,516	7542
CAP-127	Campus Steam Distribution - Phase I	\$	850,000	7543
CAP-129	Steam Plant Electrostatic Precipitator	\$	6,699	7544
CAP-130	MacMillan Rehabilitation/Multicultural Center	\$	32,919	7545
CAP-131	Miami University Learning Center	\$	1,001,515	7546
CAP-132	Mass Spectrum Consortium	\$	21,413	7547
CAP-133	Single Crystal X-Ray Diffractometer	\$	70,144	7548
CAP-134	Thermal Ionization Mass Spectrometer	\$	147,481	7549
CAP-135	NMR Spectrometer	\$	159,654	7550
CAP-139	Ohio NMR Consortium	\$	193,000	7551
CAP-140	Environmental Technology Consortium	\$	50,000	7552

CAP-141	385 Peck Boulevard	\$	1,068,019	7553
CAP-142	Engineering and Applied Science Facility	\$	500,000	7554
CAP-143	Warfield Hall Rehabilitation	\$	250,000	7555
CAP-145	Campus Chilled Water Efficiency	\$	339,109	7556
CAP-146	Information Technology System Upgrade	\$	811,969	7557
CAP-147	Central Campus Water and Sewer Improvement	\$	350,000	7558
CAP-149	Parrish Auditorium Rehabilitation	\$	700,000	7559
CAP-150	Student and Community Center	\$	1,120	7560
Total Miami University		\$	20,031,513	7561

Reappropriations

<b>Section 26.17. OSU OHIO STATE UNIVERSITY</b>				7563
CAP-074	Basic Renovations	\$	21,755,353	7564
CAP-149	Basic Renovations - Regional Campuses	\$	1,586,910	7565
CAP-198	Brown Hall Annex Replacement	\$	6,213	7566
CAP-216	Evans Lab Addition	\$	92,250	7567
CAP-217	Library Book Warehouse	\$	14,721	7568
CAP-219	Supplemental Renovations	\$	101,419	7569
CAP-254	Basic Renovations - ATI	\$	184,610	7570
CAP-255	Supplemental Renovations - OARDC	\$	1,408,980	7571
CAP-256	Supplemental Renovations - Regional	\$	191,955	7572
CAP-258	Dreese Lab Addition	\$	283,941	7573
CAP-259	Mendenhall Lab Rehabilitation	\$	20,690	7574
CAP-261	Bioscience/Parks Hall Addition	\$	12,584	7575
CAP-268	Horse/Farm Management Facility - ATI	\$	5,417	7576
CAP-269	Greenhouse Modernization	\$	40,982	7577
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$	15,425	7578
CAP-273	Retrovirus Research Center	\$	3,554	7579
CAP-274	OARDC Thorne & Gourley Halls	\$	20,955	7580
CAP-292	Life Sciences Research Building	\$	218,170	7581
CAP-293	College of Business Facilities	\$	134,074	7582

CAP-294	Stillman Hall Addition	\$	58,779	7583
CAP-295	Poultry Science Facility	\$	2,888	7584
CAP-297	Library/Classroom Building - Marion	\$	572	7585
CAP-302	Food Science & Technology Building	\$	92,743	7586
CAP-304	Conference Center - OARDC/ATI	\$	23,350	7587
CAP-306	Heart & Lung Institute	\$	32,437	7588
CAP-311	Superconducting Radiation	\$	65,094	7589
CAP-313	Brain Tumor Research Center	\$	6,001	7590
CAP-314	Engineering Center Net Shape Manufacturing	\$	20,730	7591
CAP-315	Membrane Protein Typology	\$	8,835	7592
CAP-316	Instructional and Data Processing Equipment	\$	200,806	7593
CAP-321	Fine Particle Technologies	\$	159,363	7594
CAP-323	Advanced Plasma Engineering	\$	22,379	7595
CAP-324	Plasma Ramparts	\$	1,150	7596
CAP-326	IN-SITU AL-BE Composites	\$	1,733	7597
CAP-331	Cunz Hall - Partial 2nd Floor Renovation	\$	7,286	7598
CAP-333	Larkins Hall - Roof Replacement Phase III	\$	84,795	7599
CAP-334	Center for Automotive Research	\$	3,445	7600
CAP-335	Jay Cooke Residence - Roof and Windows	\$	86,668	7601
CAP-339	Poultry Science Lab Remodeling	\$	213	7602
CAP-347	Asbestos Abatement	\$	5,724	7603
CAP-349	Materials Network	\$	56,025	7604
CAP-350	Bio-Technology Consortium	\$	42,378	7605
CAP-352	Analytical Electron Microscope	\$	375,000	7606
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	7607
CAP-356	Pesticide Storage/Disposal Buildings	\$	606	7608
CAP-357	Supplemental Renovations - ATI	\$	33,969	7609
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	7610
CAP-362	McPherson Lab Rehabilitation	\$	169,056	7611

CAP-368	Heart and Lung Institute	\$	101,808	7612
CAP-372	Veterinary Hospital - Animal Isolation	\$	200	7613
CAP-374	ADA Modifications	\$	141,183	7614
CAP-375	ADA Modifications - ATI	\$	41,936	7615
CAP-376	ADA Modifications - Lima	\$	95,538	7616
CAP-377	ADA Modifications - Mansfield	\$	15,253	7617
CAP-379	ADA Modifications - Newark	\$	7,732	7618
CAP-387	Titanium Alloys	\$	54,912	7619
CAP-391	Haskett/Hopkins Halls Renovations	\$	7,312	7620
CAP-394	ATI/OARDC Roof Replacements	\$	13,913	7621
CAP-398	Advanced Manufacturing	\$	38,579	7622
CAP-399	Manufacturing Processes/Materials	\$	62,574	7623
CAP-401	Terhertz Studies	\$	35,294	7624
CAP-402	Caldwell Laboratory Remodeling	\$	37,839	7625
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	7626
CAP-407	Dulles Chilled Water	\$	2,095	7627
CAP-411	Campus Grounds - Lights Phase 4	\$	7,018	7628
CAP-412	Hitchcock Hall HVAC Upgrades	\$	10,392	7629
CAP-413	Pomerene Lighting/Wiring	\$	235,300	7630
CAP-414	Postle Hall Roof Replacement	\$	2,332	7631
CAP-419	NMR Consortium	\$	75,116	7632
CAP-420	Versatile Film Facility	\$	72,894	7633
CAP-421	OCARNET	\$	5,916	7634
CAP-422	Bioprocessing Research	\$	90,252	7635
CAP-423	Localized Corrosion Research	\$	6,128	7636
CAP-424	ATM Testbed	\$	3,633	7637
CAP-425	Physical Sciences Building	\$	2,653,195	7638
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	730,742	7639
CAP-428	Capital Equipment - OARDC	\$	2,510	7640
CAP-430	Hagerty Hall Rehabilitation	\$	89,231	7641
CAP-431	Sisson Hall Replacement	\$	5,571	7642
CAP-434	Ramseyer Hall Roof Renovations	\$	19,700	7643



CAP-436	Machinery Acoustics	\$	3,804	7644
CAP-439	Sensors and Measurements	\$	15,115	7645
CAP-440	Polymer Magnets	\$	1,099	7646
CAP-443	ADA Modifications - Elevator/Handrails	\$	45,426	7647
CAP-444	Larkins Hall HVAC System Upgrade	\$	3,500	7648
CAP-445	Starling Loving Hall A Wing - HVAC	\$	367	7649
CAP-449	Bolz Hall Roof Replacement	\$	64,180	7650
CAP-450	Campus Grounds Exterior Lighting, Phase 5	\$	5,748	7651
CAP-453	Evans Lab Chiller Replacement	\$	5,647	7652
CAP-454	Utilities Upgrade Lighting Retrofit	\$	11,575	7653
CAP-458	A1 Alloy Corrosion	\$	14,292	7654
CAP-464	Main Library HVAC Renovations	\$	6,711	7655
CAP-465	Veterinary Hospital Chiller Replacement	\$	35,668	7656
CAP-466	ARPS Hall Chiller Replacement	\$	6,323	7657
CAP-468	Larkins Hall Window Replacements	\$	11,295	7658
CAP-471	Newton Hall Renovations	\$	2,134	7659
CAP-472	OSHA Safety Devices	\$	3,426	7660
CAP-476	Mount Hall Lecture Hall	\$	1,559	7661
CAP-479	ADA Compliant Restrooms 1997	\$	1,906	7662
CAP-480	Campbell Hall Public Space	\$	102,104	7663
CAP-481	OSHA Ventilation - Bio Science	\$	9,162	7664
CAP-484	Page Hall Planning	\$	179,557	7665
CAP-485	Botany & Zoology Building Planning	\$	20,803,345	7666
CAP-487	Robinson Laboratory Planning	\$	20,000,000	7667
CAP-488	Don Scott Field Replacement Barns	\$	24,889	7668
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	367,657	7669
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	7670
CAP-492	OARDC Feed Mill	\$	5,800,000	7671
CAP-496	1314 Kinnear Road Building Improvement	\$	3,370	7672
CAP-497	Book Depository	\$	8,262	7673
CAP-498	Curl Drive Mill & Overlay	\$	28,830	7674
CAP-499	Biological Sciences Cooling Tower	\$	6,930	7675

CAP-500	Campus Buildings - Emergency Lighting	\$	25,258	7676
CAP-504	Fontana Lab - Chiller Replacement	\$	12,210	7677
CAP-505	Main Library HVAC Upgrade	\$	1,000	7678
CAP-507	Utilities High Voltage Electric	\$	216,544	7679
CAP-509	Mount Hall HVAC Modifications	\$	40,982	7680
CAP-510	Derby Hall Roof Replacement	\$	67,415	7681
CAP-512	Main Library Roof Replacement	\$	1,316	7682
CAP-513	Main Library Carpeting	\$	8,352	7683
CAP-517	Vet Hospital Roof Replacement	\$	36,185	7684
CAP-518	French Field House Glass Replacement	\$	57,625	7685
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	70,797	7686
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	7687
CAP-521	Ohio Center for Wetland & River Restoration	\$	4,919	7688
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	499,010	7689
CAP-524	Bone & Mineral Metabolism Research Lab	\$	17,730	7690
CAP-526	Koffolt/Fontana Roof Replacement	\$	81,281	7691
CAP-530	OSHA Fume Hood Monitors Phase I	\$	27,033	7692
CAP-531	Animal & Plant Biology Level 3	\$	3,303,062	7693
CAP-532	Food, AG, and Environmental Sciences	\$	1,500,000	7694
CAP-534	Main Library Rehabilitation	\$	1,693,806	7695
CAP-535	Psychology Building	\$	13,517,273	7696
CAP-536	Thorne Hall and Gowley Hall Renovations, Phase 3	\$	3,895,974	7697
CAP-539	Nanosecond Infrared Measurement	\$	2,588	7698
CAP-544	Cockins Hall Math & Statistics	\$	59,371	7699
CAP-546	Nanometer Scale Auger Electron	\$	34	7700
CAP-549	Caldwell Asbestos Abatement	\$	193,947	7701
CAP-552	X-Ray Powder Diffractometer	\$	558	7702

CAP-554	Deconvolution Microscope	\$	1,097	7703
CAP-556	Heart/Lung Inst Animal Facility	\$	442,855	7704
CAP-557	Pomerene Hall Renovation	\$	10,546	7705
CAP-558	Campus Lighting Phase VII	\$	2,356	7706
CAP-560	Campus Grounds - Woody Hayes Drive Rebuild	\$	343,351	7707
CAP-561	Campus Grounds Street Rebuild	\$	13,767	7708
CAP-564	Denney Hall Renovation Phase I	\$	18,538	7709
CAP-565	Ion Mass Spectrometry	\$	7,556	7710
CAP-566	Accelerated Maturation of Materials	\$	31,231	7711
CAP-568	Role of Molecular Interfaces	\$	26,304	7712
CAP-569	McCracken Steam Turbine Vibration Monitoring	\$	50,926	7713
CAP-570	Celeste Laboratory HVAC Modifications	\$	396,848	7714
CAP-571	Electron and Ion Optical Characterization of Materials	\$	10,164	7715
CAP-572	New Millimeter Spectrometer	\$	11,962	7716
CAP-573	Noncredit Job Training - Mansfield	\$	46,640	7717
CAP-574	Noncredit Job Training - Marion	\$	6,644	7718
CAP-575	Multi Object Double Spectrograph	\$	132,981	7719
CAP-576	1224 Kinnear Road - Bale	\$	41,520	7720
CAP-577	Non-Silicon Micromachining	\$	73,991	7721
CAP-579	Veterinary Hospital Auditorium Renovation	\$	60,196	7722
CAP-580	Bevis Hall Roof Replacement	\$	38,366	7723
CAP-582	Hayes Hall Roof Replacement	\$	21,269	7724
CAP-583	Rightmire Hall Roof Replacement	\$	14,233	7725
CAP-584	Starling-Loving Hall Renovation	\$	35,179	7726
CAP-585	Marion Campus - Student Services	\$	35,654	7727
CAP-586	Electroscience Lab Renovation	\$	731,500	7728
CAP-587	OARDC Boiler Replacement	\$	1,173,042	7729
CAP-588	Graves Hall Roof Replacement	\$	76,594	7730
CAP-590	Supercomputer Center Expansion	\$	9,922,376	7731

CAP-591	Mansfield Parking Lot Resurfacing/Striping	\$	146,794	7732
CAP-592	Oval Restoration 2001	\$	1,390,350	7733
CAP-594	Forging Technologies	\$	115,539	7734
CAP-596	Information Literacy	\$	273,779	7735
CAP-597	Online Business Major	\$	119,351	7736
CAP-598	Child Care Facility	\$	125,000	7737
CAP-599	Renovation of Graves Hall	\$	271,876	7738
CAP-600	ATI Shisler Center Courtyard	\$	7,381	7739
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	7740
CAP-604	Extramural Research Facilities	\$	1,000,000	7741
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	1,302,420	7742
CAP-607	Springback of Aluminum Alloys	\$	10,612	7743
CAP-608	Dual Beam Characterization	\$	150,000	7744
CAP-609	Precision Navigation System	\$	2,696	7745
CAP-613	Organic Semiconductor Consortium	\$	224,911	7746
CAP-616	Environmental Technology Consortium	\$	50,000	7747
CAP-617	Campbell, University, and Evans Hall	\$	1,546,496	7748
CAP-618	Laboratory Animal Facility	\$	6,700,000	7749
CAP-619	Fry Hall Building Addition	\$	3,600,000	7750
CAP-620	School of Music - Planning	\$	250,000	7751
CAP-622	Western Branch Headquarters & Machinery Building	\$	850,000	7752
CAP-623	Piketon Training & Development Center	\$	900,000	7753
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	825,000	7754
CAP-626	Agr/Engineering Building Renovation & Addition	\$	200,000	7755
CAP-628	Wood County Center for Agriculture	\$	1,000,000	7756
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	7757
CAP-631	Health Psychology	\$	250,000	7758
CAP-632	Nanotechnology Molecular Assembly	\$	500,000	7759
CAP-633	Networking and Communication	\$	500,000	7760

CAP-634	Planetary Gear	\$	125,000	7761
CAP-635	X-Ray Fluorescence Spectrometer	\$	60,000	7762
CAP-636	Precision Navigation	\$	85,000	7763
CAP-637	Welding & Metal Working	\$	200,000	7764
CAP-638	Spin Driven Electronics	\$	78,841	7765
CAP-639	Inductively Coupled Plasma Etching	\$	139,661	7766
CAP-641	Accelerated Metals	\$	1,100,000	7767
CAP-642	Mathematical Biosciences Institute	\$	100,000	7768
CAP-645	Lincoln Morrill Tower Walkway	\$	611,100	7769
CAP-646	Mershon Auditorium HVAC System Improvements	\$	456,250	7770
CAP-647	Molecular Microdevices	\$	200,000	7771
CAP-648	Research Center HVAC System Improvements	\$	163,485	7772
CAP-649	Infrared Absorption Measurements	\$	187,500	7773
CAP-650	Dark Fiber	\$	5,000,000	7774
CAP-651	Shared Data Backup System	\$	252,560	7775
CAP-652	Mainframe Computing Alliance	\$	40,650	7776
CAP-653	Third Frontier Network Testbed	\$	1,029,988	7777
CAP-654	Distributed Learning Workshop	\$	750,000	7778
CAP-655	Nanoscale Patterning Consortium	\$	1,868,997	7779
CAP-656	Accelerated Maturation of Materials	\$	1,650,000	7780
CAP-657	Nanoscale Polymers Manufacturing	\$	1,762,500	7781
CAP-658	Hydrogen Production and Storage	\$	440,000	7782
CAP-659	Ohio Organic Semiconductor	\$	500,000	7783
CAP-660	Macromolecular Crystallography	\$	240,000	7784
CAP-680	Cleveland Botanical Gardens	\$	2,500,000	7785
Total Ohio State University		\$	163,205,353	7786
ANIMAL AND PLANT BIOLOGY LEVEL 3				7787
The amount reappropriated for the foregoing appropriation				7788
item CAP-531, Animal and Plant Biology Level 3, shall be				7789
\$3,303,062.				7790

Section 26.18. OHU OHIO UNIVERSITY			7791
CAP-020	Basic Renovations	\$ 5,116,698	7792
CAP-021	Conservancy District Assessment	\$ 8,807	7793
CAP-086	Memorial Auditorium Rehabilitation	\$ 10,013	7794
CAP-094	Bentley Hall Renovation	\$ 111,333	7795
CAP-095	Basic Renovations - Eastern	\$ 520,810	7796
CAP-098	Basic Renovations - Lancaster	\$ 267,010	7797
CAP-099	Basic Renovations - Zanesville	\$ 244,601	7798
CAP-113	Basic Renovations - Chillicothe	\$ 299,716	7799
CAP-114	Basic Renovations - Ironton	\$ 301,350	7800
CAP-115	Bennett Hall HVAC/Lab - Chillicothe	\$ 997,950	7801
CAP-116	Copeland Hall Rehabilitation	\$ 3,881	7802
CAP-117	Porter Hall Rehabilitation	\$ 26,531	7803
CAP-119	Biomedical Research Center	\$ 21,374	7804
CAP-120	Ridges Auditorium Rehabilitation	\$ 1,177	7805
CAP-136	Gymnasium Development - Eastern	\$ 97,734	7806
CAP-137	Classroom Building - Ironton	\$ 6,025	7807
CAP-141	College of Health and Human Services	\$ 74,963	7808
CAP-142	Health Professions Labs Phase I	\$ 33,308	7809
CAP-145	Asbestos Abatement	\$ 27,136	7810
CAP-148	RTVC Building Asbestos Abatement	\$ 1,037	7811
CAP-149	Electrical Distribution System	\$ 1,490	7812
CAP-152	Gordy Hall Addition and Rehabilitation	\$ 21,464	7813
CAP-155	Brasee Hall Rehabilitation - Lancaster	\$ 1,072,411	7814
CAP-157	ADA Modifications	\$ 67,665	7815
CAP-160	ADA Modifications - Ironton	\$ 9,113	7816
CAP-161	ADA Modifications - Lancaster	\$ 20,345	7817
CAP-164	Southeast Library Warehouse	\$ 251,254	7818
CAP-169	Elevator Improvements Phase III	\$ 95,345	7819
CAP-172	Elson Hall Rehabilitation - Zanesville	\$ 1,080,130	7820
CAP-183	Central Classroom Building	\$ 298,040	7821
CAP-184	Utilities to Scripps Hall	\$ 211	7822
CAP-186	Ellis Hall Partial Renovation	\$ 7,080	7823

CAP-187	Technology Center Planning - Ironton	\$	1,292	7824
CAP-188	Technology Center Construction - Ironton	\$	5,331	7825
CAP-189	Conference Center Planning - Lancaster	\$	500,358	7826
CAP-190	Center for Public Policy	\$	29,589	7827
CAP-191	District Water Cooling	\$	17,029	7828
CAP-192	Plant and Microbe Functional Genomics	\$	38,358	7829
	Facilities			
CAP-199	Bently Hall Phase I	\$	36,100	7830
CAP-200	Building Acquisition/Renovation - Eastern	\$	373,182	7831
CAP-202	Putnam Hall Rehabilitation	\$	258,523	7832
CAP-203	Supplemental Renovations	\$	309,937	7833
CAP-205	Noncredit Job Training	\$	731,000	7834
CAP-206	Human Resources Training Center	\$	1,116	7835
CAP-208	Student Services	\$	33,238	7836
CAP-209	Creativity Through Technology	\$	338,520	7837
CAP-211	Ohio NMR Consortium	\$	80,800	7838
CAP-212	Exterior Site Improvement	\$	248,065	7839
CAP-213	Daycare Center	\$	447,950	7840
CAP-214	Science/Fine Arts Renovation Phase 2	\$	725,213	7841
CAP-215	Land-Use Plan/Future Development	\$	30,000	7842
CAP-219	Mainframe Computing Alliance	\$	10,000	7843
CAP-220	Nanoscale Patterning Consortium	\$	131,003	7844
Total Ohio University		\$	15,442,606	7845

BASIC RENOVATIONS 7846

The amount reappropriated for the foregoing appropriation 7847  
item CAP-020, Basic Renovations, is the unencumbered and 7848  
unallotted balance as of June 30, 2004, in appropriation item 7849  
CAP-020, Basic Renovations, plus \$42,454. 7850

BASIC RENOVATIONS - LANCASTER 7851

The amount reappropriated for the foregoing appropriation 7852  
item CAP-098, Basic Renovations - Lancaster, is the unencumbered 7853  
and unallotted balance as of June 30, 2004, in appropriation item 7854

CAP-098, Basic Renovations - Lancaster, plus \$441.	7855
BASIC RENOVATIONS - ZANESVILLE	7856
The amount reappropriated for the foregoing appropriation	7857
item CAP-099, Basic Renovations - Zanesville, is the unencumbered	7858
and unallotted balance as of June 30, 2004, in appropriation item	7859
CAP-099, Basic Renovations - Zanesville, plus \$1,333.	7860
BENNETT HALL HVAC/LAB - CHILLICOTHE	7861
The amount reappropriated for the foregoing appropriation	7862
item CAP-115, Bennett Hall HVAC/Lab - Chillicothe, is the	7863
unencumbered and unallotted balance as of June 30, 2004, in	7864
appropriation item CAP-115, Bennett Hall HVAC/Lab - Chillicothe,	7865
plus \$11,590.	7866
GYMNASIUM DEVELOPMENT - EASTERN	7867
The amount reappropriated for the foregoing appropriation	7868
item CAP-136, Gymnasium Development - Eastern, is the unencumbered	7869
and unallotted balance as of June 30, 2004, in appropriation item	7870
CAP-136, Gymnasium Development - Eastern, plus \$305.	7871
COLLEGE OF HEALTH AND HUMAN SERVICES	7872
The amount reappropriated for the foregoing appropriation	7873
item CAP-141, College of Health and Human Services, is the	7874
unencumbered and unallotted balance as of June 30, 2004, in	7875
appropriation item CAP-141, College of Health and Human Services,	7876
plus \$7,534.	7877
HEALTH PROFESSIONS LABS - PHASE I	7878
The amount reappropriated for the foregoing appropriation	7879
item CAP-142, Health Professions Labs Phase I, is the unencumbered	7880
and unallotted balance as of June 30, 2004, in appropriation item	7881
CAP-142, Health Professions Labs Phase I, plus \$33,308.	7882
GORDY HALL ADDITION AND REHABILITATION	7883



The amount reappropriated for the foregoing appropriation 7884  
item CAP-152, Gordy Hall Addition and Rehabilitation, is the 7885  
unencumbered and unallotted balance as of June 30, 2004, in 7886  
appropriation item CAP-152, Gordy Hall Addition and 7887  
Rehabilitation, plus \$940. 7888

BRASEE HALL REHABILITATION - LANCASTER 7889

The amount reappropriated for the foregoing appropriation 7890  
item CAP-155, Brasee Hall Rehabilitation - Lancaster, is the 7891  
unencumbered and unallotted balance as of June 30, 2004, in 7892  
appropriation item CAP-155, Brasee Hall Rehabilitation - 7893  
Lancaster, plus \$13,216. 7894

ELSON HALL REHABILITATION - ZANESVILLE 7895

The amount reappropriated for the foregoing appropriation 7896  
item CAP-172, Elson Hall Rehabilitation - Zanesville, is the 7897  
unencumbered and unallotted balance as of June 30, 2004, in 7898  
appropriation item CAP-172, Elson Hall Rehabilitation - 7899  
Zanesville, plus \$4,404. 7900

TECHNOLOGY CENTER PLANNING - IRONTON 7901

The amount reappropriated for the foregoing appropriation 7902  
item CAP-187, Technology Center Planning - Ironton, is the 7903  
unencumbered and unallotted balance as of June 30, 2004, in 7904  
appropriation item CAP-187, Technology Center Planning - Ironton, 7905  
plus \$1,292. 7906

TECHNOLOGY CENTER CONSTRUCTION - IRONTON 7907

The amount reappropriated for the foregoing appropriation 7908  
item CAP-188, Technology Center Construction - Ironton, is the 7909  
unencumbered and unallotted balance as of June 30, 2004, in 7910  
appropriation item CAP-188, Technology Center Construction - 7911  
Ironton, plus \$5,331. 7912

CENTER FOR PUBLIC POLICY 7913

The amount reappropriated for the foregoing appropriation 7914  
item CAP-190, Center for Public Policy, is the unencumbered and 7915  
unallotted balance as of June 30, 2004, in appropriation item 7916  
CAP-190, Center for Public Policy, plus \$23,891. 7917

DISTRICT WATER COOLING 7918

The amount reappropriated for the foregoing appropriation 7919  
item CAP-191, District Water Cooling, is the unencumbered and 7920  
unallotted balance as of June 30, 2004, in appropriation item 7921  
CAP-191, District Water Cooling, plus \$17,029. 7922

SUPPLEMENTAL RENOVATIONS 7923

The amount reappropriated for the foregoing appropriation 7924  
item CAP-203, Supplemental Renovations, is the unencumbered and 7925  
unallotted balance as of June 30, 2004, in appropriation item 7926  
CAP-203, Supplemental Renovations, plus \$6,621. 7927

HUMAN RESOURCES TRAINING CENTER 7928

The amount reappropriated for the foregoing appropriation 7929  
item CAP-206, Human Resources Training Center, is the unencumbered 7930  
and unallotted balance as of June 30, 2004, in appropriation item 7931  
CAP-206, Human Resources Training Center, plus \$1,116. 7932

Reappropriations

**Section 26.19. SSC SHAWNEE STATE UNIVERSITY 7933**

CAP-004	Basic Renovations	\$	1,468,735	7934
CAP-008	Massie Hall Renovation	\$	54,541	7935
CAP-010	Land Acquisition	\$	116,917	7936
CAP-016	Library Building	\$	10,777	7937
CAP-017	Math/Science Building	\$	17,061	7938
CAP-029	Fine Arts Class and Lab Building	\$	108,704	7939
CAP-030	Utilities and Landscaping	\$	4,679	7940
CAP-037	ADA Modifications	\$	53,188	7941
CAP-039	Central Heating Plant Replacement	\$	5,215	7942

CAP-040	Chiller Replacement	\$	12,054	7943
CAP-041	Kricker Hall Renovation	\$	1,932	7944
CAP-042	Sidewalk/Plaza Replacement	\$	250,276	7945
CAP-043	Communication/Data Upgrade	\$	23,079	7946
CAP-044	Land Acquisition	\$	343,830	7947
CAP-045	Rehabilitation of Health Sciences Building Phase I	\$	1,681,974	7948
CAP-046	Digital Infrastructure	\$	81,153	7949
CAP-047	Natatorium Rehabilitation	\$	450,000	7950
CAP-048	Facilities Building Renovation	\$	242,120	7951
Total Shawnee State University		\$	4,926,235	7952

Reappropriations

<b>Section 26.20. UTO UNIVERSITY OF TOLEDO</b>				7954
CAP-007	University Hall Renovation	\$	12,966	7955
CAP-010	Basic Renovations	\$	4,724,946	7956
CAP-025	Roof Renovations	\$	25,655	7957
CAP-062	Pharmacy, Chemical and Life Sciences Facility	\$	3,318	7958
CAP-071	Southwest Academic Center Rehabilitation	\$	12,321	7959
CAP-073	ADA Modifications	\$	6,452	7960
CAP-077	Tribology	\$	231,196	7961
CAP-083	Bowman-Oddy Rehabilitation Phase 2	\$	241,368	7962
CAP-091	Greenhouse Improvements	\$	11,675	7963
CAP-092	Plant and Microbe Functional Genomics Facilities	\$	42,587	7964
CAP-093	Distance Learning	\$	50,915	7965
CAP-094	Plant Operations Renovation	\$	450,000	7966
CAP-096	Health & Human Services Rehabilitation Phase I	\$	2,559,923	7967
CAP-097	Libbey Hall Rehabilitation	\$	275,000	7968
CAP-100	University Computer Center	\$	4,878	7969
CAP-105	Gillham Hall Rehabilitation	\$	9,522,871	7970

CAP-108	Roof Renovations/Scott Park	\$	12,508	7971
CAP-109	Student Services	\$	192,781	7972
CAP-110	Distributed Learning Courses	\$	94,996	7973
CAP-111	Scott Park Classroom Abatement	\$	418,139	7974
CAP-112	Campus Signage Improvements	\$	132,951	7975
CAP-113	Wind Tunnel Relocation	\$	16,370	7976
CAP-115	Palmer Hall - 3rd Floor Classroom Renovations	\$	2,200,000	7977
CAP-116	Bowman-Oddy-N Wing Renovations	\$	5,207,000	7978
CAP-117	Mainframe Computing Alliance	\$	61,277	7979
CAP-118	Macromolecular Crystallography	\$	941,600	7980
Total University of Toledo		\$	27,453,693	7981

Reappropriations

<b>Section 26.21. WSU WRIGHT STATE UNIVERSITY</b>				7983
CAP-015	Basic Renovations	\$	2,291,904	7984
CAP-064	Basic Renovations - Lake	\$	7,350	7985
CAP-071	New Academic Building	\$	8,881	7986
CAP-080	Library Access Consolidation System	\$	6,160,731	7987
CAP-084	ADA Modifications	\$	2,751	7988
CAP-093	Information Technology Center	\$	23,860	7989
CAP-102	Specialized Communication	\$	12,894	7990
CAP-103	Millett Hall Rehabilitation	\$	21,479	7991
CAP-113	Advanced Internet Utilization	\$	167,583	7992
CAP-114	Environmental Technology Consortium	\$	575,245	7993
CAP-115	Russ Engineering Expansion	\$	2,631,000	7994
CAP-116	Rike Hall Renovation - Planning	\$	200,000	7995
CAP-117	Electrical Infrastructure Phase 1	\$	1,956,600	7996
CAP-118	Campus Master Plan Phase V-A	\$	1,534,031	7997
CAP-119	Science Lab Renovations - Planning	\$	500,000	7998
CAP-120	Lake Campus University Center	\$	587,200	7999
CAP-122	Accelerated Maturation of Materials	\$	100,000	8000
Total Wright State University		\$	16,781,509	8001

BASIC RENOVATIONS 8002

The amount reappropriated for the foregoing appropriation 8003  
item CAP-015, Basic Renovations, is the unencumbered and 8004  
unallotted balance as of June 30, 2004, in appropriation items 8005  
CAP-015, Basic Renovations; CAP-094, Campus Services Building; and 8006  
CAP-098, Center/Hamilton/Physical Education Chiller, plus \$23,400. 8007

BASIC RENOVATIONS - LAKE 8008

The amount reappropriated for the foregoing appropriation 8009  
item CAP-064, Basic Renovations - Lake, is the sum of the 8010  
unencumbered and unallotted balance as of June 30, 2004, in 8011  
appropriation item CAP-064, Basic Renovations - Lake, plus \$7,350. 8012

LIBRARY ACCESS CONSOLIDATION SYSTEM 8013

The amount reappropriated for the foregoing appropriation 8014  
item CAP-080, Library Access Consolidation System, is the 8015  
unencumbered and unallotted balance as of June 30, 2004, in 8016  
appropriation item CAP-080, Library Access Consolidation System, 8017  
plus \$33,780. 8018

CAMPUS MASTER PLAN PHASE V-A 8019

The amount reappropriated for the foregoing appropriation 8020  
item CAP-118, Campus Master Plan Phase V-A, is the sum of the 8021  
unencumbered and unallotted balance as of June 30, 2004, in 8022  
appropriation items CAP-072, Access Circulation, CAP-104, Road and 8023  
Parking Lot Improvements, and CAP-118, Campus Master Plan Phase 8024  
V-A. 8025

Reappropriations

**Section 26.22. YSU YOUNGSTOWN STATE UNIVERSITY** 8026

CAP-014	Basic Renovations	\$	3,029,503	8027
CAP-027	Property Acquisition/Street Closures	\$	19,673	8028
CAP-040	Bliss Hall Rehabilitation - Final Phase	\$	49,029	8029
CAP-066	Asbestos Abatement	\$	48,279	8030

CAP-086	Instructional and Data Processing Equipment	\$	898,064	8031
CAP-099	Todd Hall Renovations	\$	151,979	8032
CAP-108	Electronic Campus Infrastructure/Technology	\$	1,553,708	8033
CAP-111	Fine Arts Distance Learning	\$	45,146	8034
CAP-112	Beeghly Center Rehabilitation	\$	229,765	8035
CAP-113	Campus Development	\$	929,396	8036
CAP-114	Chiller and Steamline Replacement Phase 3	\$	777,900	8037
CAP-117	Ward Beecher/HVAC Ugrade	\$	174,982	8038
CAP-120	Student Services	\$	61,545	8039
CAP-121	Administrative Technology Computer Systems Improvements	\$	1,500,000	8040
CAP-123	Campus Wide Electrical Upgrades	\$	1,000,000	8041
CAP-124	Classroom Updates	\$	800,000	8042
CAP-125	Campus Wide Building System Upgrades	\$	400,000	8043
CAP-127	Recreation and Wellness Center	\$	1,000,000	8044
Total Youngstown State University		\$	12,668,969	8045

Reappropriations

<b>Section 26.23. MCO MEDICAL COLLEGE OF OHIO</b>				8047
CAP-010	Basic Renovations	\$	123,787	8048
CAP-046	Instructional and Data Processing Equipment	\$	490,676	8049
CAP-048	Medical Informatics Data Highway	\$	6,803	8050
CAP-049	Center for Classrooms of the Future	\$	5,460	8051
CAP-053	ADA Modifications	\$	8,258	8052
CAP-062	Waterproofing	\$	3,381	8053
CAP-066	Core Research Facility	\$	2,193,940	8054
CAP-067	Student Services	\$	553	8055
CAP-072	Campus Substation Repairs	\$	5,317	8056
CAP-074	Mulford Library Roof	\$	1,740	8057

CAP-076	Supplemental Renovations	\$	16,306	8058
CAP-077	Academic Classroom Improvements	\$	400,000	8059
CAP-078	Clinical Academic Renovation	\$	700,000	8060
CAP-079	Campus Waterproofing	\$	41,500	8061
Total Medical College of Ohio		\$	3,997,721	8062

Reappropriations

**Section 26.24.** NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF MEDICINE 8064  
8065

CAP-018	Basic Renovations	\$	495,179	8066
CAP-022	Cooperating Regional Library Depository	\$	452,200	8067
CAP-034	ADA Modifications	\$	5,562	8068
CAP-036	Computer Services Networking	\$	398	8069
CAP-040	Campus Network Expansion	\$	1,223,974	8070
CAP-042	Outdoor Athletic Facilities	\$	6,158	8071
CAP-045	Renovation of Olson and Meshul Halls	\$	1,316,849	8072
CAP-046	HEI Data Reporting	\$	217,400	8073
CAP-047	Roof Renovations	\$	12,418	8074
Total Northeastern Ohio Universities College of Medicine		\$	3,730,138	8075

ROOF RENOVATIONS 8076

The amount reappropriated for the foregoing appropriation 8077  
item CAP-047, Roof Renovations, shall be \$12,418. 8078

**Section 26.25.** CWR CASE WESTERN RESERVE UNIVERSITY 8079

CAP-005	NE Ohio Biomedical Research Consortium	\$	33,750	8080
CAP-013	Ohio MEMSnet	\$	17,579	8081
CAP-016	Ohio Pharmacological Sciences Consortium	\$	9,892	8082
CAP-022	Developing and Improving Institutional Animal Resources	\$	64,144	8083
CAP-028	Ohio MicroMD: The Ohio BioMEMS Consortium on Medical Therapeutic	\$	11,002	8084

	Microdevices			
CAP-029	Consortium for Novel Microfabrication	\$	167,893	8085
	Methods of Mesoscale Devices in Non-Silicon Materials			
CAP-031	Research in Propulsion Systems for Future Vehicles	\$	180,161	8086
CAP-032	Center for Fire & Explosion Science & Technology	\$	31,978	8087
CAP-033	Acquisition of 900 MHz NMR Spectrometer	\$	1,400,000	8088
CAP-035	Construction of Near Field Optical Probe for Bioinspired Research & Education	\$	145,000	8089
CAP-036	Ohio Eminent Scholar for Fuel Cells	\$	500,000	8090
CAP-037	Mass Spectrometry Consortium for Materials and Medical Research	\$	155,000	8091
CAP-038	Ohio In-vivo Cellular and Molecular Imaging Consortium	\$	1,040,000	8092
CAP-039	Ohio Organic Semiconductor Consortium	\$	215,000	8093
CAP-040	Ohio NMR Consortium	\$	800,000	8094
CAP-041	Acquisition of a 600 MHz NMR Spectrometer Equipped with Cryoprobe	\$	250,000	8095
CAP-042	Nanoscale Hybrid Materials: Novel Synthesis, Characterization and Applications	\$	200,000	8096
CAP-043	Ohio Organic Semiconductor Consortium	\$	250,000	8097
	Total Case Western Reserve University	\$	5,471,399	8098

Reappropriations

	<b>Section 26.26. CTC CINCINNATI STATE TECHNICAL AND COMMUNITY</b>			8100
	COLLEGE			8101
CAP-008	Interior Renovations	\$	102,045	8102
CAP-013	Basic Renovations	\$	479,518	8103
CAP-016	Health Professions Building Planning	\$	1,468	8104
CAP-030	Student Life/Education Building	\$	3,707,269	8105



CAP-032	Child Care Facility	\$	89,715	8106
CAP-033	One Stop Shop Renovation	\$	547,860	8107
CAP-034	Rekeying of Main Campus	\$	365,160	8108
CAP-035	Install Kiosks	\$	150,450	8109
Total Cincinnati State Community College		\$	5,443,485	8110

Reappropriations

<b>Section 26.27. CLT CLARK STATE COMMUNITY COLLEGE</b>				8112
CAP-006	Basic Renovations	\$	703,692	8113
CAP-034	ADA Modifications	\$	28,451	8114
CAP-038	Future Health Professionals	\$	25,910	8115
CAP-039	Champaign Health and Education Center	\$	100,000	8116
CAP-040	Clark Health and Education Center	\$	50,000	8117
Total Clark State Community College		\$	908,053	8118

Reappropriations

<b>Section 26.28. CTI COLUMBUS STATE COMMUNITY COLLEGE</b>				8120
CAP-006	Basic Renovations	\$	1,286,530	8121
CAP-007	Land Acquisition	\$	936,000	8122
CAP-028	Instructional and Data Processing	\$	858,973	8123
	Equipment			
CAP-033	Child Care Facility	\$	89,510	8124
CAP-037	Academic Center "C"	\$	132,684	8125
CAP-040	Building "D" Planning	\$	22,283,398	8126
CAP-043	Building "E" Planning	\$	1,022,862	8127
Total Columbus State Community College		\$	26,609,957	8128

ACADEMIC CENTER "C" 8129

The amount reappropriated for the foregoing appropriation 8130  
item CAP-037, Academic Center "C", shall be the sum of the 8131  
unencumbered and unallotted balance as of June 30, 2004, in 8132  
appropriation item CAP-037, Academic Center "C", plus \$29,271. 8133

Reappropriations

<b>Section 26.29. CCC CUYAHOGA COMMUNITY COLLEGE</b>			8134
CAP-031	Basic Renovations	\$ 4,226,339	8135
CAP-064	Technology Learning Center - Western	\$ 57,818	8136
CAP-067	Plans Ops/Vehicle	\$ 63,336	8137
	Maintenance/Storage-Phase 1		
CAP-073	Noncredit Job Training	\$ 1,994	8138
CAP-076	Distance Learning	\$ 139,287	8139
CAP-079	Cleveland Art Museum - Improvements	\$ 5,000,000	8140
CAP-084	Literacy Initiative	\$ 202,020	8141
CAP-087	Center for Nursing and Health Careers	\$ 222,164	8142
CAP-088	Corporate College	\$ 500,000	8143
CAP-089	East I Renovations Phase 2 - Eastern	\$ 4,339,089	8144
CAP-090	Building A Expansion Module - Western	\$ 6,194,517	8145
Total Cuyahoga Community College		\$ 20,946,564	8146
BASIC RENOVATIONS			8147
The amount reappropriated for the foregoing appropriation			8148
item CAP-031, Basic Renovations, is the sum of the unencumbered			8149
and unallotted balance as of June 30, 2004, in appropriation items			8150
CAP-031, Basic Renovations, CAP-058, ADA Modifications, CAP-070,			8151
Interior/Exterior Signage Program, CAP-078, Humanities Building			8152
Renovations - Metro, CAP 080, UTC Curtainwall Modifications,			8153
CAP-081, Interior Courtyards Renovations, CAP-082, Carpet			8154
Replacement - Western, CAP-085, Expansion Joint Construction,			8155
CAP-086, Carpet Replacement - Western, plus \$15,884.			8156
TECHNOLOGY LEARNING CENTER			8157
The amount reappropriated for the foregoing appropriation			8158
item CAP-064, Technology Learning Center - Western, is the sum of			8159
the unencumbered and unallotted balance as of June 30, 2004, in			8160
appropriation item CAP-064, Technology Learning Center - Western,			8161
minus \$1,693,253.			8162
BUILDING A EXPANSION MODULE - WESTERN			8163

The amount reappropriated for the foregoing appropriation 8164  
item CAP-090, Building A Expansion Module - Western, is the sum of 8165  
the unencumbered and unallotted balance as of June 30, 2004, in 8166  
appropriation items CAP-066, Renovate/Create New Classrooms - 8167  
West, CAP-090, Building A Expansion Module - Western, plus 8168  
\$1,677,369. 8169

Reappropriations

<b>Section 26.30. ESC EDISON STATE COMMUNITY COLLEGE</b>			8170
CAP-006	Basic Renovations	\$ 427,272	8171
CAP-011	Roadway Construction	\$ 16,696	8172
CAP-014	Student Activities Area	\$ 13,398	8173
CAP-018	Master Plan Update	\$ 1,220	8174
CAP-021	Student Services	\$ 12,358	8175
Total Edison State Community College			\$ 470,944 8176

Reappropriations

<b>Section 26.31. JTC JEFFERSON COMMUNITY COLLEGE</b>			8178
CAP-022	Basic Renovations	\$ 630,584	8179
CAP-031	Law Enforcement/Engineering Lab Renovations	\$ 56,172	8180
CAP-033	ADA Modifications	\$ 19,598	8181
CAP-037	Electrical System Evaluation/Renovation	\$ 382,820	8182
CAP-038	Library Interior Renovation	\$ 259,020	8183
CAP-039	Lecture Hall Interior Renovation	\$ 175,325	8184
CAP-041	Campus Master Plan	\$ 189,442	8185
Total Jefferson Community College			\$ 1,712,961 8186

Reappropriations

<b>Section 26.32. LCC LAKELAND COMMUNITY COLLEGE</b>			8188
CAP-006	Basic Renovations	\$ 1,736,909	8189
CAP-034	Child Care Facility	\$ 1,197	8190
CAP-036	Noncredit Job Training	\$ 850,000	8191

CAP-037	Building East End Project	\$	985,000	8192
CAP-038	HVAC Upgrades/Rehabilitation	\$	1,000,000	8193
CAP-039	Main Gym Floor Renovation	\$	150,000	8194
CAP-040	Roadway and Drainage Improvements	\$	534,730	8195
CAP-043	Mooreland Educational Center Rehabilitation	\$	84,400	8196
Total Lakeland Community College		\$	5,342,236	8197

Reappropriations

**Section 26.33. LOR LORAIN COMMUNITY COLLEGE** 8199

CAP-005	Basic Renovations	\$	858,437	8200
CAP-041	Student Services	\$	388,000	8201
CAP-042	Virtual Lab Courses	\$	224,730	8202
Total Lorain Community College		\$	1,471,167	8203

Reappropriations

**Section 26.34. NTC NORTHWEST STATE COMMUNITY COLLEGE** 8205

CAP-003	Basic Renovations	\$	269,232	8206
CAP-010	Instructional and Data Processing Equipment	\$	118,215	8207
CAP-013	Classroom & Engineering Build	\$	9,917	8208
CAP-021	Services Facility	\$	200,000	8209
Total Northwest State Community College		\$	597,364	8210

Reappropriations

**Section 26.35. OTC OWENS COMMUNITY COLLEGE** 8212

CAP-019	Basic Renovations	\$	1,621,573	8213
CAP-034	Center for Fine and Performing Arts - Construction	\$	11,419	8214
CAP-036	Child Care Facility	\$	250,600	8215
CAP-037	Education Center	\$	9,546,360	8216
CAP-038	Fire and Police Training Center	\$	1,145,610	8217
Total Owens Community College		\$	12,575,562	8218

Reappropriations

<b>Section 26.36. RGC RIO GRANDE COMMUNITY COLLEGE</b>			8220
CAP-005	Basic Renovations	\$ 638,954	8221
CAP-012	Instructional and Data Processing Equipment	\$ 84,061	8222
CAP-013	College of Business	\$ 7,392	8223
CAP-015	ADA Modifications	\$ 75,446	8224
CAP-022	Child Care Facility	\$ 35,000	8225
Total Rio Grande Community College		\$ 840,853	8226

Reappropriations

<b>Section 26.37. SCC SINCLAIR COMMUNITY COLLEGE</b>			8228
CAP-007	Basic Renovations	\$ 2,295,992	8229
CAP-034	Advanced Educational Applications Center Phase I	\$ 40,000	8230
CAP-036	Advanced Integrated Manufacturing Center	\$ 188,286	8231
CAP-042	Autolab/Fire Science Facility	\$ 45,000	8232
CAP-055	Distance Learning	\$ 54,463	8233
CAP-056	Information Literacy	\$ 334,053	8234
Total Sinclair Community College		\$ 2,957,794	8235

Reappropriations

<b>Section 26.38. SOC SOUTHERN STATE COMMUNITY COLLEGE</b>			8237
CAP-010	Basic Renovations	\$ 384,421	8238
CAP-022	Clinton County Facility	\$ 180	8239
CAP-024	Noncredit Job Training	\$ 228,055	8240
CAP-025	Multi-Purpose Facility	\$ 749,525	8241
Total Southern State Community College		\$ 1,362,181	8242

Reappropriations

<b>Section 26.39. TTC TERRA STATE COMMUNITY COLLEGE</b>			8244
CAP-009	Basic Renovations	\$ 327,766	8245

CAP-015	Child Care Facility	\$	166,148	8246
CAP-018	Nursing Online	\$	1,677	8247
Total Terra State Community College		\$	495,591	8248

Reappropriations

<b>Section 26.40. WTC WASHINGTON STATE COMMUNITY COLLEGE</b>				8250
CAP-009	Instructional and Data Processing	\$	115,254	8251
	Equipment			
CAP-012	ADA Modifications	\$	14,575	8252
CAP-013	Child Care Facility	\$	5,860	8253
CAP-016	Noncredit Job Training	\$	14,859	8254
Total Washington State Community College		\$	150,548	8255

Reappropriations

<b>Section 26.41. BTC BELMONT TECHNICAL COLLEGE</b>				8257
CAP-008	Basic Renovations	\$	698,854	8258
CAP-014	Main Building Renovation - Phase 3	\$	49,137	8259
CAP-019	ADA Modifications	\$	49,915	8260
Total Belmont Technical College		\$	797,906	8261

Reappropriations

<b>Section 26.42. COT CENTRAL OHIO TECHNICAL COLLEGE</b>				8263
CAP-003	Basic Renovations	\$	154,332	8264
Total Central Ohio Technical College		\$	154,332	8265

Reappropriations

<b>Section 26.43. HTC HOCKING TECHNICAL COLLEGE</b>				8267
CAP-019	Basic Renovations	\$	572,765	8268
CAP-024	Building Addition	\$	5,270	8269
CAP-027	Instructional and Data Processing	\$	370,526	8270
	Equipment			
CAP-028	College Hall Rehabilitation	\$	3,769	8271
CAP-032	Public Safety Service	\$	57,060	8272

CAP-033	Light and Oakley Halls	\$	40,855	8273
CAP-035	Child Care Facility	\$	9,406	8274
Total Hocking Technical College		\$	1,059,651	8275

Reappropriations

<b>Section 26.44. LTC LIMA TECHNICAL COLLEGE</b>				8277
CAP-004	Basic Renovations	\$	861,383	8278
CAP-006	Building Renovations	\$	5,000	8279
CAP-007	Training and Education Facility	\$	79,934	8280
CAP-008	Instructional and Data Processing Equipment	\$	156,394	8281
CAP-009	Life and Physical Sciences	\$	10,133	8282
CAP-014	Distance Education	\$	222,115	8283
CAP-015	Information Technology Building	\$	3,767,610	8284
Total Lima Technical College		\$	5,102,569	8285

Reappropriations

<b>Section 26.45. MAT MUSKINGUM AREA TECHNICAL COLLEGE</b>				8287
CAP-007	Basic Renovations	\$	244,465	8288
CAP-017	Basic Capacity Grant	\$	1,410	8289
CAP-021	Lighting/HVAC Replacement	\$	843,606	8290
Total Muskingum Area Technical College		\$	1,089,481	8291

Reappropriations

<b>Section 26.46. MTC MARION TECHNICAL COLLEGE</b>				8293
CAP-006	Instructional and Data Processing Equipment	\$	84,323	8294
CAP-012	Technical Education Center	\$	205,044	8295
Total Marion Technical College		\$	289,367	8296

Reappropriations

<b>Section 26.47. NCC NORTH CENTRAL TECHNICAL COLLEGE</b>				8298
CAP-003	Basic Renovations	\$	360,533	8299

CAP-009	ADA Modifications	\$	25,000	8300
CAP-013	Engineering Center Renovation	\$	2,372	8301
CAP-018	Fallerius Center Rehabilitation	\$	39,674	8302
Total North Central Technical College		\$	427,579	8303

Reappropriations

<b>Section 26.48. STC STARK TECHNICAL COLLEGE</b>				8305
CAP-004	Basic Renovations	\$	537,874	8306
CAP-015	Loop Road Property	\$	629	8307
Acquisition/Development				
CAP-024	Phase 2 Renovations	\$	252	8308
CAP-027	Information Technology Learning Center	\$	10,000	8309
CAP-030	Northside Development Parking Lot -	\$	77,423	8310
Phase II				
CAP-031	Student Services	\$	31,087	8311
CAP-032	Automotive Technology Building Addition	\$	1,719,554	8312
Total Stark Technical College		\$	2,376,819	8313
TOTAL HIGHER EDUCATION IMPROVEMENT FUND		\$	576,230,916	8314

**Section 26.49.** For all of the foregoing appropriation items 8316  
from the Higher Education Improvement Fund (Fund 034) that require 8317  
local funds to be contributed by any state-supported or 8318  
state-assisted institution of higher education, the Board of 8319  
Regents shall not recommend that any funds be released until the 8320  
recipient institution demonstrates to the Board of Regents and the 8321  
Office of Budget and Management that the local funds contribution 8322  
requirement has been secured or satisfied. The local funds shall 8323  
be in addition to the foregoing appropriations. 8324

**Section 26.50.** The Ohio Public Facilities Commission is 8325  
hereby authorized to issue and sell, in accordance with Section 2n 8326  
of Article VIII, Ohio Constitution, Chapter 151. and particularly 8327  
sections 151.01 and 151.04 of the Revised Code, original 8328



obligations in an aggregate principal amount not to exceed 8329  
\$1,000,000, in addition to the original issuance of obligations 8330  
heretofore authorized by prior acts of the General Assembly. The 8331  
authorized obligations shall be issued, subject to applicable 8332  
constitutional and statutory limitations, to pay costs of capital 8333  
facilities as defined in sections 151.01 and 151.04 of the Revised 8334  
Code for state-supported and state-assisted institutions of higher 8335  
education. 8336

**Section 26.51.** The Ohio Public Facilities Commission is 8337  
hereby authorized to issue and sell, in accordance with Section 2n 8338  
of Article VIII, Ohio Constitution, Chapter 151. and particularly 8339  
sections 151.01 and 151.04 of the Revised Code, original 8340  
obligations in an aggregate principal amount not to exceed 8341  
\$2,000,000, in addition to the original issuance of obligations 8342  
heretofore authorized by prior acts of the General Assembly. The 8343  
authorized obligations shall be issued, subject to applicable 8344  
constitutional and statutory limitations, to pay costs of capital 8345  
facilities as defined in sections 151.01 and 151.04 of the Revised 8346  
Code for state-supported and state-assisted institutions of higher 8347  
education. 8348

**Section 26.52.** None of the foregoing capital improvements 8349  
appropriations for state-supported or state-assisted institutions 8350  
of higher education shall be expended until the particular 8351  
appropriation has been recommended for release by the Board of 8352  
Regents and released by the Director of Budget and Management or 8353  
the Controlling Board. Either the institution concerned, or the 8354  
Board of Regents with the concurrence of the institution 8355  
concerned, may initiate the request to the Director of Budget and 8356  
Management or the Controlling Board for the release of the 8357  
particular appropriations. 8358

**Section 26.53.** (A) No capital improvement appropriations made 8359  
in Sections 26.02 to 26.56, 34, 34.01, 34.02, and 34.03 of this 8360  
act shall be released for planning or for improvement, renovation, 8361  
construction, or acquisition of capital facilities if the 8362  
institution of higher education or the state does not own the real 8363  
property on which the capital facilities are or will be located. 8364  
This restriction does not apply in any of the following 8365  
circumstances: 8366

(1) The institution has a long-term (at least fifteen years) 8367  
lease of, or other interest (such as an easement) in, the real 8368  
property. 8369

(2) The Board of Regents certifies to the Controlling Board 8370  
that undue delay will occur if planning does not proceed while the 8371  
property or property interest acquisition process continues. In 8372  
this case, funds may be released upon approval of the Controlling 8373  
Board to pay for planning through the development of schematic 8374  
drawings only. 8375

(3) In the case of an appropriation for capital facilities 8376  
that, because of their unique nature or location, will be owned or 8377  
will be part of facilities owned by a separate nonprofit 8378  
organization or public body and made available to the institution 8379  
of higher education for its use, the nonprofit organization or 8380  
public body either owns or has a long-term (at least fifteen 8381  
years) lease of the real property or other capital facility to be 8382  
improved, renovated, constructed, or acquired and has entered into 8383  
a joint or cooperative use agreement, approved by the Board of 8384  
Regents, with the institution of higher education that meets the 8385  
requirements of division (C) of this section. 8386

(B) Any foregoing appropriations which require cooperation 8387  
between a technical college and a branch campus of a university 8388  
may be released by the Controlling Board upon recommendation by 8389

the Board of Regents that the facilities proposed by the	8390
institutions are:	8391
(1) The result of a joint planning effort by the university	8392
and the technical college, satisfactory to the Board of Regents;	8393
(2) Facilities that will meet the needs of the region in	8394
terms of technical and general education, taking into	8395
consideration the totality of facilities which will be available	8396
after the completion of these projects;	8397
(3) Planned to permit maximum joint use by the university and	8398
technical college of the totality of facilities which will be	8399
available upon their completion;	8400
(4) To be located on or adjacent to the branch campus of the	8401
university.	8402
(C) In the case of capital facilities referred to in division	8403
(A)(3) of this section, the joint or cooperative use agreements	8404
shall include, as a minimum, provisions that:	8405
(1) Specify the extent and nature of that joint or	8406
cooperative use, extending for not fewer than fifteen years, with	8407
the value of such use or right to use to be, as determined by the	8408
parties and approved by the Board of Regents, reasonably related	8409
to the amount of the appropriations;	8410
(2) Provide for pro rata reimbursement to the state should	8411
the arrangement for joint or cooperative use be terminated;	8412
(3) Provide that procedures to be followed during the capital	8413
improvement process will comply with appropriate applicable state	8414
laws and rules, including provisions of this act;	8415
(4) Provide for payment or reimbursement to the institution	8416
of its administrative costs incurred as a result of the facilities	8417
project, not to exceed 1.5 per cent of the appropriated amount.	8418
(D) Upon the recommendation of the Board of Regents, the	8419

Controlling Board may approve the transfer of appropriations for 8420  
projects requiring cooperation between institutions from one 8421  
institution to another institution, with the approval of both 8422  
institutions. 8423

(E) Notwithstanding section 127.14 of the Revised Code, the 8424  
Controlling Board, upon the recommendation of the Board of 8425  
Regents, may transfer amounts appropriated to the Board of Regents 8426  
to accounts of state-supported or state-assisted institutions 8427  
created for that same purpose. 8428

**Section 26.54.** The requirements of Chapters 123. and 153. of 8429  
the Revised Code, with respect to the powers and duties of the 8430  
Director of Administrative Services in the procedure for and award 8431  
of contracts for capital improvement projects, and the 8432  
requirements of section 127.16 of the Revised Code, with respect 8433  
to the Controlling Board, do not apply to projects of community 8434  
college districts and technical college districts. 8435

**Section 26.55.** Those institutions locally administering 8436  
capital improvement projects pursuant to section 3345.50 of the 8437  
Revised Code may: 8438

(A) Establish charges for recovering costs directly related 8439  
to project administration as defined by the Director of 8440  
Administrative Services. The Department of Administrative Services 8441  
shall review and approve these administrative charges when such 8442  
charges are in excess of 1.5 per cent of the total construction 8443  
budget. 8444

(B) Seek reimbursement from state capital appropriations to 8445  
the institution for the in-house design services performed by the 8446  
institution for such capital projects. Acceptable charges shall be 8447  
limited to design document preparation work that is done by the 8448  
institution. These reimbursable design costs shall be shown as 8449

"A/E fees" within the project's budget that is submitted to the 8450  
Controlling Board or the Director of Budget and Management as part 8451  
of a request for release of funds. The reimbursement for in-house 8452  
design may not exceed seven per cent of the estimated construction 8453  
cost. 8454

**Section 26.56.** The Board of Regents shall adopt rules 8455  
regarding the release of moneys from all the foregoing 8456  
appropriations for capital facilities for all state-supported and 8457  
state-assisted institutions of higher education. 8458

**Section 27.** All items set forth in this section are hereby 8459  
appropriated out of any moneys in the state treasury to the credit 8460  
of the Parks and Recreation Improvement Fund (Fund 035) that are 8461  
not otherwise appropriated: 8462

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES			8463
CAP-005	Cowan Lake State Park	\$ 23,445	8464
CAP-008	Delaware State Park	\$ 56,223	8465
CAP-011	Findley State Park	\$ 22,856	8466
CAP-012	Land Acquisition	\$ 6,800,000	8467
CAP-016	Hueston Woods State Park	\$ 23,258	8468
CAP-017	Indian Lake State Park	\$ 130,288	8469
CAP-019	Lake Hope State Park	\$ 6,776	8470
CAP-025	Punderson State Park	\$ 1,163	8471
CAP-029	Salt Fork State Park	\$ 127,555	8472
CAP-032	West Branch State Park	\$ 200,895	8473
CAP-045	Mary J. Thurston State Park Marina/Dock	\$ 300,000	8474
CAP-051	Buck Creek State Park	\$ 250	8475
CAP-064	Geneva State Park	\$ 4,182	8476
CAP-069	Hocking Hills State Park	\$ 87,756	8477
CAP-070	Lake Logan State Park	\$ 600	8478
CAP-093	Portage Lakes State Park	\$ 13,373	8479

CAP-113	East Harbor State Park Shoreline Stabilization	\$	850,000	8480
CAP-119	Forked Run State Park	\$	27,747	8481
CAP-162	Shawnee State Park	\$	760	8482
CAP-205	Deer Creek State Park	\$	19,051	8483
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	5,494,293	8484
CAP-331	Park Boating Facilities	\$	2,688,216	8485
CAP-390	State Park Maintenance Facility Development	\$	1,656,339	8486
CAP-701	Buckeye Lake Dam Rehabilitation	\$	427,756	8487
CAP-702	Upgrade Underground Storage Tanks	\$	234,134	8488
CAP-703	Cap Abandoned Water Wells	\$	78,000	8489
CAP-718	Grand Lake St. Mary's State Park	\$	251,882	8490
CAP-719	Indian Lake State Park	\$	1,000	8491
CAP-727	Riverfront Improvements	\$	1,275,000	8492
CAP-744	Multi-Agency Radio Communication Equipment	\$	425,000	8493
CAP-748	Local Parks Projects	\$	3,269,000	8494
CAP-821	State Park Dredging and Shoreline Protection	\$	14,000	8495
CAP-827	Cuyahoga Valley Scenic Railroad	\$	1,000,000	8496
CAP-836	State Parks Renovation/Upgrading	\$	350	8497
CAP-876	Statewide Trails Program	\$	1,168,398	8498
CAP-927	Mohican State Park	\$	96,816	8499
CAP-928	Handicapped Accessibility	\$	472,555	8500
CAP-929	Hazardous Waste/Asbestos Abatement	\$	49,383	8501
CAP-931	Wastewater/Water Systems Upgrade	\$	2,804,375	8502
	Total Department of Natural Resources	\$	30,102,675	8503
	TOTAL Parks and Recreation Improvement Fund	\$	30,102,675	8504
	<b>Section 27.01. RIVERFRONT IMPROVEMENTS</b>			8505
	Of the foregoing reappropriation item CAP-727, Riverfront			8506

Improvements, \$100,000 shall be used for the Spencerville Canal 8507  
Improvements and \$350,000 shall be used for the Rush Creek and 8508  
Upper Hocking Project. 8509

LOCAL PARKS PROJECTS 8510

The following projects shall be funded from the foregoing 8511  
reappropriation item CAP-748, Local Parks Projects: \$12,500 for 8512  
Big Prairie/Lakeville Park Improvements; \$6,500 for Crossroads 8513  
Park Improvements; \$1,500,000 for the Cleveland Lakefront Park 8514  
Improvements; \$500,000 for Colerain Township Park Improvements; 8515  
\$50,000 for Smith Field Park Improvements; \$50,000 for St. 8516  
Clairsville Park Improvements; \$50,000 for Mt. Orab Park 8517  
Improvements; \$50,000 for Liberty Township Playground; \$100,000 8518  
for Gallipolis City Park; \$20,000 for Junction City Park 8519  
Improvements; \$200,000 for the Goll Woods Nature Preserve; \$15,000 8520  
for Ryan Park Improvements; and \$15,000 for Circleville Park 8521  
Improvements. 8522

STATEWIDE TRAILS PROGRAM 8523

Of the foregoing reappropriation item CAP-876, Statewide 8524  
Trails Program, \$30,000 shall be used for Fairfield Heritage 8525  
Trails and \$100,000 shall be used for the Upper Sandusky Bike 8526  
Path. 8527

FEDERAL REIMBURSEMENT 8528

All reimbursements received from the federal government for 8529  
any expenditures made pursuant to Sections 28 and 28.01 shall be 8530  
deposited in the state treasury to the credit of the Parks and 8531  
Recreation Improvement Fund. 8532

**Section 27.02.** (A) No capital improvement appropriations made 8533  
in Section 25 of this act shall be released for planning or for 8534  
improvement, renovation, construction, or acquisition of capital 8535  
facilities if a governmental agency, as defined in section 154.01 8536

of the Revised Code, does not own the real property that 8537  
constitutes the capital facilities or on which the capital 8538  
facilities are or will be located. This restriction does not apply 8539  
in any of the following circumstances: 8540

(1) The governmental agency has a long-term (at least fifteen 8541  
years) lease of, or other interest (such as an easement) in, the 8542  
real property. 8543

(2) In the case of an appropriation for capital facilities 8544  
for parks and recreation that, because of their unique nature or 8545  
location, will be owned or will be part of facilities owned by a 8546  
separate nonprofit organization and made available to the 8547  
governmental agency for its use, the nonprofit organization either 8548  
owns or has a long-term (at least fifteen years) lease of the real 8549  
property or other capital facility to be improved, renovated, 8550  
constructed, or acquired and has entered into a joint or 8551  
cooperative use agreement, approved by the Department of Natural 8552  
Resources, with the governmental agency for that agency's use of 8553  
and right to use the capital facilities to be financed and, if 8554  
applicable, improved, the value of such use or right to use being, 8555  
as determined by the parties, reasonably related to the amount of 8556  
the appropriation. 8557

(B) In the case of capital facilities referred to in division 8558  
(A)(2) of this section, the joint or cooperative use agreement 8559  
shall include, as a minimum, provisions that: 8560

(1) Specify the extent and nature of that joint or 8561  
cooperative use, extending for not fewer than fifteen years, with 8562  
the value of such use or right to use to be, as determined by the 8563  
parties and approved by the applicable department, reasonably 8564  
related to the amount of the appropriation; 8565

(2) Provide for pro rata reimbursement to the state should 8566  
the arrangement for joint or cooperative use by a governmental 8567



agency be terminated; and 8568

(3) Provide that procedures to be followed during the capital 8569  
improvement process will comply with appropriate applicable state 8570  
laws and rules, including provisions of this act. 8571

**Section 28.** All items set forth in this section are hereby 8572  
appropriated out of any moneys in the state treasury to the credit 8573  
of the State Capital Improvements Fund (Fund 038) that are not 8574  
otherwise appropriated: 8575

Reappropriations

PWC PUBLIC WORKS COMMISSION 8576

Ohio Small Government Capital Improvement Commission 8577

CAP-150	Local Public Infrastructure	\$	6,012,256	8578
CIF-000	Ohio Small Government Capital Improvement	\$	28,663,238	8579
CIF-001	Infrastructure - District 1	\$	38,838,365	8580
CIF-002	Infrastructure - District 2	\$	15,959,512	8581
CIF-003	Infrastructure - District 3	\$	25,971,425	8582
CIF-004	Infrastructure - District 4	\$	10,770,680	8583
CIF-005	Infrastructure - District 5	\$	9,844,776	8584
CIF-006	Infrastructure - District 6	\$	10,014,525	8585
CIF-007	Infrastructure - District 7	\$	11,202,068	8586
CIF-008	Infrastructure - District 8	\$	16,715,668	8587
CIF-009	Infrastructure - District 9	\$	7,843,466	8588
CIF-010	Infrastructure - District 10	\$	17,810,902	8589
CIF-011	Infrastructure - District 11	\$	13,088,231	8590
CIF-012	Infrastructure - District 12	\$	11,302,331	8591
CIF-013	Infrastructure - District 13	\$	7,319,679	8592
CIF-014	Infrastructure - District 14	\$	7,650,077	8593
CIF-015	Infrastructure - District 15	\$	8,599,690	8594
CIF-016	Infrastructure - District 16	\$	12,055,292	8595
CIF-017	Infrastructure - District 17	\$	7,821,687	8596
CIF-018	Infrastructure - District 18	\$	7,187,679	8597

CIF-019	Infrastructure - District 19	\$	10,134,118	8598
CIF-020	Infrastructure - District 20	\$	5,332,876	8599
CIF-021	Infrastructure - District 21	\$	388,034	8600
Total Public Works Commission		\$	290,546,575	8601
TOTAL State Capital Improvement Fund		\$	290,546,575	8602

The appropriations in this section shall be used in 8603  
accordance with sections 164.01 to 164.12 of the Revised Code. All 8604  
expenditures made from these appropriations shall be approved by 8605  
the Director of the Public Works Commission. The Director of the 8606  
Public Works Commission shall not allocate funds in amounts 8607  
greater than those amounts appropriated by the General Assembly. 8608

**Section 29.** All items set forth in this section are hereby 8609  
appropriated out of any moneys in the state treasury to the credit 8610  
of the State Capital Improvements Revolving Loan Fund (Fund 040) 8611  
and derived from repayments of loans made to local subdivisions 8612  
for capital improvements, investment earnings on moneys in the 8613  
fund, and moneys obtained from federal or private grants or from 8614  
other sources for the purpose of making loans for the purpose of 8615  
financing or assisting in the financing of the cost of capital 8616  
improvement projects of local subdivisions: 8617

Reappropriations

PWC PUBLIC WORKS COMMISSION				8618
CAP-151	Revolving Loan	\$	7,995,595	8619
RLF-001	Revolving Loan Fund-District 1	\$	6,925,816	8620
RLF-002	Revolving Loan Fund-District 2	\$	5,365,318	8621
RLF-003	Revolving Loan Fund-District 3	\$	5,352,452	8622
RLF-004	Revolving Loan Fund-District 4	\$	3,032,167	8623
RLF-005	Revolving Loan Fund-District 5	\$	1,973,026	8624
RLF-006	Revolving Loan Fund-District 6	\$	1,743,529	8625
RLF-007	Revolving Loan Fund-District 7	\$	3,277,638	8626
RLF-008	Revolving Loan Fund-District 8	\$	1,971,732	8627
RLF-009	Revolving Loan Fund-District 9	\$	1,868,591	8628

RLF-010	Revolving Loan Fund-District 10	\$	3,875,201	8629
RLF-011	Revolving Loan Fund-District 11	\$	1,908,555	8630
RLF-012	Revolving Loan Fund-District 12	\$	5,337,940	8631
RLF-013	Revolving Loan Fund-District 13	\$	1,169,315	8632
RLF-014	Revolving Loan Fund-District 14	\$	1,380,861	8633
RLF-015	Revolving Loan Fund-District 15	\$	948,611	8634
RLF-016	Revolving Loan Fund-District 16	\$	1,753,105	8635
RLF-017	Revolving Loan Fund-District 17	\$	1,834,153	8636
RLF-018	Revolving Loan Fund-District 18	\$	2,071,737	8637
RLF-019	Revolving Loan Fund-District 19	\$	1,158,219	8638
RLF-020	Revolving Loan Fund-District 20	\$	1,402,306	8639
RLF-021	Revolving Loan Fund-District 21	\$	307,232	8640
	Total Public Works Commission	\$	62,653,099	8641
	TOTAL State Capital Improvements Revolving Loan Fund		62,653,099	8642

The appropriations in this section shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. All expenditures made from these appropriations shall be approved by the Director of the Public Works Commission. The Director of the Public Works Commission shall not allocate funds in amounts greater than those amounts appropriated by the General Assembly.

**Section 30.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Conservation Fund (Fund 056) that are not otherwise appropriated:

			Reappropriations	
	PWC PUBLIC WORKS COMMISSION			8653
COF-001	Clean Ohio-District 1	\$	6,763,703	8654
COF-002	Clean Ohio-District 2	\$	2,936,190	8655
COF-003	Clean Ohio-District 3	\$	3,668,434	8656
COF-004	Clean Ohio-District 4	\$	2,011,171	8657
COF-005	Clean Ohio-District 5	\$	1,383,772	8658

COF-006	Clean Ohio-District 6	\$	1,171,944	8659
COF-007	Clean Ohio-District 7	\$	1,377,683	8660
COF-008	Clean Ohio-District 8	\$	2,508,162	8661
COF-009	Clean Ohio-District 9	\$	381,213	8662
COF-010	Clean Ohio-District 10	\$	3,009,510	8663
COF-011	Clean Ohio-District 11	\$	3,493,667	8664
COF-012	Clean Ohio-District 12	\$	1,561,788	8665
COF-013	Clean Ohio-District 13	\$	2,399,270	8666
COF-014	Clean Ohio-District 14	\$	3,179,867	8667
COF-015	Clean Ohio-District 15	\$	942,242	8668
COF-016	Clean Ohio-District 16	\$	3,545,729	8669
COF-017	Clean Ohio-District 17	\$	2,631,843	8670
COF-018	Clean Ohio-District 18	\$	2,403,861	8671
COF-019	Clean Ohio-District 19	\$	1,161,016	8672
Total Public Works Commission		\$	46,531,065	8673
TOTAL Clean Ohio Conservation Fund		\$	46,531,065	8674

**Section 31.** All items set forth in this section are hereby 8676  
appropriated out of any moneys in the state treasury to the credit 8677  
of the Clean Ohio Agricultural Easement Fund (Fund 057) that are 8678  
not otherwise appropriated: 8679

Reappropriations

AGR DEPARTMENT OF AGRICULTURE			8680	
CAP-047	Clean Ohio Agricultural Easement	\$	6,256,886	8681
Total Department of Agriculture		\$	6,256,886	8682
TOTAL Clean Ohio Agricultural Easement Fund		\$	6,256,886	8683

AGRICULTURAL EASEMENT PURCHASE 8684

The foregoing appropriation item CAP-047, Clean Ohio 8685  
Agricultural Easement Fund, shall be used in accordance with 8686  
sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised 8687  
Code. 8688

**Section 32.** All items set forth in this section are hereby 8689  
appropriated out of any moneys in the state treasury to the credit 8690  
of the Clean Ohio Trail Fund (Fund 061) that are not otherwise 8691  
appropriated: 8692

DNR DEPARTMENT OF NATURAL RESOURCES 8693

	Reappropriations	
CAP-014 Clean Trail Ohio	\$ 6,250,000	8694
Total Department of Natural Resources	\$ 6,250,000	8695
TOTAL Clean Ohio Trail Fund	\$ 6,250,000	8696

**Section 33.** All items set forth in this section are hereby 8698  
appropriated out of any moneys in the state treasury to the credit 8699  
of the School Building Program Assistance Fund (Fund 032) that are 8700  
not otherwise appropriated: 8701

	Appropriations	
SFC SCHOOL FACILITIES COMMISSION		8702
CAP-770 School Facilities Program Assistance	\$ 522,600,000	8703
Total School Facilities Commission	\$ 522,600,000	8704
TOTAL School Building Program Assistance Fund	\$ 522,600,000	8705

**Section 33.01.** The Ohio Public Facilities Commission is 8707  
hereby authorized to issue and sell, in accordance with Section 2n 8708  
of Article VIII, Ohio Constitution, and Chapter 151. of the 8709  
Revised Code and particularly sections 151.01 and 151.03 of the 8710  
Revised Code, original obligations in an aggregate principal 8711  
amount not to exceed \$522,000,000, in addition to the original 8712  
issuance of obligations heretofore authorized by prior acts of the 8713  
General Assembly. The authorized obligations shall be issued, 8714  
subject to applicable constitutional and statutory limitations, to 8715  
pay the costs to the state of constructing classroom facilities 8716  
pursuant to sections 3318.01 to 3318.35 of the Revised Code. 8717

**Section 34.** All items set forth in this section are hereby 8718  
appropriated out of any moneys in the state treasury to the credit 8719  
of the Higher Education Improvement Fund (Fund 034) that are not 8720  
otherwise appropriated. The appropriations made in this act are in 8721  
addition to any other capital appropriations made for the 8722  
2005-2006 biennium. 8723

Appropriations

BOR BOARD OF REGENTS			8724
Higher Education Improvement Fund			8725
CAP 068	Third Frontier Project	\$ 50,000,000	8726
Total Board of Regents			\$ 50,000,000 8727
TOTAL Higher Education Improvement			\$ 50,000,000 8728
Fund			

**Section 34.01.** THIRD FRONTIER PROJECT 8730

The foregoing appropriation item CAP-068, Third Frontier 8731  
Project, shall be used to acquire, renovate, or construct 8732  
facilities and purchase equipment for research programs, 8733  
technology development, product development, and commercialization 8734  
programs at or involving state-supported and state-assisted 8735  
institutions of higher education. The funds shall be used to make 8736  
grants awarded on a competitive basis, and shall be administered 8737  
by the Third Frontier Commission. Expenditure of the funds shall 8738  
comply with Section 2n of Article VIII, Ohio Constitution, and 8739  
sections 151.01 and 151.04 of the Revised Code for the period 8740  
beginning July 1, 2004, and ending June 30, 2006. 8741

The Third Frontier Commission shall develop guidelines 8742  
relative to the application for and selection of projects funded 8743  
from appropriation item CAP-068, Third Frontier Project. The 8744  
commission may develop the guidelines in consultation with other 8745  
interested parties. The Board of Regents and all state-assisted 8746

and state-supported institutions of higher education shall take 8747  
all actions necessary to implement grants awarded by the Third 8748  
Frontier Commission. 8749

The foregoing appropriation item CAP-068, Third Frontier 8750  
Project, for which an appropriation is made from the Higher 8751  
Education Improvement Fund (Fund 034), is determined to consist of 8752  
capital improvements and capital facilities for state-supported 8753  
and state-assisted institutions of higher education, and is 8754  
designated for the capital facilities to which proceeds of 8755  
obligations in the Higher Education Improvement Fund (Fund 034) 8756  
are to be applied. 8757

**Section 34.02.** The Ohio Public Facilities Commission is 8758  
hereby authorized to issue and sell, in accordance with Section 2n 8759  
of Article VIII, Ohio Constitution, and Chapter 151. and 8760  
particularly sections 151.01 and 151.04 of the Revised Code, 8761  
original obligations in an aggregate principal amount not to 8762  
exceed \$50,000,000, in addition to the original issuance of 8763  
obligations heretofore authorized by prior acts of the General 8764  
Assembly. The authorized obligations shall be issued, subject to 8765  
applicable constitutional and statutory limitations, to pay costs 8766  
of capital facilities as defined in sections 151.01 and 151.04 of 8767  
the Revised Code for state-supported and state-assisted 8768  
institutions of higher education. 8769

**Section 34.03.** The foregoing appropriation item CAP-068, 8770  
Third Frontier Project, is subject to Sections 27.48, 27.49, 8771  
27.50, 27.51, 27.52, and 27.53 of this act. 8772

**Section 35.** All items set forth in this section are hereby 8773  
appropriated out of any moneys in the state treasury to the credit 8774  
of the State Capital Improvements Fund (Fund 038) that are not 8775  
otherwise appropriated: 8776

	Appropriations	
PWC PUBLIC WORKS COMMISSION		8777
CAP-150 Local Public Infrastructure	\$ 120,000,000	8778
Total Public Works Commission	\$ 120,000,000	8779
TOTAL State Capital Improvements Fund	\$ 120,000,000	8780

The foregoing appropriation item CAP-150, Local Public Infrastructure, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. The Director of the Public Works Commission may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with sections 164.01 to 164.12 of the Revised Code. If the Director of Budget and Management determines pursuant to division (D) of section 164.08 and section 164.12 of the Revised Code that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

**Section 36.** The Treasurer of State is hereby authorized pursuant to section 164.09 of the Revised Code to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and sections 164.01 to 164.12 of the Revised Code, original obligations of the state, in an aggregate principal amount not to exceed \$120,000,000, in addition to the original obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time and in amounts necessary to ensure sufficient moneys to the credit of the State Capital Improvements Fund (Fund 038) to pay costs charged to that fund, as estimated by the Director of Budget and Management.

**Section 37.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Capital Improvements Revolving Loan Fund (Fund 040). Revenues to the State Capital Improvements Revolving Loan Fund



shall consist of all repayments of loans made to local 8807  
subdivisions for capital improvements, investment earnings on 8808  
moneys in the fund, and moneys obtained from federal or private 8809  
grants or from other sources for the purpose of making loans for 8810  
the purpose of financing or assisting in the financing of the cost 8811  
of capital improvement projects of local subdivisions. 8812

PWC PUBLIC WORKS COMMISSION 8813

	Appropriations	
CAP-151 Revolving Loan	\$ 16,750,000	8814
Total Public Works Commission	\$ 16,750,000	8815
TOTAL State Capital Improvements Revolving		8816
Loan Fund	\$ 16,750,000	8817

The foregoing appropriation item CAP-151, Revolving Loan, 8818  
shall be used in accordance with sections 164.01 to 164.12 of the 8819  
Revised Code. 8820

**Section 38. CERTIFICATION OF AVAILABILITY OF MONEYS** 8821

No moneys that require release shall be expended from any 8822  
appropriation contained in this act without certification of the 8823  
Director of Budget and Management that there are sufficient moneys 8824  
in the state treasury in the fund from which the appropriation is 8825  
made. Such certification made by the Office of Budget and 8826  
Management shall be based on estimates of revenue, receipts, and 8827  
expenses. Nothing herein shall be construed as a limitation on the 8828  
authority of the Director of Budget and Management as granted in 8829  
section 126.07 of the Revised Code. 8830

**Section 39. LIMITATION ON USE OF CAPITAL APPROPRIATIONS** 8831

The appropriations made in this act, excluding those made to 8832  
the State Capital Improvement Fund (Fund 038) and the State 8833  
Capital Improvements Revolving Loan Fund (Fund 040) for buildings 8834  
or structures, including remodeling and renovations, are limited 8835

to:	8836
(A) Acquisition of real property or interest in real property;	8837 8838
(B) Buildings and structures, which includes construction, demolition, complete heating, lighting, and lighting fixtures, and all necessary utilities, ventilating, plumbing, sprinkling, and sewer systems, when such systems are authorized or necessary;	8839 8840 8841 8842
(C) Architectural, engineering, and professional services expenses directly related to the projects;	8843 8844
(D) Machinery that is a part of structures at the time of initial acquisition or construction;	8845 8846
(E) Acquisition, development, and deployment of new computer systems, including the redevelopment or integration of existing and new computer systems, but excluding regular or ongoing maintenance or support agreements;	8847 8848 8849 8850
(F) Equipment that meets all the following criteria:	8851
(1) The equipment is essential in bringing the facility up to its intended use.	8852 8853
(2) The unit cost of the equipment, and not the individual parts of a unit, is about \$100 or more.	8854 8855
(3) The equipment has a useful life of five years or more.	8856
(4) The equipment is necessary for the functioning of the particular facility or project.	8857 8858
No equipment shall be paid for from these appropriations that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated. This paragraph does not apply to appropriation items for equipment.	8859 8860 8861 8862 8863
<b>Section 40. CONTINGENCY RESERVE REQUIREMENT</b>	8864

Any request for release of capital appropriations by the 8865  
Director of Budget and Management or the Controlling Board of 8866  
capital appropriations for projects, the contracts for which are 8867  
awarded by the Department of Administrative Services, shall 8868  
contain a contingency reserve, the amount of which shall be 8869  
determined by the Department of Administrative Services, for 8870  
payment of unanticipated project expenses. Any amount deducted 8871  
from the encumbrance for a contractor's contract as an assessment 8872  
for liquidated damages shall be added to the encumbrance for the 8873  
contingency reserve. Contingency reserve funds shall be used to 8874  
pay costs resulting from unanticipated job conditions, to comply 8875  
with rulings regarding building and other codes, to pay costs 8876  
related to errors or omissions in contract documents, to pay costs 8877  
associated with changes in the scope of work, and to pay the cost 8878  
of settlements and judgments related to the project. 8879

Any funds remaining upon completion of a project, may, upon 8880  
approval of the Controlling Board, be released for the use of the 8881  
institution to which the appropriation was made for another 8882  
capital facilities project or projects. 8883

**Section 41.** AGENCY ADMINISTRATION OF CAPITAL FACILITIES 8884  
PROJECTS 8885

Notwithstanding sections 123.01 and 123.15 of the Revised 8886  
Code, the Director of Administrative Services may authorize the 8887  
Departments of Mental Health, Mental Retardation and Developmental 8888  
Disabilities, Alcohol and Drug Addiction Services, Agriculture, 8889  
Jobs and Family Services, Rehabilitation and Correction, Youth 8890  
Services, Public Safety, and Transportation, the Ohio Veterans' 8891  
Home, and the Rehabilitation Services Commission to administer any 8892  
capital facilities projects when the estimated cost, including 8893  
design fees, construction, equipment, and contingency amounts, is 8894  
less than \$1,500,000. Requests for authorization to administer 8895

capital facilities projects shall be made in writing to the 8896  
Director of Administrative Services by the respective state agency 8897  
within sixty days after the effective date of the act in which the 8898  
General Assembly initially makes an appropriation for the project. 8899  
Upon the release of funds for such projects by the Controlling 8900  
Board or the Director of Budget and Management, the agency may 8901  
administer the capital project or projects for which agency 8902  
administration has been authorized without the supervision, 8903  
control, or approval of the Director of Administrative Services. 8904

The state agency authorized by the Director of Administrative 8905  
Services to administer capital facilities projects pursuant to 8906  
this section shall comply with the applicable procedures and 8907  
guidelines established in Chapter 153. of the Revised Code. 8908

**Section 42. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST** 8909  
**THE STATE** 8910

Except as otherwise provided in this section, an 8911  
appropriation contained in this act or any other act may be used 8912  
for the purpose of satisfying judgments, settlements, or 8913  
administrative awards ordered or approved by the Court of Claims 8914  
or by any other court of competent jurisdiction in connection with 8915  
civil actions against the state. This authorization shall not 8916  
apply to appropriations to be applied to or used for payment of 8917  
guarantees by or on behalf of the state or for payments under 8918  
lease agreements relating to or debt service on bonds, notes, or 8919  
other obligations of the state. Notwithstanding any other section 8920  
of law to the contrary, this authorization includes appropriations 8921  
from funds into which proceeds or direct obligations of the state 8922  
are deposited only to the extent that the judgment, settlement, or 8923  
administrative award is for or represents capital costs for which 8924  
the appropriation may otherwise be used and is consistent with the 8925  
purpose for which any related bonds were issued. Nothing contained 8926

in this section is intended to subject the state to suit in any 8927  
forum in which it is not otherwise subject to suit, or is it 8928  
intended to waive or compromise any defense or right available to 8929  
the state in any suit against it. 8930

**Section 43.** Notwithstanding section 126.14 of the Revised 8931  
Code, appropriations for appropriation items CAP-002, Local Jails, 8932  
and CAP-003, Community-Based Correctional Facilities, appropriated 8933  
from the Adult Correctional Building Fund (Fund 027) to the 8934  
Department of Rehabilitation and Correction shall be released upon 8935  
the written approval of the Director of Budget and Management. The 8936  
appropriations from the Public School Building Fund (Fund 021), 8937  
the Education Facilities Trust Fund (Fund N87), and the School 8938  
Building Program Assistance Fund (Fund 032) to the School 8939  
Facilities Commission, from the Transportation Building Fund (Fund 8940  
029) to the Department of Transportation, from the Clean Ohio 8941  
Conservation Fund (Fund 056) to the Public Works Commission, and 8942  
appropriations from the State Capital Improvement Fund (Fund 038) 8943  
and the State Capital Improvements Revolving Loan Fund (Fund 040) 8944  
to the Public Works Commission shall be released upon presentation 8945  
of a request to release the funds, by the agency to which the 8946  
appropriation has been made, to the Director of Budget and 8947  
Management. 8948

**Section 44.** Except as provided in section 4115.04 of the 8949  
Revised Code, no moneys appropriated or reappropriated by the 8950  
125th General Assembly shall be used for the construction of 8951  
public improvements, as defined in section 4115.03 of the Revised 8952  
Code, unless the mechanics, laborers, or workers engaged therein 8953  
are paid the prevailing rate of wages as prescribed in section 8954  
4115.04 of the Revised Code. Nothing in this section shall affect 8955  
the wages and salaries established for state employees under the 8956  
provisions of Chapter 124. of the Revised Code, or collective 8957

bargaining agreements entered into by the state pursuant to 8958  
Chapter 4117. of the Revised Code, while engaged on force account 8959  
work, nor shall this section interfere with the use of inmate and 8960  
patient labor by the state. 8961

**Section 45. CAPITAL FACILITIES LEASES** 8962

Capital facilities for which appropriations are made from the 8963  
Administrative Building Fund (Fund 026), the Adult Correctional 8964  
Building Fund (Fund 027), the Juvenile Correctional Building Fund 8965  
(Fund 028), and the Arts Facilities Building Fund (Fund 030) may 8966  
be leased by the Ohio Building Authority to the Department of 8967  
Youth Services, the Arts and Sports Facilities Commission, the 8968  
Department of Administrative Services, and the Department of 8969  
Rehabilitation and Correction, and other agreements may be made by 8970  
the Ohio Building Authority and the departments with respect to 8971  
the use or purchase of such capital facilities, or subject to the 8972  
approval of the director of the department or the commission, the 8973  
Ohio Building Authority may lease such capital facilities to, and 8974  
make other agreements with respect to the use or purchase thereof 8975  
with, any governmental agency or nonprofit corporation having 8976  
authority under law to own, lease, or operate such capital 8977  
facilities. The director of the department or the commission may 8978  
sublease such capital facilities to, and make other agreements 8979  
with respect to the use or purchase thereof with, any such 8980  
governmental agency or nonprofit corporation, which may include 8981  
provisions for transmittal of receipts of that agency or nonprofit 8982  
corporation of any charges for the use of such facilities, all 8983  
upon such terms and conditions as the parties may agree upon and 8984  
any other provision of law affecting the leasing, acquisition, or 8985  
disposition of capital facilities by such parties. 8986

**Section 46. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND** 8987  
**MANAGEMENT** 8988

The Director of Budget and Management shall authorize both of 8989  
the following: 8990

(A) The initial release of moneys for projects from the funds 8991  
into which proceeds of direct obligations of the state are 8992  
deposited. 8993

(B) The expenditure or encumbrance of moneys from funds into 8994  
which proceeds of direct obligations are deposited, only after 8995  
determining to the director's satisfaction that either of the 8996  
following apply: 8997

(1) The application of such moneys to the particular project 8998  
will not negatively affect any exemption or exclusion from federal 8999  
income tax of the interest or interest equivalent on obligations, 9000  
issued to provide moneys to the particular fund. 9001

(2) Moneys for the project will come from the proceeds of 9002  
obligations, the interest on which is not so excluded or exempt 9003  
and which have been authorized as "taxable obligations" by the 9004  
issuing authority. 9005

The director shall report any nonrelease of moneys pursuant 9006  
to this section to the Governor, the presiding officer of each 9007  
house of the General Assembly, and the agency for the use of which 9008  
the project is intended. 9009

**Section 47. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT** 9010

The Ohio Administrative Knowledge System (OAKS) shall be an 9011  
enterprise resource planning system that replaces the state's 9012  
central services infrastructure systems, including, but not 9013  
limited to, the central accounting system, the human 9014  
resources/payroll system, the capital improvements projects 9015  
tracking system, the fixed assets management system, and the 9016  
procurement system. The Department of Administrative Services, in 9017  
conjunction with the Office of Budget and Management, may acquire 9018

the system, including, but not limited to, the enterprise resource 9019  
planning software and installation and implementation thereof 9020  
pursuant to Chapter 125. of the Revised Code. Any lease-purchase 9021  
arrangement utilized under Chapter 125. of the Revised Code, 9022  
including any fractionalized interest therein as defined in 9023  
division (N) of section 133.01 of the Revised Code, shall provide 9024  
at the end of the lease periods that OAKS becomes the property of 9025  
the state. 9026

**Section 48. SCHOOL FACILITIES ENCUMBRANCES AND 9027**  
**REAPPROPRIATION 9028**

At the request of the Executive Director of the Ohio School 9029  
Facilities Commission, the Director of Budget and Management may 9030  
cancel encumbrances for school district projects from a previous 9031  
biennium if the district has not raised its local share of project 9032  
costs within one year of receiving Controlling Board approval in 9033  
accordance with section 3318.05 of the Revised Code. The Executive 9034  
Director of the Ohio School Facilities Commission shall certify 9035  
the amounts of these canceled encumbrances to the Director of 9036  
Budget and Management on a quarterly basis. The amounts of the 9037  
canceled encumbrances are hereby appropriated. 9038

**Section 49. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES 9039**  
**OF CAPITAL APPROPRIATIONS 9040**

(A) An unexpended balance of a capital appropriation or 9041  
reappropriation that a state agency has lawfully encumbered prior 9042  
to the close of a capital biennium is hereby reappropriated for 9043  
the following capital biennium from the fund from which it was 9044  
originally appropriated or was reappropriated and shall be used 9045  
only for the purpose of discharging the encumbrance in the 9046  
following capital biennium. For those encumbered appropriations or 9047  
reappropriations, any Controlling Board approval previously 9048



granted and referenced by the encumbering document remains in 9049  
effect until the encumbrance is discharged in the following 9050  
capital biennium or until the encumbrance expires at the end of 9051  
the following capital biennium. 9052

(B) At the end of the reappropriation period provided for by 9053  
division (A) of this section, an unexpended balance of a capital 9054  
appropriation or reappropriation that remains encumbered at the 9055  
end of that period is hereby reappropriated for the next capital 9056  
biennium from the fund from which it was originally appropriated 9057  
or was reappropriated and shall be used only for the purpose of 9058  
discharging the encumbrance in the next capital biennium. For 9059  
those encumbered appropriations or reappropriations, any 9060  
Controlling Board approval previously granted and referenced by 9061  
the encumbering document remains in effect until the encumbrance 9062  
is discharged in the next capital biennium or until the 9063  
encumbrance expires at the end of the next capital biennium. 9064

(C) At the end of the reappropriation period provided for by 9065  
division (B) of this section, a reappropriation made pursuant to 9066  
division (B) of this section shall lapse, and the encumbrance 9067  
shall expire. 9068

(D) If an encumbrance expired pursuant to division (C) of 9069  
this section, the Director of Budget and Management may 9070  
re-establish the encumbrance as provided in this division. If a 9071  
reappropriation for a project is made by the General Assembly for 9072  
the biennium immediately following the biennium in which an 9073  
encumbrance for that project expired, the Director of Budget and 9074  
Management may re-establish the encumbrance in an amount not to 9075  
exceed the amount of the expired encumbrance, in the name of the 9076  
contractor named in the expired encumbrance, and for the same 9077  
purpose specified in the expired encumbrance. The encumbrance 9078  
shall be charged against the reappropriation for the project. The 9079  
amount re-encumbered shall be used only for the purpose of 9080

discharging the encumbrance in the capital biennium for which the 9081  
reappropriation was made. For those re-encumbered 9082  
reappropriations, any Controlling Board approval previously 9083  
granted and referenced by the expired encumbering document remains 9084  
in effect until the encumbrance is discharged or expires at the 9085  
end of the capital biennium for which the reappropriation was 9086  
made. If any portion of the amount re-encumbered by the Director 9087  
of Budget and Management under this division is not expended prior 9088  
to the close of the capital biennium for which the reappropriation 9089  
was made, that amount is hereby reappropriated for the following 9090  
capital biennium as provided for in division (A) of this section 9091  
and subject to the provisions of division (A) of this section. 9092

**Section 50.** Capital reappropriations in this act that have 9093  
been released by the Controlling Board or the Director of Budget 9094  
and Management between June 30, 2002, and July 1, 2004, do not 9095  
require further approval or release prior to being encumbered. 9096  
Funds reappropriated in excess of such prior releases shall be 9097  
released in accordance with applicable provisions of this act. 9098

**Section 51.** Unless otherwise specified, the reappropriations 9099  
made in this act represent the unencumbered and unallotted 9100  
balances of prior years' capital improvements appropriations 9101  
estimated to be available on June 30, 2004. The actual balances on 9102  
June 30, 2004, for the appropriation items in this act are hereby 9103  
reappropriated. Additionally, there is hereby reappropriated the 9104  
unencumbered and unallotted balances on June 30, 2004, of any 9105  
appropriation items either reappropriated in Am. Sub. H.B. 524 of 9106  
the 124th General Assembly or appropriated in H.B. 675 of the 9107  
124th General Assembly, or created by the Controlling Board 9108  
pursuant to section 127.15 of the Revised Code from appropriation 9109  
items in Am. Sub. H.B. 524 and H.B. 675, both of the 124th General 9110  
Assembly, and this act, if the Director of Budget and Management 9111

determines that such balances are needed to complete the projects 9112  
for which they were reappropriated or appropriated. The 9113  
appropriation items and amounts that are reappropriated by this 9114  
act shall be reported to the Controlling Board within 30 days 9115  
after the effective date of this section. 9116

**Section 52.** No appropriation for a health care facility 9117  
authorized under this act may be released until the requirements 9118  
of sections 3702.51 to 3702.68 of the Revised Code have been met. 9119

**Section 53.** All proceeds received by the state as a result of 9120  
litigation, judgments, settlements, or claims, filed by or on 9121  
behalf of any state agency as defined by section 1.60 of the 9122  
Revised Code or any state-supported or state-assisted institution 9123  
of higher education, for damages or costs resulting from the use, 9124  
removal, or hazard abatement of asbestos materials shall be 9125  
deposited in the Asbestos Abatement Distribution Fund (Fund 674). 9126  
All funds deposited into the Asbestos Abatement Distribution Fund 9127  
are hereby appropriated to the Attorney General. To the extent 9128  
practicable, the proceeds placed in the Asbestos Abatement 9129  
Distribution Fund shall be divided among the state agencies and 9130  
state-supported or state-assisted institutions of higher education 9131  
in accordance with the general provisions of the litigation 9132  
regarding the percentage of recovery. Distribution of the proceeds 9133  
to each state agency or state-supported or state-assisted 9134  
institution of higher education shall be made in accordance with 9135  
the Asbestos Abatement Distribution Plan to be developed by the 9136  
Attorney General, the Division of Public Works within the 9137  
Department of Administrative Services, and the Office of Budget 9138  
and Management. 9139

In those circumstances where asbestos litigation proceeds are 9140  
for reimbursement of expenditures made with funds outside the 9141  
state treasury or damages to buildings not constructed with state 9142

appropriations, direct payments shall be made to the affected 9143  
institutions of higher education. Any proceeds received for 9144  
reimbursement of expenditures made with funds within the state 9145  
treasury or damages to buildings occupied by state agencies shall 9146  
be distributed to the affected agencies with an intrastate 9147  
transfer voucher to the funds identified in the Asbestos Abatement 9148  
Distribution Plan. 9149

Such proceeds shall be used for additional asbestos abatement 9150  
or encapsulation projects, or for other capital improvements, 9151  
except that proceeds distributed to the General Revenue Fund and 9152  
other funds that are not bond improvement funds may be used for 9153  
any purpose. The Controlling Board may, for bond improvement 9154  
funds, create appropriation items or increase appropriation 9155  
authority in existing appropriation items equaling the amount of 9156  
such proceeds. Such amounts approved by the Controlling Board are 9157  
hereby appropriated. Such proceeds deposited in bond improvement 9158  
funds shall not be expended until released by the Controlling 9159  
Board, which shall require certification by the Director of Budget 9160  
and Management that such proceeds are sufficient and available to 9161  
fund the additional anticipated expenditures. 9162

**Section 54. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE** 9163  
**REVISED CODE** 9164

The capital improvements for which appropriations are made in 9165  
this act from the Ohio Parks and Natural Resources Fund (Fund 9166  
031), the School Building Program Assistance Fund (Fund 032), the 9167  
Higher Education Improvement Fund (Fund 034), the Clean Ohio 9168  
Conservation Fund (Fund 056), the Clean Ohio Agricultural Easement 9169  
Fund (Fund 057), and the Clean Ohio Trail Fund (Fund 061) are 9170  
determined to be capital improvements and capital facilities for 9171  
natural resources, a statewide system of common schools, 9172  
state-supported and state-assisted institutions of higher 9173

education, and conservation purposes (under the Clean Ohio 9174  
Program) and are designated as capital facilities to which 9175  
proceeds of obligations issued under Chapter 151. of the Revised 9176  
Code are to be applied. 9177

**Section 55. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 9178**  
REVISED CODE 9179

The capital improvements for which appropriations are made in 9180  
this act from the Sports Facilities Building Fund (Fund 024), the 9181  
Highway Safety Building Fund (Fund 025), the Administrative 9182  
Building Fund (Fund 026), the Adult Correctional Building Fund 9183  
(Fund 027), the Juvenile Correctional Building Fund (Fund 028), 9184  
the Transportation Building Fund (Fund 029), and the Arts 9185  
Facilities Building Fund (Fund 030) are determined to be capital 9186  
improvements and capital facilities for housing state agencies and 9187  
branches of state government and are designated as capital 9188  
facilities to which proceeds of obligations issued under Chapter 9189  
152. of the Revised Code are to be applied. 9190

**Section 56. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 9191**  
REVISED CODE 9192

The capital improvements for which appropriations are made in 9193  
this act from the Mental Health Facilities Improvement Fund (Fund 9194  
033) and the Parks and Recreation Improvement Fund (Fund 035) are 9195  
determined to be capital improvements and capital facilities for 9196  
mental hygiene and retardation and parks and recreation and are 9197  
designated as capital facilities to which proceeds of obligations 9198  
issued under Chapter 154. of the Revised Code are to be applied. 9199

**Section 57. Upon the request of the agency to which a capital 9200**  
project appropriation item is appropriated, the Director of Budget 9201  
and Management may transfer open encumbrance amounts between 9202  
separate encumbrances for the project appropriation item to the 9203

extent that any reductions in encumbrances are agreed to by the 9204  
contracting vendor and the agency. 9205

**Section 58.** Any proceeds received by the state as the result 9206  
of litigation or a settlement agreement related to any liability 9207  
for the planning, design, engineering, construction, or 9208  
constructed management of such facilities operated by the 9209  
Department of Administrative Services shall be deposited into the 9210  
Administrative Building Fund (Fund 026). 9211

**Section 59.** Sections 3 to 58 of this act shall remain in full 9212  
force and effect commencing on July 1, 2004, and terminating on 9213  
June 30, 2006, for the purpose of drawing money from the state 9214  
treasury in payment of liabilities lawfully incurred hereunder, 9215  
and on June 30, 2006, and not before, the moneys hereby 9216  
appropriated shall lapse into the funds from which they are 9217  
severally appropriated. If, under Section 1c of Article II, Ohio 9218  
Constitution, Section 1c, Sections 3 to 58 of this act do not take 9219  
effect until after July 1, 2004, Sections 3 to 58 of this act 9220  
shall be and remain in full force and effect commencing on that 9221  
later effective date. 9222

**Section 60.** (A) As used in this section, "design-build 9223  
construction method" means a construction method that has both of 9224  
the following characteristics: 9225

(1) An architecture firm and a contractor form a single 9226  
entity that files a bid to construct a project and that, if 9227  
awarded the contract to construct the project, agrees to a project 9228  
price and completion date. 9229

(2) The entity described in division (A)(1) of this section 9230  
assumes all of the financial risk if the project is delayed or 9231  
exceeds the project price, and receives bonuses if the cost it 9232  
incurs is less than the project price and it meets the 9233

construction target dates. 9234

(B) The Board of County Commissioners of Ashtabula County may 9235  
construct, as a pilot project, a lodge and conference center at 9236  
Geneva State Park on land leased from the Department of Natural 9237  
Resources. 9238

**Section 61.** That Section 11.04 of Am. Sub. H.B. 87 of the 9239  
125th General Assembly, as amended by Am. Sub. H.B. 95 of the 9240  
125th General Assembly, be amended to read as follows: 9241

**Sec. 11.04. PUBLIC ACCESS ROADS FOR STATE FACILITIES 9242**

Of the foregoing appropriation item 772-421, Highway 9243  
Construction - State, \$3,145,500 is to be used each fiscal year 9244  
during the 2003-2005 biennium by the Department of Transportation 9245  
for the construction, reconstruction, or maintenance of public 9246  
access roads, including support features, to and within state 9247  
facilities owned or operated by the Department of Natural 9248  
Resources, as requested by the Director of Natural Resources. 9249

Notwithstanding section 5511.06 of the Revised Code, of the 9250  
foregoing appropriation item 772-421, Highway Construction - 9251  
State, \$2,228,000 in each fiscal year of the 2003-2005 biennium 9252  
shall be used by the Department of Transportation for the 9253  
construction, reconstruction, or maintenance of park drives or 9254  
park roads within the boundaries of metropolitan parks. 9255

Included in the foregoing appropriation item 772-421, Highway 9256  
Construction - State, the department may perform related road work 9257  
on behalf of the Ohio Expositions Commission at the state 9258  
fairgrounds, including reconstruction or maintenance of public 9259  
access roads, including support features, to and within the 9260  
facilities as requested by the commission and approved by the 9261  
Director of Transportation. 9262

**LIQUIDATION OF UNFORESEEN LIABILITIES 9263**

Any appropriation made to the Department of Transportation, 9264  
Highway Operating Fund, not otherwise restricted by law, is 9265  
available to liquidate unforeseen liabilities arising from 9266  
contractual agreements of prior years when the prior year 9267  
encumbrance is insufficient. 9268

GRADE CROSSING PROFILE AND SAFETY IMPROVEMENT PROGRAM 9269

Of the foregoing appropriation item, 776-665, Railroad 9270  
Crossing Safety Devices, any unencumbered and unallotted fiscal 9271  
year 2004 appropriation shall be transferred by the Director of 9272  
Budget and Management to appropriation item 870-614, Grade 9273  
Crossing Protection Devices-State, to be used by the Public 9274  
Utilities Commission of Ohio (PUCO) for the Grade Crossing Profile 9275  
and Safety Improvement Program, which is hereby created. A local 9276  
matching grant of \$25,000 or less may be awarded to political 9277  
subdivisions to pay for profile improvements at crossings that 9278  
meet all the following criteria: have a daily train count of at 9279  
least ten trains, have a daily traffic count of at least 100 motor 9280  
vehicles, are currently not equipped with automatic gates or 9281  
lights, and are currently ranked in the bottom third of the hazard 9282  
index as determined by the PUCO Accident Prevention Formula. In 9283  
addition, grants up to \$5,000 may be awarded to political 9284  
subdivisions to fund non-profile improvement safety devices such 9285  
as rumble strips, vegetation removal, and lighting, at crossings 9286  
that meet all the criteria foregoing. 9287

The PUCO and the Ohio Department of Transportation shall 9288  
notify each political subdivision with jurisdiction over a 9289  
crossing of the requirements of this section and that funding is 9290  
available for rail crossing safety improvements through the Grade 9291  
Crossing Profile and Safety Improvement Program. 9292

The PUCO shall issue a report on or before June 30, 2005, 9293  
describing the activities carried out by the PUCO to comply with 9294



this section. The report shall include the number and location of 9295  
crossings that received safety improvements and the cost of each 9296  
improvement to date. 9297

All appropriations in Fund 4A3 remaining unencumbered on June 9298  
30, 2005, are hereby reappropriated for the same purpose in fiscal 9299  
year 2006. 9300

**Section 62.** That existing Section 11.04 of Am. Sub. H.B. 87 9301  
of the 125th General Assembly, as amended by Am. Sub. H.B. 95 of 9302  
the 125th General Assembly, is hereby repealed. 9303

**Section 63.** The amendment by this act of Section 11.04 of Am. 9304  
Sub. H.B. 87 of the 125th General Assembly, and the items of which 9305  
the amendment is composed, are not subject to the referendum. 9306  
Therefore, under Ohio Constitution, Article II, Section 1d and 9307  
section 1.471 of the Revised Code, the amendment, and the items of 9308  
which it is composed, go into immediate effect when this act 9309  
becomes law. 9310

**Section 64.** That Sections 8.04, 12, 41.06, 41.13, 55, 59, 9311  
59.29, 66, 89, 89.04, 89.05, 89.08, 89.11, and 145 of Am. Sub. 9312  
H.B. 95 of the 125th General Assembly be amended to read as 9313  
follows: 9314

**Sec. 8.04. CENTRAL SERVICE AGENCY FUND** 9315

The Director of Budget and Management may transfer up to 9316  
\$423,200 in fiscal year 2004 and up to \$427,700 in fiscal year 9317  
2005 from the Occupational Licensing and Regulatory Fund (Fund 9318  
4K9) to the Central Service Agency Fund (Fund 115). The Director 9319  
of Budget and Management may transfer up to \$40,700 in fiscal year 9320  
2004 and up to \$41,200 in fiscal year 2005 from the State Medical 9321  
Board Operating Fund (Fund 5C6) to the Central Service Agency Fund 9322  
(Fund 115). The Director of Budget and Management may transfer up 9323

to \$1,210 in fiscal year 2004 and up to \$1,340 in fiscal year 2005 9324  
from the Motor Vehicle Collision Repair Registration Fund (Fund 9325  
5H9) to the Central Service Agency Fund (Fund 115). The 9326  
 appropriation item 100-632, Central Service Agency, shall be used 9327  
 to purchase the necessary equipment, products, and services to 9328  
 maintain a local area network for the professional licensing 9329  
 boards, and to support their licensing applications in fiscal 9330  
 years 2004 and 2005. The amount of the cash transfer is 9331  
 appropriated to appropriation item 100-632, Central Service 9332  
 Agency. 9333

**Sec. 12. AGR DEPARTMENT OF AGRICULTURE** 9334

General Revenue Fund 9335

GRF 700-321	Operating Expenses	\$	2,737,665	\$	2,771,628	9336
GRF 700-401	Animal Disease Control	\$	4,121,815	\$	4,121,815	9337
GRF 700-402	Amusement Ride Safety	\$	278,767	\$	275,943	9338
GRF 700-403	Dairy Division	\$	1,494,597	\$	1,494,153	9339
GRF 700-404	Ohio Proud	\$	197,727	\$	197,229	9340
GRF 700-405	Animal Damage Control	\$	94,954	\$	94,954	9341
GRF 700-406	Consumer Analytical	\$	819,281	\$	872,241	9342
	Lab					
GRF 700-407	Food Safety	\$	999,042	\$	999,042	9343
GRF 700-409	Farmland Preservation	\$	256,993	\$	256,993	9344
GRF 700-410	Plant Industry	\$	1,109,867	\$	1,107,677	9345
GRF 700-411	International Trade	\$	621,049	\$	517,524	9346
	and Market Development					
GRF 700-412	Weights and Measures	\$	914,137	\$	909,120	9347
GRF 700-413	Gypsy Moth Prevention	\$	546,118	\$	576,299	9348
GRF 700-414	Concentrated Animal	\$	16,521	\$	16,086	9349
	Feeding Facilities					
	Advisory Committee					
GRF 700-415	Poultry Inspection	\$	270,645	\$	267,743	9350
GRF 700-418	Livestock Regulation	\$	1,306,911	\$	1,306,911	9351

	Program					
GRF 700-424	Livestock Testing and Inspections	\$	123,347	\$	123,347	9352
GRF 700-499	Meat Inspection Program - State Share	\$	4,651,611	\$	4,696,889	9353
GRF 700-501	County Agricultural Societies	\$	381,091	\$	381,091	9354
TOTAL GRF	General Revenue Fund	\$	20,942,138	\$	20,986,685	9355
	Federal Special Revenue Fund Group					9356
3J4 700-607	Indirect Cost	\$	938,785	\$	949,877	9357
3R2 700-614	Federal Plant Industry	\$	1,400,000	\$	1,425,000	9358
326 700-618	Meat Inspection Service - Federal Share	\$	4,876,904	\$	4,951,291	9359
336 700-617	Ohio Farm Loan Revolving Fund	\$	181,774	\$	181,774	9360
382 700-601	Cooperative Contracts	\$	<del>2,400,000</del>	\$	<del>2,500,000</del>	9361
			<u>2,460,000</u>		<u>2,560,000</u>	9362
TOTAL FED	Federal Special Revenue Fund Group	\$	<del>9,797,463</del>	\$	<del>10,007,942</del>	9363
			<u>9,857,463</u>		<u>10,067,942</u>	9364
	State Special Revenue Fund Group					9366
4C9 700-605	Feed, Fertilizer, and Lime Inspection	\$	986,765	\$	1,008,541	9367
4D2 700-609	Auction Education	\$	30,476	\$	30,476	9368
4E4 700-606	Utility Radiological Safety	\$	73,059	\$	73,059	9369
4P7 700-610	Food Safety Inspection	\$	575,797	\$	582,711	9370
4R0 700-636	Ohio Proud Marketing	\$	40,300	\$	38,300	9371
4R2 700-637	Dairy Inspection Fund	\$	1,157,603	\$	1,184,183	9372
4T6 700-611	Poultry and Meat Inspection	\$	46,162	\$	47,294	9373

4T7	700-613	International Trade and Market Development Rotary	\$	41,238	\$	42,000	9374
4V5	700-615	Animal Industry Lab Fees	\$	711,944	\$	711,944	9375
494	700-612	Agricultural Commodity Marketing Program	\$	170,077	\$	170,220	9376
496	700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,099	9377
497	700-627	Commodity Handlers Regulatory Program	\$	664,118	\$	664,118	9378
498	700-628	Commodity Indemnity Fund	\$	250,000	\$	250,000	9379
5B8	700-629	Auctioneers	\$	291,672	\$	365,390	9380
5H2	700-608	Metrology Lab	\$	105,879	\$	108,849	9381
5L8	700-604	Livestock Management Program	\$	250,000	\$	250,000	9382
578	700-620	Ride Inspection Fees	\$	497,000	\$	497,000	9383
579	700-630	Scale Certification	\$	168,785	\$	171,677	9384
652	700-634	Laboratory Services	\$	1,043,444	\$	1,074,447	9385
669	700-635	Pesticide Program	\$	2,243,232	\$	2,243,232	9386
TOTAL SSR State Special Revenue							9387
Fund Group			\$	10,418,650	\$	10,584,540	9388
Clean Ohio Fund Group							9389
057	700-632	Clean Ohio Agricultural Easement	\$	149,000	\$	149,000	9390
TOTAL CLR Clean Ohio Fund Group			\$	149,000	\$	149,000	9391
<del>Holding Account Redistribution Fund Group</del>							9392
<del>XXX</del>	<del>700-XXX</del>	<del>Farm Service Electronic Filing</del>	<del>\$</del>	<del>60,000</del>	<del>\$</del>	<del>60,000</del>	9393
<del>TOTAL 090 Holding Account</del>			<del>\$</del>	<del>60,000</del>	<del>\$</del>	<del>60,000</del>	9394
<del>Redistribution Fund Group</del>							
TOTAL ALL BUDGET FUND GROUPS			\$	41,367,251	\$	41,788,167	9395

ANIMAL DAMAGE CONTROL 9396

Of the foregoing appropriation item 700-405, Animal Damage 9397  
Control, \$50,000 shall be used in each fiscal year for coyote and 9398  
black vulture indemnification. 9399

INTERNATIONAL TRADE AND MARKET DEVELOPMENT 9400

Of the foregoing appropriation item 700-411, International 9401  
Trade and Market Development, \$100,000 shall be used in fiscal 9402  
year 2004 for the Ohio-Israel Agricultural Initiative. 9403

FAMILY FARM LOAN PROGRAM 9404

Notwithstanding Chapter 166. of the Revised Code, up to 9405  
\$1,500,000 in each fiscal year shall be transferred from moneys in 9406  
the Facilities Establishment Fund (Fund 037) to the Family Farm 9407  
Loan Fund (Fund 5H1) in the Department of Development. These 9408  
moneys shall be used for loan guarantees. The transfer is subject 9409  
to Controlling Board approval. 9410

Financial assistance from the Family Farm Loan Fund (Fund 9411  
5H1) shall be repaid to Fund 5H1. This fund is established in 9412  
accordance with sections 166.031, 901.80, 901.81, 901.82, and 9413  
901.83 of the Revised Code. 9414

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, 9415  
all outstanding balances, all loan repayments, and any other 9416  
outstanding obligations shall revert to the Facilities 9417  
Establishment Fund (Fund 037). 9418

CLEAN OHIO AGRICULTURAL EASEMENT 9419

The foregoing appropriation item 700-632, Clean Ohio 9420  
Agricultural Easement, shall be used by the Department of 9421  
Agriculture in administering sections 901.21, 901.22, and 5301.67 9422  
to 5301.70 of the Revised Code. 9423

~~FARM SERVICE ELECTRONIC FILING~~ 9424

~~As soon as possible on or after July 1, 2003, the Director of Budget and Management shall make a one time cash transfer of \$60,000 from Fund 382, Cooperative Contracts, to Fund XXX, Farm Service Electronic Filing Fund, in fiscal year 2004. The Farm Service Electronic Filing Fund shall be administered by the Department of Agriculture.~~

COOPERATIVE CONTRACTS

The Director of Budget and Management shall transfer the cash balance as of the effective date of this amendment from Fund 5Y7, Farm Service Agency Electronic Filing Fund, to Fund 382, Cooperative Contracts. Encumbrances from appropriation item 700-XXX, Farm Service Electronic Filing, shall be canceled and re-established in appropriation item 700-601, Cooperative Contracts. Those amounts are hereby appropriated. Fund 5Y7, Farm Service Agency Electronic Filing Fund, is hereby closed. The definition of Fund 382 is hereby expanded to include revenue from the United States Farm Service Agency. The use of the money is hereby expanded to include fees charged in advance by the Secretary of State for electronic filing related to Farm Service Agency agricultural loans.

**Sec. 41.06. EDUCATION MANAGEMENT INFORMATION SYSTEM**

The foregoing appropriation item 200-446, Education Management Information System, shall be used by the Department of Education to improve the Education Management Information System (EMIS).

Of the foregoing appropriation item 200-446, Education Management Information System, up to \$1,295,857 in each fiscal year shall be distributed to designated data acquisition sites for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but

are not limited to, personnel, hardware, software development, 9455  
communications connectivity, professional development, and support 9456  
services, and to provide services to participate in the State 9457  
Education Technology Plan pursuant to section 3301.07 of the 9458  
Revised Code. 9459

Of the foregoing appropriation item 200-446, Education 9460  
Management Information System, up to \$8,055,189 in each fiscal 9461  
year shall be distributed on a per-pupil basis to school 9462  
districts, community schools established under Chapter 3314. of 9463  
the Revised Code, education service centers, joint vocational 9464  
school districts, and any other education entity that reports data 9465  
through EMIS. From this funding, each school district or community 9466  
school established under Chapter 3314. of the Revised Code with 9467  
enrollment greater than 100 students and each vocational school 9468  
district shall receive a minimum of \$5,000 in each fiscal year. 9469  
Each school district or community school established under Chapter 9470  
3314. of the Revised Code with enrollment between one and one 9471  
hundred and each education service center and each county board of 9472  
MR/DD that submits data through EMIS shall receive \$3,000 in each 9473  
fiscal year. This subsidy shall be used for costs relating to 9474  
reporting, processing, storing, transferring, and exchanging data 9475  
necessary to meet requirements of the Department of Education's 9476  
data system. 9477

Of the foregoing appropriation item 200-446, Education 9478  
Management Information System, \$782,500 in each fiscal year shall 9479  
be used by the Department of Education, in consultation with an 9480  
advisory group of school districts, community schools, and other 9481  
education-related entities, for the development and implementation 9482  
of a common core of Education Management Information System data 9483  
definitions and data format standards. Once these definitions and 9484  
standards have been developed, they shall be approved by the 9485  
Education Data Advisory Council. Once the standards are approved 9486

by the Education Data Advisory Council, any software meeting the 9487  
standards shall be designated as an approved vendor and may enter 9488  
into contracts with local school districts, community schools, 9489  
data acquisition centers, or other educational entities for the 9490  
purpose of collecting and managing data required under Ohio's 9491  
education management information system (EMIS) laws. On an annual 9492  
basis, the Department of Education shall convene an advisory group 9493  
of school districts, community schools, and other 9494  
education-related entities to review the Education Management 9495  
Information System data definitions and data format standards. The 9496  
advisory group shall recommend changes and enhancements based upon 9497  
surveys of its members, education agencies in other states, and 9498  
current industry practices, to reflect best practices, align with 9499  
federal initiatives, and meet the needs of school districts. 9500

School districts and community schools shall implement a 9501  
common and uniform set of data definitions and data format 9502  
standards for Education Management Information System purposes by 9503  
July 1, 2004. The Department of Education shall work with data 9504  
acquisition sites and their member school districts and community 9505  
schools to implement those uniform standards. School districts and 9506  
community schools that do not adopt and implement the uniform data 9507  
definitions and standards by July 1, 2004, as jointly determined 9508  
by the Department of Education software development team and the 9509  
advisory group shall have all EMIS funding withheld until they are 9510  
in compliance. 9511

GED TESTING/ADULT HIGH SCHOOL 9512

The foregoing appropriation item 200-447, GED Testing/Adult 9513  
High School, shall be used to provide General Educational 9514  
Development (GED) testing at no cost to applicants, pursuant to 9515  
rules adopted by the State Board of Education. The Department of 9516  
Education shall reimburse school districts and community schools, 9517  
created in accordance with Chapter 3314. of the Revised Code, for 9518



a portion of the costs incurred in providing summer instructional 9519  
or intervention services to students who have not graduated due to 9520  
their inability to pass one or more parts of the state's ninth 9521  
grade proficiency test. School districts shall also provide such 9522  
services to students who are residents of the district pursuant to 9523  
section 3313.64 of the Revised Code, but who are enrolled in 9524  
chartered, nonpublic schools. The services shall be provided in 9525  
the public school, in nonpublic schools, in public centers, or in 9526  
mobile units located on or off the nonpublic school premises. No 9527  
school district shall provide summer instructional or intervention 9528  
services to nonpublic school students as authorized by this 9529  
section unless such services are available to students attending 9530  
the public schools within the district. No school district shall 9531  
provide services for use in religious courses, devotional 9532  
exercises, religious training, or any other religious activity. 9533  
Chartered, nonpublic schools shall pay for any unreimbursed costs 9534  
incurred by school districts for providing summer instruction or 9535  
intervention services to students enrolled in chartered, nonpublic 9536  
schools. School districts may provide these services to students 9537  
directly or contract with postsecondary or nonprofit 9538  
community-based institutions in providing instruction. The 9539  
appropriation also shall be used for state reimbursement to school 9540  
districts for adult high school continuing education programs 9541  
pursuant to section 3313.531 of the Revised Code or for costs 9542  
associated with awarding adult high school diplomas under section 9543  
3313.611 of the Revised Code. 9544

EDUCATOR PREPARATION 9545

The foregoing appropriation item 200-448, Educator 9546  
Preparation, shall be used by the Ohio Teacher Education and 9547  
Licensure Advisory Commission to carry out the responsibilities of 9548  
the 21-member Ohio Teacher Education and Licensure Advisory 9549  
Commission. The advisory commission is charged by the State Board 9550

of Education with considering all matters related to educator 9551  
preparation and licensure, including standards for educator 9552  
preparation and licensure, approval of institutions and programs, 9553  
and recommending decisions to the State Board of Education. 9554

TITLE IV-A HEAD START AND TITLE IV-A HEAD START PLUS START UP 9555

The foregoing appropriation item 200-449, Head Start/Head 9556  
Start Plus Start Up, shall be used to provide start up grants for 9557  
Title IV-A reimbursable funding for the provision of services to 9558  
children eligible for Title IV-A services. In fiscal year 2004, 9559  
these grants shall be provided to Title IV-A Head Start agencies. 9560  
In fiscal year 2005, these grants shall be provided to Title IV-A 9561  
Head Start agencies and Title IV-A Head Start Plus agencies. The 9562  
amount of each grant shall be determined by the Department of 9563  
Education. In fiscal year 2005, up to \$100,000 may be used by the 9564  
Department of Education to provide associated program support and 9565  
technical assistance. Funds appropriated for this purpose shall be 9566  
reimbursed to the General Revenue Fund when the Title IV-A Head 9567  
Start or Title IV-A Head Start Plus programs cease or are no 9568  
longer funded from Title IV-A. If one program ceases or is no 9569  
longer funded with Title IV-A funds, the General Revenue Fund will 9570  
be reimbursed for that program. 9571

If a Title IV-A Head Start agency or Title IV-A Head Start 9572  
Plus agency chooses not to participate in the program or if the 9573  
Department ~~of~~ of Education suspends or terminates part or all of 9574  
its funding, reimbursement owed to the grantee shall be held by 9575  
the Department of Education up to the amount of the grant owed by 9576  
the grantee. If insufficient reimbursement is available to recover 9577  
the amount owed by the grantee, the grantee shall return the 9578  
remaining balance within 60 days of the date of the decision not 9579  
to participate, the suspension, or the termination. Funding 9580  
recovered from such grantees shall be used by the Department of 9581  
Education for supplying grants to new grantees for Title IV-A 9582

reimbursable funding for provision of services to children 9583  
eligible for Title IV-A services. Any funding remaining when the 9584  
Title IV-A Head Start and the Title IV-A Head Start Plus programs 9585  
cease or are no longer funded with Title IV-A funds shall be 9586  
returned to the General Revenue Fund. 9587

The Title IV-A Head Start Plus agency that is receiving funds 9588  
to operate a Head Start program in accordance with section 3301.35 9589  
of the Revised Code shall provide the program through contracts 9590  
with child care providers licensed or certified in accordance with 9591  
Chapter 5104. of the Revised Code. If a licensed or certified 9592  
child care provider is not in operation or willing to participate 9593  
and if eligible families are in need of full-day and full-year 9594  
Head Start and child care services, the Title IV-A Head Start Plus 9595  
agency may be the sole source provider. 9596

TEACHING SUCCESS COMMISSION INITIATIVES 9597

The foregoing appropriation item 200-452, Teaching Success 9598  
Commission Initiatives, shall be used by the Department of 9599  
Education to support initiatives recommended by the Governor's 9600  
Commission on Teaching Success. 9601

COMMUNITY SCHOOLS 9602

Of the foregoing appropriation item 200-455, Community 9603  
Schools, up to \$1,308,661 in each fiscal year may be used by the 9604  
Department of Education for additional services and 9605  
responsibilities under section 3314.11 of the Revised Code. 9606

Of the foregoing appropriation item 200-455, Community 9607  
Schools, up to \$250,000 in each fiscal year may be used by the 9608  
Department of Education for developing and conducting training 9609  
sessions for sponsors and prospective sponsors of community 9610  
schools as prescribed in division (A)(1) of section 3314.015 of 9611  
the Revised Code. In developing such training sessions, the 9612  
Department shall collect and disseminate examples of best 9613

practices used by sponsors of independent charter schools in Ohio 9614  
and other states. 9615

The remaining appropriation may be used by the Department of 9616  
Education to make grants of up to \$50,000 to each proposing group 9617  
with a preliminary agreement obtained under division (C)(2) of 9618  
section 3314.02 of the Revised Code in order to defray planning 9619  
and initial start-up costs. In the first year of operation of a 9620  
community school, the Department of Education may make a grant of 9621  
not more than \$100,000 to the governing authority of the school to 9622  
partially defray additional start-up costs. The amount of the 9623  
grant shall be based on a thorough examination of the needs of the 9624  
community school. The Department of Education shall not utilize 9625  
moneys received under this section for any other purpose other 9626  
than those specified under this section. 9627

A community school awarded start-up grants from appropriation 9628  
item 200-613, Public Charter Schools (Fund 3T4), shall not be 9629  
eligible for grants under this section. 9630

**Sec. 41.13. SPECIAL EDUCATION ENHANCEMENTS 9631**

Of the foregoing appropriation item 200-540, Special 9632  
Education Enhancements, up to \$44,204,000 in fiscal year 2004 and 9633  
up to \$45,441,712 in fiscal year 2005 shall be used to fund 9634  
special education and related services at county boards of mental 9635  
retardation and developmental disabilities for eligible students 9636  
under section 3317.20 of the Revised Code. Up to \$2,452,125 shall 9637  
be used in each fiscal year to fund special education classroom 9638  
and related services units at institutions. 9639

Of the foregoing appropriation item 200-540, Special 9640  
Education Enhancements, up to \$2,906,875 in each fiscal year shall 9641  
be used for home instruction for children with disabilities; up to 9642  
\$1,462,500 in each fiscal year shall be used for parent mentoring 9643  
programs; and up to \$2,783,396 in each fiscal year may be used for 9644

school psychology interns. 9645

Of the foregoing appropriation item 200-540, Special 9646  
Education Enhancements, \$3,406,090 in each fiscal year shall be 9647  
used by the Department of Education to assist school districts in 9648  
funding aides pursuant to paragraph (A)(3)(c)(i)(b) of rule 9649  
3301-51-04 of the Administrative Code. 9650

Of the foregoing appropriation item 200-540, Special 9651  
Education Enhancements, \$78,384,498 in each fiscal year shall be 9652  
distributed by the Department of Education to county boards of 9653  
mental retardation and developmental disabilities, educational 9654  
service centers, and school districts for preschool special 9655  
education units and preschool supervisory units in accordance with 9656  
section 3317.161 of the Revised Code. The ~~department~~ Department 9657  
may reimburse county boards of mental retardation and 9658  
developmental disabilities, educational service centers, and 9659  
school districts for related services as defined in rule 9660  
~~3301-31-05~~ 3301-51-11 of the Administrative Code, for preschool 9661  
occupational and physical therapy services provided by a physical 9662  
therapy assistant and certified occupational therapy assistant, 9663  
and for an instructional assistant. To the greatest extent 9664  
possible, the Department of Education shall allocate these units 9665  
to school districts and educational service centers. The 9666  
Controlling Board may approve the transfer of unallocated funds 9667  
from appropriation item 200-501, Base Cost Funding, to 9668  
appropriation item 200-540, Special Education Enhancements, to 9669  
fully fund existing units as necessary or to fully fund additional 9670  
units. The Controlling Board may approve the transfer of 9671  
unallocated funds from appropriation item 200-540, Special 9672  
Education Enhancements, to appropriation item 200-501, Base Cost 9673  
Funding, to fully fund the special education weight cost funding. 9674

The Department of Education shall require school districts, 9675  
educational service centers, and county MR/DD boards serving 9676

preschool children with disabilities to document child progress 9677  
using research-based indicators prescribed by the Department and 9678  
report results annually. The reporting dates and methodology shall 9679  
be determined by the Department. 9680

Of the foregoing appropriation item 200-540, Special 9681  
Education Enhancements, \$315,000 in each fiscal year shall be 9682  
expended to conduct a demonstration project involving language and 9683  
literacy intervention teams supporting student acquisition of 9684  
language and literacy skills. The demonstration project shall 9685  
demonstrate improvement of language and literacy skills of at-risk 9686  
learners under the instruction of certified speech pathologists 9687  
and educators. Baseline data shall be collected and comparison 9688  
data for fiscal year 2004 and fiscal year 2005 shall be collected 9689  
and reported to the Governor, ~~Ohio Reads~~ OhioReads Council, 9690  
Department of Education, and the General Assembly. 9691

Of the foregoing appropriation item 200-540, Special 9692  
Education Enhancements, up to \$500,000 in each fiscal year shall 9693  
be used for the Research-Based Reading Mentoring Program. 9694

Of the foregoing appropriation item 200-540, Special 9695  
Education Enhancements, \$600,000 in each fiscal year shall be used 9696  
to support the Bellefaire Jewish Children's Bureau. 9697

**Sec. 55. OHS OHIO HISTORICAL SOCIETY** 9698

General Revenue Fund 9699

GRF 360-403 Adena - Worthington \$ 200,000 \$ 150,000 9700

Home

GRF 360-501 Operating Subsidy \$ 3,389,973 \$ 3,389,973 9701

GRF 360-502 Site Operations \$ 8,240,438 \$ 8,240,438 9702

GRF 360-503 Ohio Bicentennial \$ 1,847,239 \$ 58,164 9703

Commission

GRF 360-504 Ohio Preservation \$ 289,733 \$ 289,733 9704

Office

GRF 360-505 Afro-American Museum	\$	778,231	\$	778,231	9705
GRF 360-506 Hayes Presidential Center	\$	524,981	\$	524,981	9706
GRF 360-508 Historical Grants	\$	<del>2,200,000</del>	\$	<del>1,550,000</del>	9707
		<u>2,400,000</u>		<u>1,750,000</u>	
TOTAL GRF General Revenue Fund	\$	<del>17,470,595</del>	\$	<del>14,981,520</del>	9708
		<u>17,670,595</u>		<u>15,181,520</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	<del>17,470,595</del>	\$	<del>14,981,520</del>	9709
		<u>17,670,595</u>		<u>15,181,520</u>	

SUBSIDY APPROPRIATION 9710

Upon approval by the Director of Budget and Management, the 9711  
foregoing appropriation items shall be released to the Ohio 9712  
Historical Society in quarterly amounts that in total do not 9713  
exceed the annual appropriations. The funds and fiscal records of 9714  
the society for fiscal years 2004 and 2005 shall be examined by 9715  
independent certified public accountants approved by the Auditor 9716  
of State, and a copy of the audited financial statements shall be 9717  
filed with the Office of Budget and Management. The society shall 9718  
prepare and submit to the Office of Budget and Management the 9719  
following: 9720

(A) An estimated operating budget for each fiscal year of the 9721  
biennium. The operating budget shall be submitted at or near the 9722  
beginning of each year. 9723

(B) Financial reports, indicating actual receipts and 9724  
expenditures for the fiscal year to date. These reports shall be 9725  
filed at least semiannually during the fiscal biennium. 9726

The foregoing appropriations shall be considered to be the 9727  
contractual consideration provided by the state to support the 9728  
state's offer to contract with the Ohio Historical Society under 9729  
section 149.30 of the Revised Code. If the Ohio Historical Society 9730  
accepts this contractual offer, the society may not, during fiscal 9731

year 2004 or 2005, close any of the sites operated by the society 9732  
as of the effective date of this section. 9733

Not later than May 15, 2004, the Ohio Historical Society 9734  
shall submit to the Controlling Board a plan for the 9735  
implementation of the recommendations of the Select Committee to 9736  
Study the Effectiveness of Ohio's Historical Programs and 9737  
Partnerships. No appropriations to the society for fiscal year 9738  
2005 may be expended without prior approval of the implementation 9739  
plan by the Controlling Board. 9740

HAYES PRESIDENTIAL CENTER 9741

If a United States government agency, including, but not 9742  
limited to, the National Park Service, chooses to take over the 9743  
operations or maintenance of the Hayes Presidential Center, in 9744  
whole or in part, the Ohio Historical Society shall make 9745  
arrangements with the National Park Service or other United States 9746  
government agency for the efficient transfer of operations or 9747  
maintenance. 9748

HISTORICAL GRANTS 9749

Of the foregoing appropriation item 360-508, Historical 9750  
Grants, ~~\$91,667~~ \$100,000 in each fiscal year ~~2004~~ and ~~\$88,571~~ in 9751  
~~fiscal year 2005~~ shall be distributed to the Hebrew Union College 9752  
in Cincinnati for the Center for Holocaust and Humanity Education, 9753  
~~\$137,500~~ \$150,000 in fiscal year 2004 shall be distributed to the 9754  
National Underground Railroad Freedom Center in Cincinnati, 9755  
~~\$229,167~~ \$250,000 in each fiscal year ~~2004~~ and ~~\$221,430~~ in ~~fiscal~~ 9756  
~~year 2005~~ shall be distributed to the Great Lakes Historical 9757  
Society in Vermilion, ~~\$733,333~~ \$800,000 in each fiscal year 2004 9758  
and ~~\$708,571~~ in ~~fiscal year 2005~~ shall be distributed to the 9759  
Western Reserve Historical Society in Cleveland, ~~\$458,333~~ \$500,000 9760  
in fiscal year 2004 shall be distributed to the Village of 9761  
Dennison for the Historical Center Street District, ~~\$91,667~~ 9762



~~\$100,000~~ in each fiscal year 2004 and ~~\$88,571~~ in fiscal year 2005 9763  
shall be distributed to the Harbor Heritage Society Steamship 9764  
Mather in Cleveland, and ~~\$458,333~~ \$500,000 in each fiscal year 9765  
2004 and ~~\$442,857~~ in fiscal year 2005 shall be distributed to the 9766  
Cincinnati Museum Center. 9767

OHIO BICENTENNIAL COMMISSION ROYALTIES 9768

Notwithstanding any previous arrangement to the contrary, the 9769  
Ohio Bicentennial Commission shall keep the first \$100,000 in 9770  
earned royalties associated with the Ohio Bicentennial logo during 9771  
the 2004-2005 biennium. This \$100,000 shall be used to cover the 9772  
operating expenses of the Ohio Bicentennial Commission in fiscal 9773  
year 2005. The remaining moneys collected from royalties 9774  
associated with the Ohio Bicentennial logo shall be deposited into 9775  
the General Revenue Fund, of which \$350,000 shall be distributed 9776  
to the Ohio Historical Society for use in appropriation item 9777  
360-403, Adena - Worthington Home. 9778

**Sec. 59. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 9779**

General Revenue Fund				9780	
GRF 600-321 Support Services				9781	
State	\$	62,361,047	\$	58,611,047	9782
Federal	\$	7,176,249	\$	7,125,883	9783
Support Services Total	\$	69,537,296	\$	65,736,930	9784
GRF 600-410 TANF State	\$	272,619,061	\$	272,619,061	9785
GRF 600-413 Child Care	\$	84,120,596	\$	84,120,596	9786
Match/Maintenance of Effort					
GRF 600-416 Computer Projects				9787	
State	\$	120,000,000	\$	120,000,000	9788
Federal	\$	31,095,442	\$	31,400,454	9789
Computer Projects	\$	151,095,442	\$	151,400,454	9790
Total					

GRF 600-420	Child Support Administration	\$	5,091,446	\$	5,091,446	9791
GRF 600-421	Office of Family Stability	\$	4,864,932	\$	4,864,932	9792
GRF 600-422	Local Operations	\$	2,305,232	\$	2,305,232	9793
GRF 600-423	Office of Children and Families	\$	5,000,000	\$	5,000,000	9794
GRF 600-424	Office of Workforce Development	\$	877,971	\$	877,971	9795
GRF 600-425	Office of Ohio Health Plans					9796
	State	\$	21,944,901	\$	22,603,740	9797
	Federal	\$	21,848,555	\$	22,495,502	9798
	Office of Ohio Health Plans Total	\$	43,793,456	\$	45,099,242	9799
GRF 600-435	Unemployment Compensation Review Commission	\$	3,188,473	\$	3,188,473	9800
GRF 600-439	Commission to Reform Medicaid	\$	125,000	\$	125,000	9801
GRF 600-502	Child Support Match	\$	16,814,103	\$	16,814,103	9802
GRF 600-511	Disability Financial Assistance	\$	22,839,371	\$	22,839,371	9803
GRF 600-521	Family Stability Subsidy	\$	55,206,401	\$	55,206,401	9804
GRF 600-523	Children and Families Subsidy	\$	69,846,563	\$	69,846,563	9805
GRF 600-525	Health Care/Medicaid					9806
	State	\$	3,651,294,321	\$	3,842,465,911	9807
	Federal	\$	<del>5,188,691,539</del>	\$	<del>5,463,149,039</del>	9808
			<u>5,189,580,735</u>		<u>5,493,159,762</u>	
	Health Care Total	\$	<del>8,839,985,860</del>	\$	<del>9,305,614,950</del>	9809
			<u>8,840,875,056</u>		<u>9,335,625,673</u>	

GRF 600-528	Adoption Services				9810	
	State	\$	33,395,955	\$	36,017,981	9811
	Federal	\$	37,368,248	\$	41,115,000	9812
	Adoption Services	\$	70,764,203	\$	77,132,981	9813
	Total					
TOTAL GRF	General Revenue Fund					9814
	State	\$	4,428,706,900	\$	4,619,409,355	9815
	Federal	\$	<del>5,286,180,033</del>	\$	<del>5,565,285,878</del>	9816
			<u>5,287,069,229</u>		<u>5,595,387,601</u>	
	GRF Total	\$	<del>9,718,075,406</del>	\$	<del>10,187,883,706</del>	9817
			<u>9,718,964,602</u>		<u>10,217,894,429</u>	
General Services Fund Group						9818
4A8 600-658	Child Support	\$	27,255,646	\$	26,680,794	9819
	Collections					
4R4 600-665	BCII Services/Fees	\$	136,974	\$	136,974	9820
5C9 600-671	Medicaid Program	\$	54,686,270	\$	55,137,078	9821
	Support					
5N1 600-677	County Technologies	\$	5,000,000	\$	5,000,000	9822
613 600-645	Training Activities	\$	135,000	\$	135,000	9823
TOTAL GSF	General Services					9824
Fund Group		\$	87,213,890	\$	87,089,846	9825
Federal Special Revenue Fund Group						9826
3A2 600-641	Emergency Food	\$	2,083,500	\$	2,187,675	9827
	Distribution					
3D3 600-648	Children's Trust Fund	\$	2,040,524	\$	2,040,524	9828
	Federal					
3F0 600-623	Health Care Federal	\$	391,658,105	\$	394,221,409	9829
3F0 600-650	Hospital Care	\$	298,128,308	\$	305,879,644	9830
	Assurance Match					
3G5 600-655	Interagency	\$	1,180,523,642	\$	1,245,244,536	9831
	Reimbursement					
3H7 600-617	Child Care Federal	\$	224,539,425	\$	235,045,596	9832

3N0	600-628	IV-E Foster Care Maintenance	\$	173,963,142	\$	173,963,142	9833
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050	9834
3V0	600-662	WIA Ohio Option #7	\$	87,407,014	\$	89,352,850	9835
3V0	600-688	Workforce Investment Act	\$	93,636,390	\$	94,932,750	9836
3V4	600-678	Federal Unemployment Programs	\$	153,690,682	\$	154,111,608	9837
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$	3,097,320	\$	2,860,297	9838
3V6	600-689	TANF Block Grant	\$	786,095,609	\$	845,909,688	9839
3W3	600-659	TANF/Title XX	\$	88,994,049	\$	93,498,158	9840
316	600-602	State and Local Training	\$	11,212,594	\$	11,249,282	9841
327	600-606	Child Welfare	\$	29,119,408	\$	28,665,728	9842
331	600-686	Federal Operating	\$	48,237,185	\$	47,340,081	9843
365	600-681	JOB Training Program	\$	5,000,000	\$	0	9844
384	600-610	Food Stamps and State Administration	\$	134,560,572	\$	135,141,694	9845
385	600-614	Refugee Services	\$	5,793,656	\$	5,841,407	9846
395	600-616	Special Activities/Child and Family Services	\$	3,975,821	\$	3,975,821	9847
396	600-620	Social Services Block Grant	\$	74,969,767	\$	74,986,134	9848
397	600-626	Child Support	\$	304,157,939	\$	307,468,576	9849
398	600-627	Adoption Maintenance/ Administration	\$	339,957,978	\$	340,104,370	9850
TOTAL FED Federal Special Revenue							9851
Fund Group			\$	4,443,376,680	\$	4,594,555,020	9852
State Special Revenue Fund Group							9853
198	600-647	Children's Trust Fund	\$	4,336,109	\$	4,336,109	9854

4A9	600-607	Unemployment Compensation Admin Fund	\$	8,001,000	\$	8,001,000	9855
4E3	600-605	Nursing Home Assessments	\$	4,759,913	\$	4,759,914	9856
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	9857
4F1	600-609	Foundation Grants/Child and Family Services	\$	119,310	\$	119,310	9858
4J5	600-613	Nursing Facility Bed Assessments	\$	35,060,013	\$	35,064,238	9859
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	9860
4K1	600-621	ICF/MR Bed Assessments	\$	20,467,050	\$	20,428,726	9861
4R3	600-687	Banking Fees	\$	892,000	\$	892,000	9862
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	9863
5A5	600-685	Unemployment Benefit Automation	\$	14,000,000	\$	0	9864
5P5	600-692	Health Care Services	\$	492,932,514	\$	515,947,439	9865
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	30,797,539	\$	30,797,539	9866
5R2	600-608	Medicaid-Nursing Facilities	\$	113,754,184	\$	113,754,184	9867
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	9868
5T2	600-652	Child Support Special Payment	\$	1,500,000	\$	750,000	9869
5U3	600-654	Health Care Services Administration	\$	7,576,322	\$	6,119,127	9870
5U6	600-663	Children and Family Support	\$	4,929,718	\$	4,929,718	9871

651 600-649 Hospital Care	\$ 208,634,072	\$ 214,058,558	9872
Assurance Program Fund			
TOTAL SSR State Special Revenue			9873
Fund Group	\$ 975,380,704	\$ 987,578,822	9874
Agency Fund Group			
192 600-646 Support Intercept -	\$ 136,500,000	\$ 136,500,000	9876
Federal			
5B6 600-601 Food Stamp Intercept	\$ 5,000,000	\$ 5,000,000	9877
583 600-642 Support Intercept -	\$ 20,565,582	\$ 20,565,582	9878
State			
TOTAL AGY Agency Fund Group	\$ 162,065,582	\$ 162,065,582	9879
Holding Account Redistribution Fund Group			
R12 600-643 Refunds and Audit	\$ 5,343,906	\$ 5,343,906	9881
Settlements			
R13 600-644 Forgery Collections	\$ 700,000	\$ 700,000	9882
TOTAL 090 Holding Account	\$ 6,043,906	\$ 6,043,906	9883
Redistribution Fund Group			
TOTAL ALL BUDGET FUND GROUPS	<del>\$15,392,156,168</del>	<del>\$16,025,216,882</del>	9884
	<u>15,393,045,364</u>	<u>16,055,227,605</u>	

**Sec. 59.29. OHIO COMMISSION TO REFORM MEDICAID** 9886

There is hereby established the Ohio Commission to Reform 9887  
Medicaid, which shall consist of nine members: three appointed by 9888  
the Governor, three appointed by the Speaker of the House of 9889  
Representatives, and three appointed by the President of the 9890  
Senate. Appointments shall be made not later than ninety days 9891  
after ~~the effective date of this section~~ June 26, 2003. All 9892  
members shall serve at the pleasure of the appointing authority. 9893  
~~Members shall serve without compensation.~~ Vacancies shall be 9894  
filled in the manner of original appointments. 9895

The members of the Commission shall serve without 9896  
compensation but shall be reimbursed in accordance with rules 9897

adopted under section 126.31 of the Revised Code for all actual 9898  
and necessary expenses incurred on or after the effective date of 9899  
this amendment in the performance of their official duties on the 9900  
Commission. 9901

The Commission shall conduct a complete review of the state 9902  
 Medicaid program and shall make recommendations for comprehensive 9903  
 reform and cost containment. The Commission shall submit a report 9904  
 of its findings and recommendations to the Governor, Speaker, and 9905  
 Senate President not later than January 1, 2005. 9906

The Commission may hire a staff director and additional 9907  
 employees to provide technical support. 9908

The Director of Job and Family Services shall, on behalf of 9909  
 the Commission, seek federal financial participation for the 9910  
 administrative costs of the Commission. 9911

**Sec. 66. LIB STATE LIBRARY BOARD** 9912

General Revenue Fund 9913

GRF 350-321	Operating Expenses	\$	6,700,721	\$	6,700,721	9914
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GRF 350-400	Ohio Public Library	\$	0	\$	5,000,000	9915
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Information Network

GRF 350-401	Ohioana Rental	\$	124,816	\$	124,816	9916
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Payments

GRF 350-501	Cincinnati Public	\$	584,414	\$	569,803	9917
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Library

GRF 350-502	Regional Library	\$	1,194,374	\$	1,194,374	9918
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Systems

GRF 350-503	Cleveland Public	\$	879,042	\$	857,066	9919
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Library

TOTAL GRF	General Revenue Fund	\$	9,483,367	\$	14,446,780	9920
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General Services Fund Group 9921

139 350-602	Intra-Agency Service	\$	9,000	\$	9,000	9922
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Charges						
4S4	350-604	OPLIN Technology	\$	6,450,000	\$	1,000,000 9923
459	350-602	Interlibrary Service	\$	2,759,661	\$	2,809,661 9924
Charges						
TOTAL GSF General Services						9925
Fund Group			\$	9,218,661	\$	3,818,661 9926
Federal Special Revenue Fund Group						9927
313	350-601	LSTA Federal	\$	5,541,647	\$	5,541,647 9928
TOTAL FED Federal Special Revenue						9929
Fund Group			\$	5,541,647	\$	5,541,647 9930
TOTAL ALL BUDGET FUND GROUPS			\$	24,243,675	\$	23,807,088 9931
OHIOANA RENTAL PAYMENTS						9932
The foregoing appropriation item 350-401, Ohioana Rental						9933
Payments, shall be used to pay the rental expenses of the Martha						9934
Kinney Cooper Ohioana Library Association pursuant to section						9935
3375.61 of the Revised Code.						9936
CINCINNATI PUBLIC LIBRARY						9937
The foregoing appropriation item 350-501, Cincinnati Public						9938
Library, shall be used for the Talking Book program, which assists						9939
the blind and disabled.						9940
REGIONAL LIBRARY SYSTEMS						9941
The foregoing appropriation item 350-502, Regional Library						9942
Systems, shall be used to support regional library systems						9943
eligible for funding under <del>section</del> <u>sections 3375.83 and</u> 3375.90 of						9944
the Revised Code.						9945
CLEVELAND PUBLIC LIBRARY						9946
The foregoing appropriation item 350-503, Cleveland Public						9947
Library, shall be used for the Talking Book program, which assists						9948
the blind and disabled.						9949
OHIO PUBLIC LIBRARY INFORMATION NETWORK						9950



The foregoing appropriation items 350-604, OPLIN Technology, 9951  
and, in fiscal year 2005, 350-400, Ohio Public Library Information 9952  
Network, shall be used for an information telecommunications 9953  
network linking public libraries in the state and such others as 9954  
may be certified as participants by the Ohio Public Library 9955  
Information Network Board. 9956

The Ohio Public Library Information Network Board shall 9957  
consist of eleven members appointed by the State Library Board 9958  
from among the staff of public libraries and past and present 9959  
members of boards of trustees of public libraries, based on the 9960  
recommendations of the Ohio library community. The Ohio Public 9961  
Library Information Network Board, in consultation with the State 9962  
Library, shall develop a plan of operations for the network. The 9963  
board may make decisions regarding use of the foregoing OPLIN 9964  
appropriation items 350-400 and 350-604 and may receive and expend 9965  
grants to carry out the operations of the network in accordance 9966  
with state law and the authority to appoint and fix the 9967  
compensation of a director and necessary staff. The State Library 9968  
shall be the fiscal agent for the network and shall have fiscal 9969  
accountability for the expenditure of funds. The Ohio Public 9970  
Library Information Network Board members shall be reimbursed for 9971  
actual travel and necessary expenses incurred in carrying out 9972  
their responsibilities. 9973

In order to limit access to obscene and illegal materials 9974  
through internet use at Ohio Public Library Information Network 9975  
(OPLIN) terminals, local libraries with OPLIN computer terminals 9976  
shall adopt policies that control access to obscene and illegal 9977  
materials. These policies may include use of technological systems 9978  
to select or block certain internet access. The OPLIN shall 9979  
condition provision of its funds, goods, and services on 9980  
compliance with these policies. The OPLIN Board shall also adopt 9981  
and communicate specific recommendations to local libraries on 9982

methods to control such improper usage. These methods may include 9983  
each library implementing a written policy controlling such 9984  
improper use of library terminals and requirements for parental 9985  
involvement or written authorization for juvenile internet usage. 9986

The OPLIN Board shall research and assist or advise local 9987  
libraries with regard to emerging technologies and methods that 9988  
may be effective means to control access to obscene and illegal 9989  
materials. The OPLIN Executive Director shall biannually provide 9990  
written reports to the Governor, the Speaker and Minority Leader 9991  
of the House of Representatives, and the President and Minority 9992  
Leader of the Senate on any steps being taken by OPLIN and public 9993  
libraries in the state to limit and control such improper usage as 9994  
well as information on technological, legal, and law enforcement 9995  
trends nationally and internationally affecting this area of 9996  
public access and service. 9997

The Ohio Public Library Information Network, InfoOhio, and 9998  
OhioLink shall, to the extent feasible, coordinate and cooperate 9999  
in their purchase or other acquisition of the use of electronic 10000  
databases for their respective users and shall contribute funds in 10001  
an equitable manner to such effort. 10002

TRANSFER TO OPLIN TECHNOLOGY FUND 10003

Notwithstanding sections 5747.03 and 5747.47 of the Revised 10004  
Code and any other provision of law to the contrary, in accordance 10005  
with a schedule established by the Director of Budget and 10006  
Management, the Director of Budget and Management shall transfer 10007  
up to \$5,000,000 in fiscal year 2004 from the Library and Local 10008  
Government Support Fund (Fund 065) to the OPLIN Technology Fund 10009  
(Fund 4S4). 10010

**Sec. 89. BOR BOARD OF REGENTS** 10011

General Revenue Fund 10012

GRF 235-321	Operating Expenses	\$	3,336,284	\$	2,767,219	10013
GRF 235-401	Lease Rental Payments	\$	246,500,700	\$	216,836,400	10014
GRF 235-402	Sea Grants	\$	274,895	\$	274,895	10015
GRF 235-403	Math/Science Teaching Improvement	\$	1,757,614	\$	1,757,614	10016
GRF 235-404	College Readiness Initiatives	\$	3,152,603	\$	3,401,759	10017
GRF 235-406	Articulation and Transfer	\$	733,200	\$	733,200	10018
GRF 235-408	Midwest Higher Education Compact	\$	82,500	\$	82,500	10019
GRF 235-409	Information System	\$	1,185,879	\$	1,154,671	10020
GRF 235-414	State Grants and Scholarship Administration	\$	1,219,719	\$	1,211,373	10021
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	10022
GRF 235-417	Ohio Learning Network	\$	3,413,046	\$	3,327,720	10023
GRF 235-418	Access Challenge	\$	67,568,622	\$	67,568,622	10024
GRF 235-420	Success Challenge	\$	51,113,077	\$	56,113,077	10025
GRF 235-428	Appalachian New Economy Partnership	\$	1,179,893	\$	1,147,895	10026
GRF 235-451	Eminent Scholars	\$	0	\$	1,462,500	10027
GRF 235-454	Research Challenge	\$	18,330,000	\$	18,330,000	10028
GRF 235-455	EnterpriseOhio Network	\$	1,505,262	\$	1,465,650	10029
GRF 235-474	Area Health Education Centers Program Support	\$	1,722,226	\$	1,676,670	10030
GRF 235-477	Access Improvement Projects	\$	1,048,664	\$	1,080,124	10031
GRF 235-501	State Share of Instruction	\$	1,534,189,277	\$	1,559,096,031	10032
GRF 235-502	Student Support Services	\$	870,675	\$	848,908	10033

GRF 235-503	Ohio Instructional Grants	\$	111,966,343	\$	115,325,333	10034
GRF 235-504	War Orphans Scholarships	\$	4,672,321	\$	4,672,321	10035
GRF 235-507	OhioLINK	\$	7,028,392	\$	7,028,392	10036
GRF 235-508	Air Force Institute of Technology	\$	2,096,523	\$	2,053,860	10037
GRF 235-509	Displaced Homemakers	\$	204,865	\$	199,743	10038
GRF 235-510	Ohio Supercomputer Center	\$	4,208,472	\$	4,103,260	10039
GRF 235-511	Cooperative Extension Service	\$	25,644,863	\$	25,644,863	10040
GRF 235-513	Ohio University Voinovich Center	\$	311,977	\$	305,178	10041
GRF 235-514	Central State Supplement	\$	11,039,203	\$	11,039,203	10042
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,303,612	\$	3,212,271	10043
GRF 235-518	Capitol Scholarship Programs	\$	245,000	\$	245,000	10044
GRF 235-519	Family Practice	\$	5,529,432	\$	5,391,196	10045
GRF 235-520	Shawnee State Supplement	\$	2,082,289	\$	2,082,289	10046
GRF 235-521	The Ohio State University Glenn Institute	\$	311,977	\$	305,178	10047
GRF 235-524	Police and Fire Protection	\$	209,046	\$	203,819	10048
GRF 235-525	Geriatric Medicine	\$	820,696	\$	800,179	10049
GRF 235-526	Primary Care Residencies	\$	2,730,013	\$	2,661,762	10050
GRF 235-527	Ohio Aerospace	\$	1,933,607	\$	1,882,767	10051

	Institute				
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000 10052
GRF 235-531	Student Choice Grants	\$	52,139,646	\$	52,139,646 10053
GRF 235-534	Student Workforce	\$	2,437,500	\$	2,437,500 10054
	Development Grants				
GRF 235-535	Ohio Agricultural	\$	35,830,188	\$	35,830,188 10055
	Research and				
	Development Center				
GRF 235-536	The Ohio State	\$	13,565,885	\$	13,565,885 10056
	University Clinical				
	Teaching				
GRF 235-537	University of	\$	11,157,756	\$	11,157,756 10057
	Cincinnati Clinical				
	Teaching				
GRF 235-538	Medical College of	\$	8,696,866	\$	8,696,866 10058
	Ohio at Toledo				
	Clinical Teaching				
GRF 235-539	Wright State	\$	4,225,107	\$	4,225,107 10059
	University Clinical				
	Teaching				
GRF 235-540	Ohio University	\$	4,084,540	\$	4,084,540 10060
	Clinical Teaching				
GRF 235-541	Northeastern Ohio	\$	4,200,945	\$	4,200,945 10061
	Universities College				
	of Medicine Clinical				
	Teaching				
GRF 235-543	Ohio College of	\$	424,033	\$	424,033 10062
	Podiatric Medicine				
	Clinical Subsidy				
GRF 235-547	School of	\$	1,264,611	\$	1,232,996 10063
	International Business				
GRF 235-549	Part-time Student	\$	14,036,622	\$	14,457,721 10064
	Instructional Grants				

GRF 235-552	Capital Component	\$	18,711,936	\$	18,711,936	10065
GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,074,550	\$	2,993,937	10066
GRF 235-554	Computer Science Graduate Education	\$	2,577,209	\$	2,512,779	10067
GRF 235-555	Library Depositories	\$	1,775,467	\$	1,731,080	10068
GRF 235-556	Ohio Academic Resources Network	\$	3,657,009	\$	3,803,289	10069
GRF 235-558	Long-term Care Research	\$	230,906	\$	225,134	10070
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	121,586	\$	118,546	10071
GRF 235-572	The Ohio State University Clinic Support	\$	1,400,394	\$	1,362,259	10072
GRF 235-583	Urban University Programs	\$	5,692,236	\$	5,553,506	10073
GRF 235-585	Ohio University Innovation Center	\$	41,596	\$	40,556	10074
GRF 235-587	Rural University Projects	\$	1,224,510	\$	1,224,510	10075
GRF 235-588	Ohio Resource Center for Mathematics, Science, and Reading	\$	853,262	\$	853,262	10076
GRF 235-595	International Center for Water Resources Development	\$	137,352	\$	133,918	10077
GRF 235-596	Hazardous Materials Program	\$	339,647	\$	331,156	10078
GRF 235-599	National Guard Scholarship Program	\$	<del>13,252,916</del> <u>14,752,916</u>	\$	<del>14,578,208</del> <u>16,078,208</u>	10079
GRF 235-909	Higher Education	\$	97,668,000	\$	130,967,600	10080

General Obligation					
Debt Service					
TOTAL GRF General Revenue Fund	\$	<del>2,443,493,342</del>	\$	<del>2,482,236,601</del>	10081
		<u>2,444,993,342</u>		<u>2,483,736,601</u>	
General Services Fund Group				10082	
220 235-614 Program Approval and	\$	400,000	\$	400,000	10083
Reauthorization					
456 235-603 Sales and Services	\$	500,002	\$	500,003	10084
TOTAL GSF General Services					10085
Fund Group	\$	900,002	\$	900,003	10086
Federal Special Revenue Fund Group				10087	
3H2 235-608 Human Services Project	\$	1,500,000	\$	1,500,000	10088
3N6 235-605 State Student	\$	2,196,680	\$	2,196,680	10089
Incentive Grants					
3T0 235-610 National Health	\$	150,001	\$	150,001	10090
Service Corps - Ohio					
Loan Repayment					
312 235-609 Tech Prep	\$	183,850	\$	183,850	10091
312 235-611 Gear-up Grant	\$	1,478,245	\$	1,370,691	10092
312 235-612 Carl D. Perkins	\$	112,960	\$	112,960	10093
Grant/Plan					
Administration					
312 235-615 Professional	\$	523,129	\$	523,129	10094
Development					
312 235-616 Workforce Investment	\$	850,000	\$	850,000	10095
Act Administration					
312 235-631 Federal Grants	\$	3,444,949	\$	3,150,590	10096
TOTAL FED Federal Special Revenue					10097
Fund Group	\$	10,439,814	\$	10,037,901	10098
State Special Revenue Fund Group				10099	
4E8 235-602 Higher Educational	\$	20,000	\$	20,000	10100
Facility Commission					

	Administration				
4P4	235-604	Physician Loan	\$	476,870	\$ 476,870 10101
		Repayment			
649	235-607	The Ohio State	\$	760,000	\$ 760,000 10102
		University			
		Highway/Transportation			
		Research			
682	235-606	Nursing Loan Program	\$	893,000	\$ 893,000 10103
TOTAL SSR State Special Revenue					10104
Fund Group			\$	2,149,870	\$ 2,149,870 10105
TOTAL ALL BUDGET FUND GROUPS			\$	<del>2,456,983,028</del>	\$ <del>2,495,324,375</del> 10106
				<u>2,458,483,028</u>	<u>2,496,824,375</u>

**Sec. 89.04. STATE SHARE OF INSTRUCTION** 10108

As soon as practicable during each fiscal year of the 10109  
2003-2005 biennium in accordance with instructions of the Board of 10110  
Regents, each state-assisted institution of higher education shall 10111  
report its actual enrollment to the Board of Regents. 10112

The Board of Regents shall establish procedures required by 10113  
the system of formulas set out below and for the assignment of 10114  
individual institutions to categories described in the formulas. 10115  
The system of formulas establishes the manner in which aggregate 10116  
expenditure requirements shall be determined for each of the three 10117  
components of institutional operations. In addition to other 10118  
adjustments and calculations described below, the subsidy 10119  
entitlement of an institution shall be determined by subtracting 10120  
from the institution's aggregate expenditure requirements income 10121  
to be derived from the local contributions assumed in calculating 10122  
the subsidy entitlements. The local contributions for purposes of 10123  
determining subsidy support shall not limit the authority of the 10124  
individual boards of trustees to establish fee levels. 10125

The General Studies and Technical models shall be adjusted by 10126



the Board of Regents so that the share of state subsidy earned by 10127  
those models is not altered by changes in the overall local share. 10128  
A lower-division fee differential shall be used to maintain the 10129  
relationship that would have occurred between these models and the 10130  
baccalaureate models had an assumed share of 37 per cent been 10131  
funded. 10132

In defining the number of full-time equivalent (FTE) students 10133  
for state subsidy purposes, the Board of Regents shall exclude all 10134  
undergraduate students who are not residents of Ohio, except those 10135  
charged in-state fees in accordance with reciprocity agreements 10136  
made pursuant to section 3333.17 of the Revised Code or employer 10137  
contracts entered into pursuant to section 3333.32 of the Revised 10138  
Code. 10139

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT 10140

(1) INSTRUCTION AND SUPPORT SERVICES 10141

MODEL	FY 2004	FY 2005	
General Studies I	\$ 4,947	\$ 4,983	10143
General Studies II	\$ 5,323	\$ 5,336	10144
General Studies III	\$ 6,883	\$ 7,120	10145
Technical I	\$ 5,913	\$ 6,137	10146
Technical III	\$ 9,522	\$ 10,026	10147
Baccalaureate I	\$ 7,623	\$ 7,721	10148
Baccalaureate II	\$ 8,584	\$ 8,864	10149
Baccalaureate III	\$ 12,559	\$ 12,932	10150
Masters and Professional I	\$ 15,867	\$ 18,000	10151
Masters and Professional II	\$ 20,861	\$ 22,141	10152
Masters and Professional III	\$ 27,376	\$ 28,190	10153
Medical I	\$ 30,867	\$ 31,819	10154
Medical II	\$ 41,495	\$ 41,960	10155
MPD I	\$ 14,938	\$ 14,966	10156

(2) STUDENT SERVICES 10157

For this purpose, FTE counts shall be weighted to reflect 10158  
differences among institutions in the numbers of students enrolled 10159  
on a part-time basis. The student services subsidy per FTE shall 10160  
be \$822 in fiscal year 2004 and \$903 in fiscal year 2005 for all 10161  
models. 10162

(B) PLANT OPERATION AND MAINTENANCE (POM) 10163

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY 10164

Space undergoing renovation shall be funded at the rate 10165  
allowed for storage space. 10166

In the calculation of square footage for each campus, square 10167  
footage shall be weighted to reflect differences in space 10168  
utilization. 10169

The space inventories for each campus shall be those 10170  
determined in the fiscal year 2003 state share of instruction 10171  
calculation, adjusted for changes attributable to the construction 10172  
or renovation of facilities for which state appropriations were 10173  
made or local commitments were made prior to January 1, 1995. 10174

Only 50 per cent of the space permanently taken out of 10175  
operation in fiscal year 2004 or fiscal year 2005 that is not 10176  
otherwise replaced by a campus shall be deleted from the plant 10177  
operation and maintenance space inventory. 10178

The square-foot-based plant operation and maintenance subsidy 10179  
for each campus shall be determined as follows: 10180

(a) For each standard room type category shown below, the 10181  
subsidy-eligible net assignable square feet (NASF) for each campus 10182  
shall be multiplied by the following rates, and the amounts summed 10183  
for each campus to determine the total gross square-foot-based POM 10184  
expenditure requirement: 10185

	FY 2004	FY 2005	
Classrooms	\$5.80	\$6.04	10187

Laboratories	\$7.22	\$7.53	10188
Offices	\$5.80	\$6.04	10189
Audio Visual Data Processing	\$7.22	\$7.53	10190
Storage	\$2.57	\$2.68	10191
Circulation	\$7.31	\$7.62	10192
Other	\$5.80	\$6.04	10193

(b) The total gross square-foot POM expenditure requirement shall be allocated to models in proportion to ~~FTE enrollments as reported in enrollment data~~ each campus's activity-based POM weight multiplied by the two- or five-year average subsidy-eligible FTEs 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, which shall also be multiplied by the ratio of subsidy-eligible FTE students to total FTEs reported for each model. From this total amount, the amounts for Doctoral I and Doctoral II shall be subtracted to produce the ~~total~~ square-foot-based POM subsidy.

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY

(a) The number of subsidy-eligible FTE students in each model shall be multiplied by the following rates for each campus for each fiscal year.

	FY 2004	FY 2005	
General Studies I	\$ 552	\$ 560	10213
General Studies II	\$ 696	\$ 705	10214
General Studies III	\$1,608	\$1,651	10215
Technical I	\$ 777	\$ 806	10216
Technical III	\$1,501	\$1,570	10217
Baccalaureate I	\$ 700	\$ 706	10218

Baccalaureate II	\$1,250	\$1,232	10220
Baccalaureate III	\$1,520	\$1,458	10221
Masters and Professional I	\$1,258	\$1,301	10222
Masters and Professional II	\$2,817	\$2,688	10223
Masters and Professional III	\$3,832	\$3,712	10224
Medical I	\$2,663	\$2,669	10225
Medical II	\$3,837	\$4,110	10226
MPD I	\$1,213	\$1,233	10227

(b) The sum of the products for each campus determined in 10228  
division (B)(2)(a) of this section for all models except Doctoral 10229  
I and Doctoral II for each fiscal year shall be weighted by a 10230  
factor to reflect sponsored research activity and job 10231  
training-related public services expenditures to determine the 10232  
total activity-based POM subsidy. 10233

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS 10234

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 10235

The calculation of the core subsidy entitlement shall consist 10236  
of the following components: 10237

(a) For each campus and for each fiscal year, the core 10238  
subsidy entitlement shall be determined by multiplying the amounts 10239  
listed above in divisions (A)(1) and (2) and (B)(2) of this 10240  
section less assumed local contributions, by (i) average 10241  
subsidy-eligible FTEs for the two-year period ending in the prior 10242  
year for all models except Doctoral I and Doctoral II; and (ii) 10243  
average subsidy-eligible FTEs for the five-year period ending in 10244  
the prior year for all models except Doctoral I and Doctoral II. 10245

(b) In calculating the core subsidy entitlements for Medical 10246  
II models only, the Board of Regents shall use the following count 10247  
of FTE students: 10248

(i) For those medical schools whose current year enrollment, 10249  
including students repeating terms, is below the base enrollment, 10250

the Medical II FTE enrollment shall equal: 65 per cent of the base 10251  
enrollment plus 35 per cent of the current year enrollment 10252  
including students repeating terms, where the base enrollment is: 10253

The Ohio State University	1010	10254
University of Cincinnati	833	10255
Medical College of Ohio at Toledo	650	10256
Wright State University	433	10257
Ohio University	433	10258
Northeastern Ohio Universities College of Medicine	433	10259

(ii) For those medical schools whose current year enrollment, 10260  
excluding students repeating terms, is equal to or greater than 10261  
the base enrollment, the Medical II FTE enrollment shall equal the 10262  
base enrollment plus the FTE for repeating students. 10263

(iii) Students repeating terms may be no more than five per 10264  
cent of current year enrollment. 10265

(c) The Board of Regents shall compute the sum of the two 10266  
calculations listed in division (C)(1)(a) of this section and use 10267  
the greater sum as the core subsidy entitlement. 10268

The POM subsidy for each campus shall equal the greater of 10269  
the square-foot-based subsidy or the activity-based POM subsidy 10270  
component of the core subsidy entitlement. 10271

(d) The state share of instruction provided for doctoral 10272  
students shall be based on a fixed percentage of the total 10273  
appropriation. In each fiscal year of the biennium not more than 10274  
10.34 per cent of the total state share of instruction shall be 10275  
reserved to implement the recommendations of the Graduate Funding 10276  
Commission. It is the intent of the General Assembly that the 10277  
doctoral reserve not exceed 10.34 per cent of the total state 10278  
share of instruction to implement the recommendations of the 10279  
Graduate Funding Commission. The Board of Regents may reallocate 10280

up to two per cent in each fiscal year of the reserve among the 10281  
state-assisted universities on the basis of a quality review as 10282  
specified in the recommendations of the Graduate Funding 10283  
Commission. No such reallocation shall occur unless the Board of 10284  
Regents, in consultation with representatives of state-assisted 10285  
universities, determines that sufficient funds are available for 10286  
this purpose. 10287

The amount so reserved shall be allocated to universities in 10288  
proportion to their share of the total number of Doctoral I 10289  
equivalent FTEs as calculated on an institutional basis using the 10290  
greater of the two-year or five-year FTEs for the period fiscal 10291  
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 10292  
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 10293  
adjusted to reflect the effects of doctoral review and subsequent 10294  
changes in Doctoral I equivalent enrollments. For the purposes of 10295  
this calculation, Doctoral I equivalent FTEs shall equal the sum 10296  
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 10297

(2) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 10298

In addition to and after the other adjustment noted above, in 10299  
fiscal year 2004, no campus shall receive a state share of 10300  
instruction allocation that is less than 100 per cent of the prior 10301  
year's state share of instruction amount. In fiscal year 2005, no 10302  
campus shall receive a state share of instruction allocation that 10303  
is less than 99 per cent of what that campus' state share of 10304  
instruction would have been had the allocation in fiscal year 2004 10305  
been not less than 99 per cent, rather than 100 per cent, of the 10306  
prior year's state share of instruction amount. 10307

(3) CAPITAL COMPONENT DEDUCTION 10308

After all other adjustments have been made, state share of 10309  
instruction earnings shall be reduced for each campus by the 10310  
amount, if any, by which debt service charged in Am. H.B. No. 748 10311

of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd 10312  
General Assembly, Am. H.B. No. 640 of the 123rd General Assembly, 10313  
and H.B. No. 675 of the 124th General Assembly for that campus 10314  
exceeds that campus's capital component earnings. The sum of the 10315  
amounts deducted shall be transferred to appropriation item 10316  
235-552, Capital Component, in each fiscal year. 10317

(D) REDUCTIONS IN EARNINGS 10318

If the total state share of instruction earnings in any 10319  
fiscal year exceed the total appropriations available for such 10320  
purposes, the Board of Regents shall proportionately reduce the 10321  
state share of instruction earnings for all campuses by a uniform 10322  
percentage so that the system wide sum equals available 10323  
appropriations. 10324

(E) EXCEPTIONAL CIRCUMSTANCES 10325

Adjustments may be made to the state share of instruction 10326  
payments and other subsidies distributed by the Board of Regents 10327  
to state-assisted colleges and universities for exceptional 10328  
circumstances. No adjustments for exceptional circumstances may be 10329  
made without the recommendation of the Chancellor and the approval 10330  
of the Controlling Board. 10331

(F) MID-YEAR APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 10332  
INSTRUCTION 10333

The standard provisions of the state share of instruction 10334  
calculation as described in the preceding sections of temporary 10335  
law shall apply to any reductions made to appropriation line item 10336  
235-501, State Share of Instruction, before the Board of Regents 10337  
has formally approved the final allocation of the state share of 10338  
instruction funds for any fiscal year. 10339

Any reductions made to appropriation line item 235-501, State 10340  
Share of Instruction, after the Board of Regents has formally 10341  
approved the final allocation of the state share of instruction 10342

funds for any fiscal year, shall be uniformly applied to each 10343  
campus in proportion to its share of the final allocation. 10344

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 10345

The state share of instruction payments to the institutions 10346  
shall be in substantially equal monthly amounts during the fiscal 10347  
year, unless otherwise determined by the Director of Budget and 10348  
Management pursuant to section 126.09 of the Revised Code. 10349  
Payments during the first six months of the fiscal year shall be 10350  
based upon the state share of instruction appropriation estimates 10351  
made for the various institutions of higher education according to 10352  
Board of Regents enrollment estimates. Payments during the last 10353  
six months of the fiscal year shall be distributed after approval 10354  
of the Controlling Board upon the request of the Board of Regents. 10355

(H) LAW SCHOOL SUBSIDY 10356

The state share of instruction to state-supported 10357  
universities for students enrolled in law schools in fiscal year 10358  
2004 and fiscal year 2005 shall be calculated by using the number 10359  
of subsidy-eligible FTE law school students funded by state 10360  
subsidy in fiscal year 1995 or the actual number of 10361  
subsidy-eligible FTE law school students at the institution in the 10362  
fiscal year, whichever is less. 10363

**Sec. 89.05. HIGHER EDUCATION - BOARD OF TRUSTEES** 10364

Funds appropriated for instructional subsidies at colleges 10365  
and universities may be used to provide such branch or other 10366  
off-campus undergraduate courses of study and such master's degree 10367  
courses of study as may be approved by the Board of Regents. 10368

In providing instructional and other services to students, 10369  
boards of trustees of state-assisted institutions of higher 10370  
education shall supplement state subsidies by income from charges 10371  
to students. Each board shall establish the fees to be charged to 10372



all students, including an instructional fee for educational and 10373  
associated operational support of the institution and a general 10374  
fee for noninstructional services, including locally financed 10375  
student services facilities used for the benefit of enrolled 10376  
students. The instructional fee and the general fee shall 10377  
encompass all charges for services assessed uniformly to all 10378  
enrolled students. Each board may also establish special purpose 10379  
fees, service charges, and fines as required; such special purpose 10380  
fees and service charges shall be for services or benefits 10381  
furnished individual students or specific categories of students 10382  
and shall not be applied uniformly to all enrolled students. 10383  
Except for the board of trustees of Miami University, in 10384  
implementing the pilot tuition restructuring plan recognized by 10385  
this act, a tuition surcharge shall be paid by all students who 10386  
are not residents of Ohio. 10387

The boards of trustees of individual state-assisted 10388  
universities, university branch campuses, community colleges, 10389  
state community colleges, and technical colleges shall limit 10390  
in-state undergraduate instructional and general fee increases for 10391  
an academic year over the amounts charged in the prior academic 10392  
year to no more than six per cent. In addition to the six per cent 10393  
main campus in-state undergraduate instructional and general fee 10394  
increase limit established in this section, the Board of Trustees 10395  
of The Ohio State University may authorize an additional 10396  
university main campus in-state undergraduate instructional and 10397  
general fee increase of three per cent for academic years 10398  
2003-2004 and 2004-2005. Except for the board of trustees of ~~the~~ 10399  
The Ohio State University, the boards of trustees of individual 10400  
state-assisted universities, university branch campuses, community 10401  
colleges, state community colleges, and technical colleges shall 10402  
not authorize combined instructional and general fee increases of 10403  
more than six per cent in a single vote. The board of trustees of 10404  
The Ohio State University shall not authorize combined 10405

instructional and general fee increases of more than nine per cent 10406  
in a single vote. The boards of trustees of individual 10407  
state-assisted universities, university branch campuses, community 10408  
colleges, state community colleges, and technical colleges may 10409  
authorize an additional 3.9 per cent increase in in-state 10410  
undergraduate instructional and general fees in a separate vote. 10411  
The additional increase shall only be used for providing 10412  
scholarships to low-income students, to be known as Access 10413  
Scholarship Grants, or to provide additional or improved 10414  
technology services to students. These fee increase limitations 10415  
apply even if an institutional board of trustees has, prior to the 10416  
effective date of this section, voted to assess a higher fee for 10417  
the 2003-2004 academic year. These limitations shall not apply to 10418  
increases required to comply with institutional covenants related 10419  
to their obligations or to meet unfunded legal mandates or legally 10420  
binding obligations incurred or commitments made prior to the 10421  
effective date of ~~this act~~ Am. Sub. H.B. 95 of the 125th General 10422  
Assembly with respect to which the institution had identified such 10423  
fee increases as the source of funds. Any increase required by 10424  
such covenants and any such mandates, obligations, or commitments 10425  
shall be reported by the Board of Regents to the Controlling 10426  
Board. These limitations may also be modified by the Board of 10427  
Regents, with the approval of the Controlling Board, to respond to 10428  
exceptional circumstances as identified by the Board of Regents. 10429

The board of trustees of a state-assisted institution of 10430  
higher education shall not authorize a waiver or nonpayment of 10431  
instructional fees or general fees for any particular student or 10432  
any class of students other than waivers specifically authorized 10433  
by law or approved by the Chancellor. This prohibition is not 10434  
intended to limit the authority of boards of trustees to provide 10435  
for payments to students for services rendered the institution, 10436  
nor to prohibit the budgeting of income for staff benefits or for 10437  
student assistance in the form of payment of such instructional 10438

and general fees. This prohibition is not intended to limit the 10439  
authority of the board of trustees of Miami University in 10440  
providing financial assistance to students in implementing the 10441  
pilot tuition restructuring plan recognized by this act. 10442

Except for Miami University, in implementing the pilot 10443  
tuition restructuring plan recognized by this act, each 10444  
state-assisted institution of higher education in its statement of 10445  
charges to students shall separately identify the instructional 10446  
fee, the general fee, the tuition charge, and the tuition 10447  
surcharge. Fee charges to students for instruction shall not be 10448  
considered to be a price of service but shall be considered to be 10449  
an integral part of the state government financing program in 10450  
support of higher educational opportunity for students. 10451

In providing the appropriations in support of instructional 10452  
services at state-assisted institutions of higher education and 10453  
the appropriations for other instruction it is the intent of the 10454  
General Assembly that faculty members shall devote a proper and 10455  
judicious part of their work week to the actual instruction of 10456  
students. Total class credit hours of production per quarter per 10457  
full-time faculty member is expected to meet the standards set 10458  
forth in the budget data submitted by the Board of Regents. 10459

The authority of government vested by law in the boards of 10460  
trustees of state-assisted institutions of higher education shall 10461  
in fact be exercised by those boards. Boards of trustees may 10462  
consult extensively with appropriate student and faculty groups. 10463  
Administrative decisions about the utilization of available 10464  
resources, about organizational structure, about disciplinary 10465  
procedure, about the operation and staffing of all auxiliary 10466  
facilities, and about administrative personnel shall be the 10467  
exclusive prerogative of boards of trustees. Any delegation of 10468  
authority by a board of trustees in other areas of responsibility 10469  
shall be accompanied by appropriate standards of guidance 10470

concerning expected objectives in the exercise of such delegated 10471  
authority and shall be accompanied by periodic review of the 10472  
exercise of this delegated authority to the end that the public 10473  
interest, in contrast to any institutional or special interest, 10474  
shall be served. 10475

The General Assembly recognizes the pilot tuition 10476  
restructuring plan of the board of trustees of Miami University 10477  
for undergraduate students enrolled at the Oxford campus. The 10478  
purpose of this plan is to make higher education more affordable 10479  
for moderate income Ohioans, encourage high-achieving Ohio 10480  
students to stay in Ohio rather than attending colleges in other 10481  
states, and provide incentives for Ohio students to major in areas 10482  
crucial to Ohio's priorities and future economic development. 10483

Notwithstanding any limit on in-state undergraduate 10484  
instructional and general fees imposed by this act, the General 10485  
Assembly recognizes that the plan will provide that all 10486  
undergraduate students enrolled at the Oxford campus will be 10487  
charged combined instructional and general fees in an amount equal 10488  
to the nonresident instructional and general fees and tuition 10489  
surcharge. For both resident student first enrolling on or after 10490  
the summer term of 2003 and resident students who enrolled prior 10491  
to this date, any increases in fees approved thereafter by the 10492  
board of trustees are subject to any instructional and general fee 10493  
caps imposed by the General Assembly. 10494

The General Assembly recognizes that the plan provides that 10495  
all students who are residents of Ohio will receive student 10496  
financial assistance in an amount to be determined by the 10497  
University. 10498

The General Assembly recognizes that the plan provides that, 10499  
for any resident student who enrolls at the Miami University 10500  
Oxford campus prior to August 2004, the plan will have no direct 10501  
financial impact except for paper changes on invoices so that such 10502

a student would only pay instructional and general fees in an 10503  
amount equivalent to what the student was charged in the preceding 10504  
year in addition to any increases in fees approved by the board of 10505  
trustees. 10506

**Sec. 89.08.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 10507  
MEDICINE 10508

The foregoing appropriation item 235-515, Case Western 10509  
Reserve University School of Medicine, shall be disbursed to Case 10510  
Western Reserve University through the Board of Regents in 10511  
accordance with agreements entered into as provided for by section 10512  
3333.10 of the Revised Code, provided that the state support per 10513  
full-time medical student shall not exceed that provided to 10514  
full-time medical students at state universities. 10515

CAPITAL SCHOLARSHIP PROGRAM 10516

The foregoing appropriation item 235-518, Capital Scholarship 10517  
Program, shall be used by the Board of Regents to provide 10518  
scholarships to undergraduates of Ohio's four-year public and 10519  
private institutions of higher education participating in the 10520  
Washington Center Internship Program. A scholarship of \$1,800 10521  
shall be awarded to students enrolled in an institution operating 10522  
on a quarter system, and a scholarship of \$2,300 shall be awarded 10523  
to students enrolled in an institution operating on a semester 10524  
system. The number of scholarships awarded shall be limited by the 10525  
amounts appropriated in fiscal years 2004 and 2005. The Washington 10526  
Center shall match the scholarships awarded to students as 10527  
follows: \$1,200 for students enrolled in an institution operating 10528  
on a quarter system, and \$1,700 for students enrolled in an 10529  
institution operating on a semester system. 10530

FAMILY PRACTICE, GERIATRIC MEDICINE, AND PRIMARY CARE 10531  
RESIDENCIES 10532

The Board of Regents shall develop plans consistent with 10533  
existing criteria and guidelines as may be required for the 10534  
distribution of appropriation items 235-519, Family Practice, 10535  
235-525, Geriatric Medicine, and 235-526, Primary Care 10536  
Residencies. 10537

SHAWNEE STATE SUPPLEMENT 10538

The foregoing appropriation item 235-520, Shawnee State 10539  
Supplement, shall be used by Shawnee State University as detailed 10540  
by both of the following: 10541

(A) To allow Shawnee State University to keep its 10542  
undergraduate fees below the statewide average, consistent with 10543  
its mission of service to an economically depressed Appalachian 10544  
region; 10545

(B) To allow Shawnee State University to employ new faculty 10546  
to develop and teach in new degree programs that meet the needs of 10547  
Appalachians. 10548

POLICE AND FIRE PROTECTION 10549

The foregoing appropriation item 235-524, Police and Fire 10550  
Protection, shall be used for police and fire services in the 10551  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 10552  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 10553  
and the City of Nelsonville that may be used to assist these local 10554  
governments in providing police and fire protection for the 10555  
central campus of the state-affiliated university located therein. 10556  
Each participating municipality and township shall receive at 10557  
least \$5,000 each year. Funds shall be distributed according to 10558  
the methodology employed by the Board of Regents in the previous 10559  
biennium. 10560

PRIMARY CARE RESIDENCIES 10561

The foregoing appropriation item 235-526, Primary Care 10562

Residencies, shall be distributed in each fiscal year of the 10563  
biennium, based on whether or not the institution has submitted 10564  
and gained approval for a plan. If the institution does not have 10565  
an approved plan, it shall receive five per cent less funding per 10566  
student than it would have received from its annual allocation. 10567  
The remaining funding shall be distributed among those 10568  
institutions that meet or exceed their targets. 10569

OHIO AEROSPACE INSTITUTE 10570

The foregoing appropriation item 235-527, Ohio Aerospace 10571  
Institute, shall be distributed by the Board of Regents under 10572  
section 3333.042 of the Revised Code. 10573

ACADEMIC SCHOLARSHIPS 10574

The foregoing appropriation item 235-530, Academic 10575  
Scholarships, shall be used to provide academic scholarships to 10576  
students under section 3333.22 of the Revised Code. 10577

STUDENT CHOICE GRANTS 10578

The foregoing appropriation item 235-531, Student Choice 10579  
Grants, shall be used to support the Student Choice Grant Program 10580  
created by section 3333.27 of the Revised Code. The unencumbered 10581  
balance of appropriation item 235-531, Student Choice Grants, at 10582  
the end of fiscal year 2004 shall be transferred to fiscal year 10583  
2005 for use under the same appropriation item to maintain grant 10584  
award amounts in fiscal year 2005 equal to the awards provided in 10585  
fiscal year 2004. The amounts transferred are hereby appropriated. 10586

STUDENT WORKFORCE DEVELOPMENT GRANTS 10587

The foregoing appropriation item 235-534, Student Workforce 10588  
Development Grants, shall be used to support the Student Workforce 10589  
Development Grant Program. Of the appropriated funds available, 10590  
the Board of Regents shall distribute grants to each eligible 10591  
student in an academic year. The size of each grant award shall be 10592

determined by the Board of Regents based on the amount of funds 10593  
available for the program. 10594

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 10595

The foregoing appropriation item 235-535, Ohio Agricultural 10596  
Research and Development Center, shall be disbursed through the 10597  
Board of Regents to The Ohio State University in monthly payments, 10598  
unless otherwise determined by the Director of Budget and 10599  
Management pursuant to section 126.09 of the Revised Code. The 10600  
Ohio Agricultural Research and Development Center shall not be 10601  
required to remit payment to The Ohio State University during the 10602  
2003-2005 biennium for cost reallocation assessments. The cost 10603  
reallocation assessments include, but are not limited to, any 10604  
assessment on state appropriations to the center. The Ohio 10605  
Agricultural Research and Development Center, in conjunction with 10606  
the Third Frontier Commission, shall provide for an independently 10607  
evaluated self-study of research excellence and commercial 10608  
relevance in a manner to be prescribed by the Third Frontier 10609  
Commission. 10610

Of the foregoing appropriation item 235-535, Ohio 10611  
Agricultural Research and Development Center, \$470,164 in fiscal 10612  
year 2004 and \$458,410 in fiscal year 2005 shall be used to 10613  
purchase equipment. 10614

Of the foregoing appropriation item 235-535, Ohio 10615  
Agricultural Research and Development Center, \$827,141 in fiscal 10616  
year 2004 and \$806,463 in fiscal year 2005 shall be distributed to 10617  
the Piketon Agricultural Research and Extension Center. 10618

Of the foregoing appropriation item 235-535, Ohio 10619  
Agricultural Research and Development Center, \$217,669 in fiscal 10620  
year 2004 and \$212,227 in fiscal year 2005 shall be distributed to 10621  
the Raspberry/Strawberry-Ellagic Acid Research program at ~~the~~ The 10622  
Ohio State University Medical College in cooperation with ~~the~~ The 10623



Ohio State University College of Agriculture. 10624

Of the foregoing appropriation item 235-535, Ohio 10625  
Agricultural Research and Development Center, \$43,534 in fiscal 10626  
year 2004 and \$42,445 in fiscal year 2005 shall be used to support 10627  
the Ohio Berry Administrator. 10628

Of the foregoing appropriation item 235-535, Ohio 10629  
Agricultural Research and Development Center, \$87,067 in fiscal 10630  
year 2004 and \$84,890 in fiscal year 2005 shall be used for the 10631  
development of agricultural crops and products not currently in 10632  
widespread production in Ohio, in order to increase the income and 10633  
viability of family farmers. 10634

STATE UNIVERSITY CLINICAL TEACHING 10635

The foregoing appropriation items 235-536, The Ohio State 10636  
University Clinical Teaching; 235-537, University of Cincinnati 10637  
Clinical Teaching; 235-538, Medical College of Ohio at Toledo 10638  
Clinical Teaching; 235-539, Wright State University Clinical 10639  
Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, 10640  
Northeastern Ohio Universities College of Medicine Clinical 10641  
Teaching, shall be distributed through the Board of Regents. 10642

Of the foregoing appropriation item 235-539, Wright State 10643  
University Clinical Teaching, \$124,644 in each fiscal year of the 10644  
biennium shall be for the use of Wright State University's Ellis 10645  
Institute for Clinical Teaching Studies to operate the clinical 10646  
facility to serve the Greater Dayton area. 10647

SCHOOL OF INTERNATIONAL BUSINESS 10648

Of the foregoing appropriation item 235-547, School of 10649  
International Business, \$901,975 in fiscal year 2004 and \$879,426 10650  
in fiscal year 2005 shall be used for the continued development 10651  
and support of the School of International Business of the state 10652  
universities of northeast Ohio. The money shall go to the 10653  
University of Akron. These funds shall be used by the university 10654

to establish a School of International Business located at the 10655  
University of Akron. It may confer with Kent State University, 10656  
Youngstown State University, and Cleveland State University as to 10657  
the curriculum and other matters regarding the school. 10658

Of the foregoing appropriation item 235-547, School of 10659  
International Business, \$181,318 in fiscal year 2004 and \$176,785 10660  
in fiscal year 2005 shall be used by the University of Toledo 10661  
College of Business for expansion of its international business 10662  
programs. 10663

Of the foregoing appropriation item 235-547, School of 10664  
International Business, \$181,318 in fiscal year 2004 and \$176,785 10665  
in fiscal year 2005 shall be used to support ~~the~~ The Ohio State 10666  
University BioMEMS program. 10667

PART-TIME STUDENT INSTRUCTIONAL GRANTS 10668

The foregoing appropriation item 235-549, Part-time Student 10669  
Instructional Grants, shall be used to support a grant program for 10670  
part-time undergraduate students who are Ohio residents and who 10671  
are enrolled in degree granting programs. 10672

Eligibility for participation in the program shall include 10673  
degree granting educational institutions that hold a certificate 10674  
of registration from the State Board of Career Colleges and 10675  
Schools, and nonprofit institutions that have a certificate of 10676  
authorization issued pursuant to Chapter 1713. of the Revised 10677  
Code, as well as state-assisted colleges and universities. Grants 10678  
shall be given to students on the basis of need, as determined by 10679  
the college, which, in making these determinations, shall give 10680  
special consideration to single-parent heads-of-household and 10681  
displaced homemakers who enroll in an educational degree program 10682  
that prepares the individual for a career. In determining need, 10683  
the college also shall consider the availability of educational 10684  
assistance from a student's employer. It is the intent of the 10685

General Assembly that these grants not supplant such assistance. 10686

**Sec. 89.11.** OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, 10687  
AND READING 10688

The foregoing appropriation item 235-588, Ohio Resource 10689  
Center for Mathematics, Science, and Reading, shall be used to 10690  
support a resource center for mathematics, science, and reading to 10691  
be located at a state-assisted university for the purpose of 10692  
identifying best educational practices in primary and secondary 10693  
schools and establishing methods for communicating them to 10694  
colleges of education and school districts. The Ohio Resource 10695  
Center for Mathematics, Science, and Reading shall not make 10696  
available resources that are inconsistent with the K-12 science 10697  
standards and policies as adopted by the State Board of Education. 10698

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT 10699

The foregoing appropriation item 235-595, International 10700  
Center for Water Resources Development, shall be used to support 10701  
the International Center for Water Resources Development at 10702  
Central State University. The center shall develop methods to 10703  
improve the management of water resources for Ohio and for 10704  
emerging nations. 10705

HAZARDOUS MATERIALS PROGRAM 10706

The foregoing appropriation item 235-596, Hazardous Materials 10707  
Program, shall be disbursed to Cleveland State University for the 10708  
operation of a program to certify firefighters for the handling of 10709  
hazardous materials. Training shall be available to all Ohio 10710  
firefighters. 10711

Of the foregoing appropriation item 235-596, Hazardous 10712  
Materials Program, \$130,601 in fiscal year 2004 and \$127,337 in 10713  
fiscal year 2005 shall be used to support the Center for the 10714  
Interdisciplinary Study of Education and Leadership in Public 10715

Service at Cleveland State University. These funds shall be 10716  
distributed by the Board of Regents and shall be used by the 10717  
center targeted toward increasing the role of special populations 10718  
in public service and not-for-profit organizations. The primary 10719  
purpose of the center is to study issues in public service and to 10720  
guide strategies for attracting new communities into public 10721  
service occupations by bringing together a cadre of researchers, 10722  
scholars, and professionals representing the public 10723  
administration, social behavioral, and education disciplines. 10724

NATIONAL GUARD SCHOLARSHIP PROGRAM 10725

The foregoing appropriation item 235-599, National Guard 10726  
Scholarship Program, shall be used to fund program costs, 10727  
including summer session, under division (D)(1) of section 5919.34 10728  
of the Revised Code. The Board of Regents shall disburse funds 10729  
from appropriation item 235-599, National Guard Scholarship 10730  
Program, at the direction of the Adjutant General. The 10731  
unencumbered and unused balance of appropriation item 235-599, 10732  
National Guard Scholarship Program, at the end of fiscal year 2004 10733  
is transferred to fiscal year 2005 for use under the same 10734  
appropriation item. 10735

\* PLEDGE OF FEES 10736

Any new pledge of fees, or new agreement for adjustment of 10737  
fees, made in the 2003-2005 biennium to secure bonds or notes of a 10738  
state-assisted institution of higher education for a project for 10739  
which bonds or notes were not outstanding on ~~the effective date of~~ 10740  
~~this section~~ September 26, 2003, shall be effective only after 10741  
approval by the Board of Regents, unless approved in a previous 10742  
biennium. 10743

HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE 10744

The foregoing appropriation item 235-909, Higher Education 10745  
General Obligation Debt Service, shall be used to pay all debt 10746

service and related financing costs at the times they are required 10747  
to be made pursuant to sections 151.01 and 151.04 of the Revised 10748  
Code during the period from July 1, 2003, to June 30, 2005. The 10749  
Office of the Sinking Fund or the Director of Budget and 10750  
Management shall effectuate the required payments by an intrastate 10751  
transfer voucher. 10752

**Sec. 145. FEDERAL JOBS AND GROWTH TAX RELIEF RECONCILIATION 10753**  
ACT OF 2003 10754

(A) The enhanced federal medical assistance percentage (FMAP) 10755  
rate is authorized pursuant to the Federal Jobs and Growth Relief 10756  
Reconciliation Act of 2003 for the third and fourth calendar 10757  
quarters of federal fiscal year 2003 and the first, second, and 10758  
third calendar quarters of federal fiscal year 2004. During this 10759  
period, the reimbursement rate for all Medicaid service 10760  
expenditures paid by state or local entities shall be the 10761  
non-enhanced rate. 10762

(B) During the quarters that the enhanced FMAP rate is 10763  
authorized pursuant to the Federal Jobs and Growth Relief 10764  
Reconciliation Act of 2003, when drawing FMAP to the state 10765  
treasury for Medicaid services paid by the Department of Job and 10766  
Family Services or other state or local entities, the Department 10767  
of Job and Family Services shall deposit the amount of federal 10768  
revenue attributable to the enhanced FMAP that is being made 10769  
available to the Federal Fiscal Relief Fund, which is hereby 10770  
created in the state treasury. The disposition of cash from this 10771  
fund shall occur as follows: 10772

(1) On a schedule to be determined by the Office of Budget 10773  
and Management, the Director of Budget and Management shall make 10774  
cash transfers to the Medicaid Reserve Fund, which is hereby 10775  
created in the state treasury. The total amount transferred shall 10776  
be up to \$18,611,156 in state fiscal year 2004 and up to 10777

\$90,851,972 in state fiscal year 2005. The Director of Job and 10778  
Family Services shall make requests to the Director of Budget and 10779  
Management as necessary to increase the appropriation in 10780  
appropriation item 600-525, Health Care/Medicaid. The Director of 10781  
Budget and Management shall transfer the state share of such 10782  
amounts from the Medicaid Reserve Fund to the General Revenue 10783  
Fund. The transferred amount plus the federal share associated 10784  
with this amount is hereby appropriated. The Department of Job and 10785  
Family Services shall use this appropriation authority to pay 10786  
claims for Medicaid services. 10787

(2) ~~After the amounts in division (B)(1) of this section have~~ 10788  
~~been transferred,~~ The Director of Budget and Management shall 10789  
determine the amount of enhanced reimbursement that is 10790  
attributable to Medicaid expenditures for which the state share 10791  
was paid by one of the following entities: county boards of mental 10792  
retardation and developmental disabilities; boards of mental 10793  
health; boards of alcohol, drug addiction, and mental health 10794  
services; boards of alcohol and drug addiction services; and any 10795  
other entity that qualifies under the Federal Jobs and Growth Tax 10796  
Relief Reconciliation Act of 2003. On a schedule to be determined 10797  
by the Office of Budget and Management, the Director of Budget and 10798  
Management shall make cash transfers of these amounts from the 10799  
Federal Fiscal Relief Fund to the Interagency Reimbursement Fund. 10800  
The appropriation in appropriation item 600-655, Interagency 10801  
Reimbursement, is hereby increased by these amounts in order to 10802  
transfer the enhanced reimbursement to other agencies. If 10803  
necessary, the Office of Budget and Management shall seek 10804  
Controlling Board approval to increase appropriations in federal 10805  
appropriation items used by the Department of Mental Retardation 10806  
and Developmental Disabilities, the Department of Mental Health, 10807  
and the Department of Alcohol and Drug Addiction Services in order 10808  
for these departments to pass the enhanced federal share to the 10809  
aforementioned local entities. The Department of Mental 10810

Retardation and Developmental Disabilities, the Department of 10811  
Mental Health, and the Department of Alcohol and Drug Addiction 10812  
Services shall distribute such amounts to the boards or entities 10813  
as listed in this section based on the direction of the Office of 10814  
Budget and Management. 10815

(3) On a schedule to be determined by the Office of Budget 10816  
and Management, the Director of Budget and Management shall may 10817  
transfer the remainder of cash not required by division (B)(1) or 10818  
(B)(2) of this section in the Federal Fiscal Relief Fund to the 10819  
General Revenue Fund on a schedule to be determined by the Office 10820  
of Budget and Management. 10821

**Section 65.** That existing Sections 8.04, 12, 41.06, 41.13, 10822  
55, 59, 59.29, 66, 89, 89.04, 89.05, 89.08, 89.11, and 145 of Am. 10823  
Sub. H.B. 95 of the 125th General Assembly are hereby repealed. 10824

**Section 66.** (A) Except as otherwise provided in division (B) 10825  
of this section, the amendment by this act of sections of Am. Sub. 10826  
H.B. 95 of the 125th General Assembly, and the items of which the 10827  
amendments are composed, are not subject to the referendum. 10828  
Therefore, under Ohio Constitution, Article II, Section 1d and 10829  
section 1.471 of the Revised Code, the amendments of those 10830  
sections, and the items of which the amendments are composed, go 10831  
into immediate effect when this act becomes law. 10832

(B) The amendment by this act of Section 12 of Am. Sub. H.B. 10833  
95 of the 125th General Assembly, and the items of which the 10834  
amendment is composed, are subject to the referendum. Therefore, 10835  
under Ohio Constitution, Article II, Section 1c and section 1.471 10836  
of the Revised Code, the amendment, and the items of which the 10837  
amendment is composed, take effect on the ninety-first day after 10838  
this act is filed with the Secretary of State. However, if a 10839  
referendum petition is filed against the amendment, or an item of 10840

which it is composed, the amendment, or item, unless rejected at 10841  
the referendum, takes effect at the earliest time permitted by 10842  
law. 10843

**Section 67.** Notwithstanding section 3302.03 of the Revised 10844  
Code, no school district shall receive a performance rating, as 10845  
designated pursuant to division (B) of that section, for the 10846  
2003-2004 school year that is lower than the performance rating 10847  
the district received for the 2002-2003 school year if both of the 10848  
following apply to the district: 10849

(A) The district's performance index score for the 2003-2004 10850  
school year is higher than its performance index score for the 10851  
2002-2003 school year; 10852

(B) The district achieves at least the same number of 10853  
performance indicators created by the State Board of Education 10854  
under section 3302.02 of the Revised Code for the 2003-2004 school 10855  
year that it achieved for the 2002-2003 school year from among 10856  
those indicators based on student performance on the fourth and 10857  
sixth grade proficiency tests and on the ninth grade proficiency 10858  
tests administered to students enrolled in tenth grade. 10859

**Section 68.** (A) This section shall apply only to a local 10860  
school district that ceded part of its territory to one or more 10861  
new local school districts created by resolution of an educational 10862  
service center pursuant to either former section 3311.26 of the 10863  
Revised Code, as it existed prior to September 26, 2003, or the 10864  
second to last paragraph of the version of that section in effect 10865  
on and after that date. 10866

(B) Notwithstanding division (B) of section 3311.059 of the 10867  
Revised Code, as amended by this act, if the board of education of 10868  
a local school district to which this section applies adopts a 10869  
resolution pursuant to division (A) of that section within two 10870



years after the latest date that a new local school district is 10871  
created from the district's territory, both of the following 10872  
apply: 10873

(1) The resolution is not subject to approval by the State 10874  
Board of Education; 10875

(2) The school district's annexation to the educational 10876  
service center named in the resolution shall take effect the first 10877  
day of July following the latest of: 10878

(a) Sixty days after the board of education adopts the 10879  
resolution; 10880

(b) The date the board of elections certifies the 10881  
insufficiency of signatures on a referendum petition as provided 10882  
in division (C) of that section; 10883

(c) The date the board of elections certifies that a majority 10884  
of the electors voting on the referendum election as provided in 10885  
division (C) of that section approves the resolution. 10886

(C) This section is not subject to the referendum. Therefore, 10887  
under Ohio Constitution, Article II, Section 1d and section 1.471 10888  
of the Revised Code, this section goes into immediate effect when 10889  
this act becomes law. 10890

**Section 69.** The Sports Facilities Building Fund (Fund 024) 10891  
previously created by section 3383.09 of the Revised Code shall be 10892  
closed and any unexpended balance or earnings shall be transferred 10893  
and credited to the Arts and Sports Facilities Building Fund (Fund 10894  
030) created by section 3383.09 of the Revised Code, as amended by 10895  
this act, and segregated within the Arts and Sports Facilities 10896  
Building Fund and used, with any investment earnings on such 10897  
amounts, to pay costs of Ohio sports facilities. 10898

Any unencumbered and unallotted appropriations set forth in 10899  
Section 9.01 of H.B. 675 and Section 14 of Am. Sub. H.B. 524 of 10900

the 124th General Assembly that were appropriated out of any money 10901  
in the state treasury to the credit of the Sports Facilities 10902  
Building Fund are hereby transferred to the Arts and Sports 10903  
Facilities Building Fund, subject to the conditions specified in 10904  
those sections. Any encumbrances on the Sports Facilities Building 10905  
Fund are hereby cancelled and re-established in the Arts and 10906  
Sports Facilities Building Fund. 10907

Any heretofore unutilized amounts of separate authorizations 10908  
to issue and sell obligations granted to the Ohio Building 10909  
Authority by prior acts of the General Assembly pursuant to 10910  
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. 10911  
and any other applicable provisions of the Revised Code, to pay 10912  
costs of capital facilities or improvements for Ohio arts 10913  
facilities and for Ohio sports facilities are hereby combined into 10914  
a common authorization. The Ohio Building Authority is hereby 10915  
authorized to issue and sell those obligations, in accordance with 10916  
and subject to the applicable limitations in Section 2i of Article 10917  
VIII, Ohio Constitution, and Chapter 152. and other applicable 10918  
provisions of the Revised Code, to pay the costs of capital 10919  
facilities consisting of Ohio arts facilities and Ohio sports 10920  
facilities, as defined in section 3383.01 of the Revised Code. 10921

**Section 70.** Not later than June 30, 2005, the Director of 10922  
Mental Health shall revise rule 5122-29-06 of the Administrative 10923  
Code regarding the certification standards for the 10924  
partial-hospitalization community mental health service. As part 10925  
of the revision, the Director shall address client eligibility 10926  
criteria. 10927

**Section 71.** JOB AND FAMILY SERVICES - CHILDREN AND FAMILY 10928  
SUBSIDY 10929

In fiscal year 2004, appropriation item 600-523, Children and 10930

Family Subsidy, shall be increased by \$4,524,074 to pay for foster 10931  
care training that occurred in a prior fiscal year. This amount is 10932  
hereby appropriated. 10933

This section is not subject to the referendum. Therefore, 10934  
under Ohio Constitution, Article II, Section 1d and section 1.471 10935  
of the Revised Code, this section goes into immediate effect when 10936  
this act becomes law. 10937

**Section 72. ADJ ADJUTANT GENERAL - OUTER TACTICAL VESTS WITH 10938**  
CERAMIC INSERTS 10939

In fiscal years 2004 and 2005, if the Adjutant General 10940  
determines that state funding is needed to purchase outer tactical 10941  
vests with ceramic inserts for any member of the Ohio National 10942  
Guard who is sent into "Operation Iraqi Freedom," "Operation 10943  
Enduring Freedom," or any other combat zone, the Adjutant General, 10944  
in consultation with the Director of Budget and Management, may 10945  
seek approval of the Controlling Board for such funding from funds 10946  
appropriated to General Revenue Fund appropriation item 911-401, 10947  
Emergency Purposes/Contingencies, of the Controlling Board. 10948

As used in this section, "Operation Iraqi Freedom" means the 10949  
period of conflict that began March 20, 2003, and ends on a date 10950  
declared by the President of the United States or the Congress. 10951

As used in this section, "Operation Enduring Freedom" means 10952  
the period of conflict that began October 7, 2001, and ends on a 10953  
date declared by the President of the United States or the 10954  
Congress. 10955

As used in this section, "combat zone" means an area that the 10956  
President of the United States by executive order designates, for 10957  
purposes of 26 U.S.C. 112, as an area in which armed forces of the 10958  
United States are or have engaged in combat. 10959

**Section 73. The amendment by this act of section 6301.03 of 10960**

the Revised Code applies on and after July 1, 2004. Local areas 10961  
and sub-recipients of a local area may continue to use the public 10962  
assistance fund to facilitate close out of workforce development 10963  
activities conducted pursuant to the "Workforce Investment Act of 10964  
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, or Chapter 10965  
6301. of the Revised Code that occurred prior to July 1, 2004. 10966

**Section 74.** Except as otherwise specifically provided in this 10967  
act, the codified and uncodified sections of law amended or 10968  
enacted by this act, and the items of law of which the codified 10969  
and uncodified sections of law amended or enacted by this act are 10970  
composed, are subject to the referendum. Therefore, under section 10971  
1c of Article II, Ohio Constitution and section 1.471 of the 10972  
Revised Code, the codified and uncodified sections of law amended 10973  
or enacted by this act, and the items of law of which the codified 10974  
and uncodified sections amended or enacted by this act are 10975  
composed, take effect on the ninety-first day after this act is 10976  
filed with the Secretary of State. If, however, a referendum 10977  
petition is filed against any such codified or uncodified section 10978  
of law as amended or enacted by this act, or against any item of 10979  
law of which any such codified or uncodified section of law as 10980  
amended or enacted by this act is composed, the codified or 10981  
uncodified section of law as amended or enacted, or item of law, 10982  
unless rejected at the referendum, takes effect at the earliest 10983  
time permitted by law. 10984

**Section 75.** The repeal by this act of sections 152.101 and 10985  
901.85 of the Revised Code is subject to the referendum. 10986  
Therefore, under Ohio Constitution, Article II, Section 1c and 10987  
section 1.471 of the Revised Code, the repeals take effect on the 10988  
ninety-first day after this act is filed with the Secretary of 10989  
State. However, if a referendum petition is filed against either 10990  
of the repeals, the repeal, unless rejected at the referendum, 10991

takes effect at the earliest time permitted by law. 10992

**Section 76.** The amendment by this act of sections 124.15, 10993  
124.152, 124.181, 124.183, 124.382, 126.32, 175.21, 3311.059, 10994  
4701.03, and 5111.022 of the Revised Code, and the items of which 10995  
the amendments are composed, are not subject to the referendum. 10996  
Therefore, under Ohio Constitution, Article II, Section 1d and 10997  
section 1.471 of the Revised Code, the amendment by this act of 10998  
those sections, and the items of which the amendments are 10999  
composed, go into immediate effect when this act becomes law. 11000

**Section 77.** If any item of law that constitutes the whole or 11001  
part of a codified or uncodified section of law contained in this 11002  
act, or if any application of any item of law that constitutes the 11003  
whole or part of a codified or uncodified section of law contained 11004  
in this act, is held invalid, the invalidity does not affect other 11005  
items of law or applications of items of law that can be given 11006  
effect without the invalid item of law or application. To this 11007  
end, the items of law of which the codified and uncodified 11008  
sections of law contained in this act are composed, and their 11009  
applications, are independent and severable. 11010